



2020

MONTANA STATE UNIVERSITY  
**Annual Security and  
Fire Safety Report**  
(Revised)



**MONTANA**  
STATE UNIVERSITY

Office of the  
Dean of Students



# 2020 Annual Security and Fire Safety Report (Revised)

---

*For Reporting Year 2019*

*The original 2020 ASFSR was published on November 13, 2020. An administrative error was discovered by the University on December 22, 2020 that has since changed a number of MSU's crime statistics. These statistics have been updated and the revised 2020 report was published on January 28, 2021.*



Office of the  
Dean of Students



President Cruzado poses with Champ during Move-In Day, August 2020



Waded Cruzado

**To the members of the Montana State University academic community:**

Our highest priority at MSU is the safety of our students, faculty, staff and visitors while they spend time on our campus. I am extremely proud of the partnerships we have established to advance the collective safety and security of our campus; but we must never slow our efforts. This requires all our cooperation and a willingness to communicate with each other. Please, when you see something of concern, say something. University Police may be reached 24-hours a day at 406-994-2121 or in an emergency at 911.

I encourage you to read the information contained in this, our Annual Security and Fire Safety Report. I especially want to bring your attention to our policies and procedures for reporting crimes and other emergencies on campus, along with the numerous safety programs designed to prevent injuries or other dangerous incidents. If you have any suggestions on how to improve campus safety or security, please email me at [president\\_cruzado@montana.edu](mailto:president_cruzado@montana.edu).

Together, we can continue to ensure the well-being of our entire campus.

Sincerely,

– *Waded Cruzado, President*



Matthew Caires



Kevin Gillilan

### From the Chief of Police and Dean of Students:

Thank you for taking the time to review our Annual Security and Fire Safety Report. As our departments offer programs, policies and services that respond to criminal activities and campus violations, we also take time every year to make necessary changes and improvements. You will find many of these programs, policies and services listed in this publication. Also in this report you will find important information on how and where to report criminal activity and campus violations, along with how MSU responds after receiving such reports.

MSU's Annual Security and Fire Safety Report is published in compliance with the requirements in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, which was signed into law in 1990. Listed in this report are the statistics for the various "Clery" crimes that have been reported to MSU during the last three calendar years. All members of our campus community receive an email at the beginning of every academic year with the exact web address for this online report, and hardcopies are available upon request through the Office of the Dean of Students.

This publication is a campus-wide collaboration with numerous departments and agencies. Beyond our departments, we especially want to thank the Office of Institutional Equity, VOICE Center, MSU's Fire Marshall, Residence Life, and the Office of Health Advancement for their important contributions to this year's report.

Our goal every year is to ensure the highest levels of safety and security for our campus, and we are always seeking ways to improve on the services and programs we offer. After you read the Annual Security and Fire Safety Report, we would welcome any feedback or comments.

– *Kevin Gillilan, Chief of Police & Matthew R. Caires, Dean of Students*



COVID-related signage directing student flow into and out of classrooms

<b>About MSU's University Police Department (UPD)</b> .....	<b><u>1</u></b>
<b>Reporting Crimes And Other Emergencies</b> .....	<b><u>3</u></b>
Crime Or Emergency Reporting .....	<u>3</u>
Voluntary Confidential Reporting – General Crime .....	<u>4</u>
University Police Response To Reported Crimes .....	<u>4</u>
SafeCats Safety App .....	<u>5</u>
<b>Campus Safety And Security Programs</b> .....	<b><u>5</u></b>
Ice Gripper Program .....	<u>7</u>
Adopt-A-Cop Program .....	<u>7</u>
Automated External Defibrillators (Aeds) .....	<u>7</u>
Crime Statistics .....	<u>7</u>
Campus Crime Log .....	<u>8</u>
Crime Prevention Programs – University Police .....	<u>8</u>
Free Bicycle Registration .....	<u>8</u>
<b>Additional University Crime Prevention And Safety Awareness Programs</b> .....	<b><u>8</u></b>
Office Of The Dean Of Students .....	<u>8</u>
MSU Care Program .....	<u>8</u>
Student Conduct Program .....	<u>10</u>
Department Of Residence Life .....	<u>11</u>
Fraternity And Sorority Life .....	<u>11</u>
Additional Safety Programs .....	<u>11</u>
<b>Security And Access In Campus Facilities</b> .....	<b><u>12</u></b>
Security And Access In Academic And Administrative Non-Residence) Campus Buildings .....	<u>12</u>
Security And Access In Residence Halls .....	<u>12</u>
Security In Building Maintenance .....	<u>12</u>
Maintenance Of Campus Facilities .....	<u>13</u>
<b>Timely Warnings, Emergency Notification, And Public Safety Advsiory</b> .....	<b><u>14</u></b>
Timely Warnings Notification .....	<u>14</u>
Emergency Notification .....	<u>15</u>
Public Safety Advisory .....	<u>15</u>
<b>Emergency Response And Evacuation Procedures</b> .....	<b><u>18</u></b>
<b>Office Of Emergency Management</b> .....	<b><u>20</u></b>
<b>Campus Security Authorities (Csas)</b> .....	<b><u>21</u></b>
Annual Training For Csas And Identification .....	<u>22</u>
<b>Pastoral And Professional Counselors</b> .....	<b><u>22</u></b>
<b>Policies And Programs Addressing Domestic Violence, Dating Violence, Sexual Assault And Stalking</b> .....	<b><u>23</u></b>
Introduction .....	<u>23</u>
Retaliation Prohibited.....	<u>23</u>
Reporting Dating Violence, Domestic Violence, Sexual Assault And Stalking .....	<u>23</u>
Confidential And Non-Confidential Resources.....	<u>24</u>
Reporting Domestic Violence, Dating Violence, Sexual Assault And Stalking .....	<u>25</u>
MSU Policy Definitions Of Domestic Violence, Dating Violence, Sexual Assault And Stalking .....	<u>27</u>
Definition Of Consent .....	<u>28</u>
Amnesty Policy .....	<u>28</u>
Confidential Resources – On Campus .....	<u>29</u>
Off-Campus Resources.....	<u>31</u>
What To Do If You Are A Victim Of Dating Violence, Domestic Violence, Sexual Assault, Or Stalking .....	<u>33</u>
MSU's Education And Outreach.....	<u>36</u>
Primary Prevention And Awareness Programs.....	<u>39</u>

Ongoing Prevention And Awareness Campaigns.....	40
Bystander Engagement.....	43
Reducing The Risk Of Vawa Offenses On Campus And In Our Community .....	44
University Response To Reports Of Dating Violence, Domestic Violence Sexual Assault And Stalking.....	46
<b>MSU’s Non-Discrimination Grievance Procedures .....</b>	<b>49</b>
Required Information On Procedures For Sexual Assault, Stalking, Dating Violence, Or Domestic Violence .....	49
<b>Msu Sexual Or Violent Offender List (Montana State Sex Offender Registry).....</b>	<b>52</b>
<b>Additional Campus Security Policies.....</b>	<b>52</b>
University Weapons Policy And Storage Policy.....	52
Missing Student Policy.....	53
Parental Notification Policy.....	54
<b>University Policies On Alcohol And Other Drugs .....</b>	<b>54</b>
<b>Center For Students In Recovery .....</b>	<b>59</b>
<b>Preparation Of The Annual Disclosure Of Clery Crime Statistics.....</b>	<b>61</b>
<b>Msu Crime Statistics: Clery Data .....</b>	<b>62</b>
Unfounded Crimes .....	64
Hate Crimes By Category And Bias.....	64
<b>Definition Of Crime Categories Under Federal Law.....</b>	<b>64</b>
<b>Definition Of Crime Categories Under Montana Law.....</b>	<b>67</b>
<b>State Of Montana Laws On Alcohol And Other Illegal Drugs .....</b>	<b>70</b>
<b>2020 Annual Campus Fire Safety Report For Reporting Year 2019 .....</b>	<b>77</b>
Introduction.....	77
Fire Reporting And University Response To Arson .....	77
University Fire Marshal .....	78
University Fire Safety Policies .....	78
Prohibited Acts .....	78
Fire Evacuation Procedures.....	79
Fire Safety Education And Training.....	79
Fire Drills And Fire Safety Systems.....	80
Fire Safety Report Log 2017/2018/2019.....	82
Plans For Future Improvements In MSU’s Fire Safety.....	85

---

**Separate Campuses**

All policy statements contained in this report apply to all campuses unless otherwise indicated.

**MSU’s non-discrimination policy**

Montana State University’s campuses are 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’s 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 our University. Please direct any inquiries regarding MSU’s non-discrimination policy or procedures to the Director of Institutional Equity at OIE@montana.edu



Montana State University issued a mask requirement in July



## About MSU's University Police Department (UPD)

---

### **Safety - our #1 Priority**

The Montana State University Police Department (UPD or Department), established by Montana law (Section 20-25-321 Montana Code Annotated), has primary responsibility for law enforcement on the MSU campus and its jurisdiction extends one mile beyond the campus for University related activities. This means Officers have authority to enforce State, Local and Federal laws and University Policies. UPD police officers have full authority within this jurisdiction and provide a broad range of services to the campus.

The Department provides continuous year-round law enforcement protection to the Montana State University community. Twenty-four-hour police services are provided with access to municipal fire and emergency medical services.

### **Working relationship with local, state, and federal law enforcement agencies**

The UPD also has an agreement with the City of Bozeman which allows University police officers to enforce Bozeman municipal ordinances and state laws within both the City limits of Bozeman and within a three-mile radius of the city limits while in the performance of their UPD assigned duties. The University Police Department maintains a strong working relationship with state and local police agencies, including the Bozeman Police Department, Gallatin County Sheriff, and Montana Highway Patrol.

In an effort to increase interagency communication and coordination, enhance victim service and offender accountability, the Bozeman Police Department and UPD have entered into an agreement. This agreement has established a Special Victims Unit (SVU) that investigates allegations of Felony Sexual Assault, Sexual Intercourse without Consent, Sexual Abuse of Children, Internet Crimes Against Children (ICAC), Felony Domestic Violence, Felony Stalking and other sexual assault related calls within the Bozeman and MSU Police Department's jurisdictions. UPD has assigned one detective to this SVU.

### **Crimes involving student organizations at off-campus locations**

The agreement gives the UPD primary jurisdiction on other University-related property and at University events within the city—for example, on property occupied by student organizations, and at events sponsored by the University. However, UPD limits officer jurisdiction to the MSU buildings and surrounding public property, unless there is an emergency and MSU officers are activated to assist under a Mutual Aid agreement.

MSU has officially recognized student organizations that own or control housing facilities outside of the MSU core campus. If Bozeman PD is called by a citizen to respond to one of those locations, Bozeman PD will typically notify UPD to respond with them or they will notify UPD after they have responded to inform MSU of the situation. However, Bozeman PD does this out of courtesy and is not “required” to notify or involve UPD when they respond to a call involving private property. The UPD, Gallatin County Sheriff’s Office, and the Bozeman Police Department provide mutual aid assistance to each other when requested.

### **Role, Authority and Training**

University Police Officers are certified Peace Officers for the State of Montana and sworn to all of the responsibilities and powers of a Peace Officer in Montana, including the duty to maintain public order and the power to arrest. All sworn officers are graduates of an accredited Police Academy and professional and formal education is stressed for all officers.

Most officers hold a B.A. degree or are working towards a degree. All University Police 911 Dispatchers are trained and certified by the State of Montana. The Director is the University Police Chief and is responsible for the management of the UPD and reports directly to the Vice President of Finance and Administration. However, all public safety services are closely coordinated with other key university administrators as well as local officials.



A large class utilizes a gymnasium in order to maintain social distancing

## REPORTING CRIMES AND OTHER EMERGENCIES

### CRIME OR EMERGENCY REPORTING

Crime is a reality at Montana State University, and preventing crime is everyone's responsibility on campus. Unreported crime is a criminal's greatest ally. If you suspect a criminal act has taken place, MSU highly encourages accurate and prompt reporting. Contact the University Police Department located at the corner of 7th Avenue and Kagy Boulevard, in the Roy E. Huffman Building or dial:

#### MSU-Bozeman Core Campus

Emergency: 911

Non-Emergency: 406-994-2121

Suspicion of crime does not require proof. If you suspect a crime has been committed or is being committed, call the University Police Department immediately. Make a difference, call. Only concerned citizens can prevent crime.

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

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

Bomb threats: If you receive a bomb threat, it is important to obtain as much information as possible from the caller. Things to ask are: (1) location of bomb, (2) time of explosion, and (3) type of bomb.

Make mental notes about the caller's voice, and background noises which you may hear. Call 911 immediately. Do not panic. The University Police will search the area, notify properly trained personnel, and notify emergency services. The University Police, in conjunction with the building supervisor and administration, will determine if evacuation is necessary.

What to Report: When calling the University Police Department to report an incident, please provide the following information:

- Your name (optional)
- Location of incident
- Type of incident
- Description of suspect, vehicles or other pertinent information
- Return telephone number (optional)

Members of the MSU community are encouraged to accurately and promptly report crime and emergencies to the University Police Department and the appropriate police agencies, including when the victim of a crime elects to, or is unable to, make such a report.

## **VOLUNTARY CONFIDENTIAL REPORTING – GENERAL CRIME**

If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report.

With your permission, the University Police Chief (or designee) can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger.

Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. If you wish to make a confidential report, MSU offers the Silent Witness Program to anyone who has witnessed, or knows about, a crime committed on campus. You are welcome to send email to [switness@montana.edu](mailto:switness@montana.edu) with information you feel may be useful in keeping your campus safe and secure. Silent Witness reporting is also available on the SafeCats app. You should provide the information as described in the previous paragraph.

## **UNIVERSITY POLICE RESPONSE TO REPORTED CRIMES**

The University Police Department will respond to reports of crime against persons and all property owned, controlled, leased or operated by Montana State University which includes Fraternity/Sorority (Greek) residences located within one mile of the campus boundary. On a 24-hour basis, dispatchers can instantly dispatch the University Police, Bozeman Fire, Emergency Medical Services, and, if needed, will request assistance from the Bozeman Police and/or Gallatin County Sheriff's Office.

All UPD incident reports that involve MSU students are forwarded to the Dean of Students Office or the Office of Institutional Equity for review and for potential student conduct adjudication, as appropriate. UPD Investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Dean of Students. If assistance is required from the Bozeman Police Department or the Bozeman Fire Department, UPD will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including UPD, will offer the victim a wide variety of services.

All reports of criminal activity occurring within the jurisdiction of the University Police Department will be investigated and, if the investigation confirms a violation of the state criminal code, the matter will be referred to the Gallatin County Attorney or Bozeman City Attorney for prosecution. Reports of criminal activity received by the University Police occurring outside of its jurisdiction will be referred to the appropriate city or county law enforcement agency.

MSU will make timely reports to the campus community regarding the occurrence of crime on campus. Log of daily crime reports and incidents are maintained and available for review by the campus community and the public at large. This crime log can be found on-line or accessed at the customer service desk of the University Police Department.

## SAFECATS SAFETY APP

SafeCats is a safety app that allows the user to contact police, request a safety escort, or to activate a Friend Walk in a single mobile application. The SafeCats app is available for both Android and Apple cellular phones and is available free of charge.



The SafeCats Safety App has been updated to include COVID safety information

## CAMPUS SAFETY AND SECURITY PROGRAMS

Educational Programs concerning security awareness, personal safety, and crime prevention, including the prevention of sexual assault, (including rape, fondling, incest and statutory rape) and personal safety techniques are offered by a variety of groups and individuals on campus each year, including University Police, Dean of Students, Office of Health Advancement (OHA), Office of Emergency Management (OEM), Safety and Risk Management (SRM), Office of Institutional Equity (OIE), University Counseling Center, the VOICE Center, Residence Life and others.

During the 2019-2020 academic year, MSU offered approximately 50 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.

All crime prevention and security awareness programs encourage students and employees are encouraged to be responsible for their own security and the security of others.

The University Police Department provides safety and security education through numerous presentations to on-campus groups and other presentations upon request. The Office of Health Advancement offers outreach and presentations upon request for residence halls, fraternity and sorority life and student groups on topics related to risk reduction/harm reduction; bystander intervention; Alcohol, Tobacco and Other Drugs (ATOD); and healthy relationships.

Safety and Risk Management provides safety and compliance training free of charge to University employees; including workplace safety, occupational health & safety, and laboratory training courses.

Programs and presentations available annually include:

- AED/CPR/First Aid Training
- Fire extinguisher Training
- Chemical Safety Training
- E-Scrap Computer & Electronic Recycling
- Ice Gripper Program (MSU employees)
- Alcohol awareness
- Drug awareness
- Crime Prevention covering crimes such as rape, acquaintance rape, domestic violence, dating violence, sexual assault, sexual intercourse without consent, relationship violence, privacy in communications, and stalking
- Run, Hide, Fight - Active shooter protocol
- Workplace violence protocols
- New Employee Orientation
- Internet Safety and Security
- Facility Intruder Awareness for Secure Facilities
- International Student Orientation
- Property security
- Personal safety
- Bicycle safety
- Identity theft
- Adopt-A-Cop program
- VOICE Center and Not In Our House taskforce educational presentations on bystander intervention and interpersonal violence prevention
- Insight – OHA classroom instruction based on self and administrative referral for individuals dealing with alcohol & drug related issues
- Others upon request

Students living in residence halls are provided with security brochures at check-in. Residence Life staff regularly address residence hall safety and security rules and precautions, and personal safety considerations with all residents at floor and hall meetings. Safety and security rules and guidance are provided in the Residence Hall Handbook.

## ICE GRIPPER PROGRAM

MSU employees are eligible to participate in the Ice Gripper Program. To help MSU personnel stay safe while walking in the wintertime, Safety & Risk Management provides free ice grippers to employees (eligible every three years for a new pair). Ice grippers are the equivalent of studded tires for your feet. These devices are similar to slippers that slide over the outside of your shoe and can be easily put on and removed. For more information, contact Safety & Risk Management at 994-7597 or visit <http://www.montana.edu/srm/programs/icegrippers.html>

## ADOPT-A-COP PROGRAM

In the interest of fostering good relations with community members residing in university residence halls, the MSU Police Department in partnership with MSU Residence Life, implemented the Adopt-A-Cop program in the fall of 2007. The program entails the assignment of a specific officer to each hall.

Officers participate in hall activities, eat meals in the dining halls with residents, and deliver presentations on topics such as alcohol awareness, safety and security, identity theft, etc. Since its inception, the program has been very successful. Officers feel that they have been able to develop a kind of rapport with students that wasn't possible prior to the program. Hall staff and residents have also reported having many positive experiences with the program.

## AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)



MSU initiated the Public Access Defibrillator Program in 2004 because of due diligence and the expectation an organization MSU's size would have AED's available to the public. MSU currently has approximately 65 AED's located throughout campus. For detailed locations, go to [www.montana.edu/srm/aedlocations](http://www.montana.edu/srm/aedlocations). AED locations are also available on the SafeCats app.

When considering where to place an AED, the University will consider several facts, including building population, high risk activities, athletic activities, near energized electrical circuits, or more than a 3-minute response time for an AED to arrive from Police or Emergency Medical Services (EMS). Please contact Safety & Risk Management at 994-7597 if you would like to make a request or if an AED has been used and emergency services have been called.

## CRIME STATISTICS

Crime statistics can be found later in this report and can also be accessed on the Montana State University Police website located at: <http://www.montana.edu/police/crime-statistics.html>

## **CAMPUS CRIME LOG**

The MSU Police Department keeps a daily crime log available online or may be accessed at the customer service desk of the University Police Department located in the Roy E. Huffman building at South 7th and Kagy Boulevard. All crimes are reported, though the names of victims and suspects are redacted, and locations are generalized to preserve the confidentiality of individuals.

## **CRIME PREVENTION PROGRAMS – UNIVERSITY POLICE**

The University's crime prevention program stresses community awareness and interaction through the dissemination of materials and presentations designed to familiarize students, faculty and staff with their responsibility in reducing criminal opportunity. The university police department also plays an active role in the local crime prevention and crime stoppers program as well as the DUI task force. University officers provide presentations throughout the university community ranging from late night discussion sessions in residence halls to classroom presentations. Crime prevention materials and reminders are also distributed to the campus community.

In addition, the University Police Website provides crime prevention information for the campus, including a crime log, crime alerts, the MSU Sexual or Violent Offender list, 360 Stay Safe at College online and other useful information.

## **FREE BICYCLE REGISTRATION**

The University Police Department sponsors a free bicycle registration program for students in an effort to discourage bicycle theft.

## **ADDITIONAL UNIVERSITY CRIME PREVENTION AND SAFETY AWARENESS PROGRAMS**

### **OFFICE OF THE DEAN OF STUDENTS**

As a result of growing national trends on college campuses of mental health issues and the increase in unsafe behaviors leading to harm or death, Montana State University has created the Campus Assessment, Response and Evaluation (CARE) Program. In order to promote the safety and wellness of the University, the CARE addresses behaviors that are disruptive or concerning and may include mental health and/or safety issues.

### **MSU CARE PROGRAM**

The MSU CARE Program is comprised of two teams, the Behavior intervention Team (BIT) and the Campus Assessment, Response and Evaluation CARE Team. The BIT focuses on working with students who present as possibly being higher risk to themselves or the community. The CARE team works with students who need intervention but do not present as being a risk to harm self or others.

BIT is a multi-disciplinary team composed of members from the Office of the Dean of Students, University Police, Counseling and Psychological Services, University Health Partners, Residence Life, Office of Institutional Equity, and the Office of Disability. This team maintains responsibly



for discussing, assessing and responding to reports of individuals who are demonstrating disruptive or concerning behaviors that can or have become dangerous. The BIT is designed to be a centralized entity that is proactive in providing swift, coordinated, caring, and developmental intervention to members of the campus community prior to crisis.

The CARE team is also a multidisciplinary team composed of members from the Office of the Dean of Students, Counseling and Psychological Services, University Advising Services, Disability Services, Athletics, and Residence Life. This team maintains responsibility for discussing, assessing and responding to reports of individuals who are struggling in a serious way that never reaches a level that there is a concern for danger to self or others. Examples of a CARE case would be a student who lost a family member, or a student who stopped taking their psychotropic medications and was having adverse reactions. The CARE team is designed to be a centralized entity that is proactive in providing swift, coordinated, caring, and developmental intervention to members of the campus community as they are experiencing personal or emotional hardship.

### **What if I am concerned about someone?**

A person of concern is any individual who demonstrates disruptive or problematic behavior, expresses personal difficulties, exhibits mental or emotional instability, or otherwise causes another member of the campus community to feel apprehension for their safety or for the safety of the person of concern.

To report a concern, visit: <https://www.montana.edu/deanofstudents/care> or submit a CARE report using the SafeCats app.

### **Guidelines for Intervention**

You can have a profound effect on students when you openly acknowledge that you are aware of their distress, are sincerely concerned about their welfare, and are willing to help them explore options. Whenever possible, we encourage you to speak directly and honestly to students if you sense academic or personal distress.

- 1) Request to see the student in private. This should help minimize embarrassment and defensiveness. Show respect for the student.
- 2) Briefly share your observations and perceptions of the student's situation. Express your concerns directly and honestly.
- 3) Listen carefully. Try to see the issues from the student's point of view without agreeing or disagreeing.
- 4) Attempt to identify the problem. Is the student connected with any ongoing resources? You can help by exploring options to deal with the concern.
- 5) Acknowledge inappropriate or strange behavior. Comment on what you observe without sounding judgmental.
- 6) Flexibility in administering established policies may allow an alienated student to respond more effectively to your concerns.

Involve yourself only as far as you are comfortable, then refer the student to the appropriate resources. As you attempt to reach out to a troubled student, do not become more involved than time or skill permits.

## **STUDENT CONDUCT PROGRAM**

The student conduct process at MSU is not intended to punish students; rather, it exists to challenge those whose behavior is not in accordance with our policies and to foster a better understanding of the expectations that exists for members of our academic community. The vast majority of conduct cases at MSU are resolved through administrative meetings. These are one-on-one conversations between the student and a Conduct Officer.

During an administrative meeting, the Conduct Officer will provide the student an opportunity to share their account of the incident, view incident reports and/or other written documentation, ask follow-up questions, and discuss potential outcomes (sanctions) if the student is found responsible for violating the Code of Student Conduct (Code). The primary focus of these meetings is to determine what happened and if a violation took place, assist the student in understanding the impact of their behavior, and provide a space for the student to begin reflecting on how to learn from the incident.

If it is determined that a violation of the Code occurred and that the student is responsible, most administrative meetings conclude with an administrative agreement in which the student agrees to take responsibility for their involvement in the incident and to complete a sanction or set of sanctions that will help them learn from the incident.

### **Student Conduct Hearings**

The conduct process also includes a more formal route for resolving conduct cases called a conduct hearing. A conduct hearing is utilized if an administrative agreement cannot be reached, if the severity of the incident or the student's conduct history warrants a more in-depth adjudication process, or if the student chooses to participate in a hearing instead of first meeting with a Conduct Officer. The procedures and guidelines for conduct hearings are detailed in the Code of Student Conduct.

### **Student Conduct Sanctions**

Sanctions are intended to improve the students' moral and ethical decision-making and to help them learn more about what is expected as members of our community. In determining a sanction the Conduct Officer will rely on the Common Sanctioning Guidelines, but may also 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.

Additionally, more than one sanction may be assigned upon the completion of a hearing or proposed by a conduct officer. In cases where students fail to demonstrate an understanding of established conduct standards or pose a threat to the continuing safety of the academic community, the conduct officer may determine that the student should no longer share in the privilege of being a student member of MSU's academic community.

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

MSU will disclose upon written request the results of any disciplinary proceeding, conducted by such institution, to the alleged victim of a crime of violence or a non-forcible sex offense against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this disclosure.

Disclosure of the results of a proceeding to the charging student and the charged student in compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

**DEPARTMENT OF RESIDENCE LIFE**

Residence Life places an educational packet in each room for every resident about Safety and Security in the halls and on campus, including information about vandalism and reporting suspicious persons and activities. This brochure also contains information about missing persons reporting, the silent witness program, and residence hall access.

Additionally, each semester Residence Life provides educational programming for residents that focuses on safety and security in the buildings. In the fall semester, each building completes a program that addresses the importance of locking doors in the hall by going to every door in each hall and giving out educational materials. In the spring semester, each building designs a safety program that meets the specific needs of that building. Examples of those programs include cyber security, reporting suspicious persons, and leaving items unattended in common areas.

**FRATERNITY AND SORORITY LIFE**

Each Fraternity and Sorority chapter at MSU is required by the Dean of Students to host a sexual assault prevention training with the VOICE center each fall. A variety of other health and safety trainings are held during the academic year. Topics include but are not limited to: sexual health and awareness, bystander intervention men and women's health, safety on campus, QPR (suicide prevention) training, mental health and wellness and alcohol awareness. All MSU fraternities that host events with alcohol must attend an alcohol awareness and risk management training at the start of every fall semester.

**ADDITIONAL SAFETY PROGRAMS**

The Office of the Dean of Students offers an annual Faculty Excellence Workshop on dealing with disruptive and at-risk students. In addition, trainings regarding how to deal with suicidal or disruptive students are conducted (or offered) for department heads and academic advisors in all colleges and academic departments during each academic year. Associate Deans receive regular updates regarding safety and welfare trends and policies each semester.

## **SECURITY AND ACCESS IN CAMPUS FACILITIES**

MSU has established policies and practices designed to provide security and access in its facilities, whether in classrooms, offices, residences or other campus locations.

### **SECURITY AND ACCESS IN ACADEMIC AND ADMINISTRATIVE (NON-RESIDENCE) CAMPUS BUILDINGS**

Facilities Services department and a Cat-Card electronic access control system managed by Auxiliary Services provides access for authorized students, staff and faculty to academic buildings during closed hours. Key access is provided with appropriate written supervisory approvals. Campus buildings (non-residence) are normally open from 6:00 AM until 6:00 PM (closing times may vary) to students, staff, faculty and visitors of the university, Monday through Friday or for scheduled weekend classes and special events, but are generally locked at all other times.

In addition, the university has adopted the following additional security practices:

1. Rules that mandate all locked exterior building doors are not to be propped open;
2. The right to prohibit, limit or otherwise restrict access to or use of its buildings, facilities or other property as may be necessary to provide for the orderly conduct of the University's educational, research and service programs and the safety and security of the campus property, students, employees, guests and other visitors.
3. Substantial outdoor lighting installations which helps deter criminal behavior and enhances security; lighting is routinely patrolled to identify outages and periodically assessed to assure effectiveness.
4. UPD officers patrol the campus, 24 hours a day, including residential facilities. UPD conducts routine patrols of campus buildings to evaluate and monitor security related matters.
5. A policy requiring background checks for new employees; potential employees with criminal backgrounds may be denied employment to protect the campus community.

### **SECURITY AND ACCESS IN RESIDENCE HALLS**

Residence halls are subject to substantial security policies and measures, including restricted access, 24 hour monitored desk operations, guest log-in and evening escort requirement, check-in policies, lockdowns, and other measures which are detailed in the Residence Hall Handbook under "Safety and Security." A paper copy of the policy is also available from the Residence Life Office.

### **SECURITY IN BUILDING MAINTENANCE**

MSU's master key system also controls security for maintenance staff. All Facilities Services and Auxiliary employees authorized to carry master keys are required to store these keys in a secure/alarmed cabinet during all non-working hours. Some buildings are part of a security system that requires the use of a staff-assigned Cat Card to gain entrance into the building.

## MAINTENANCE OF CAMPUS FACILITIES

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. UPD regularly patrols campus and reports malfunctioning lights and other unsafe physical conditions to Facilities Services for correction. Other members of the University community are helpful when they report equipment problems to UPD and/or Facilities Services.

Facilities Services provides a voluntary call-out program to provide maintenance services during after-hours, weekend, and holiday periods. For security considerations, if an employee is called in to assist with after-hours maintenance issues, the employee checks out master keys at the University Police Station where their name, date and time of key checkout and check in are recorded or uses personally identifiable Cat Card with the supervisor's permission.



A student worker applies a window static reminding students and staff to wear masks

## **TIMELY WARNINGS, EMERGENCY NOTIFICATION, AND PUBLIC SAFETY ADVISORY**

MSU uses three types of notification processes to warn the campus community in the event of an emergency or public safety risk. The three types of notifications are Emergency Notifications, Timely Warnings, and Public Safety Advisories.

MSU has Timely Warning, Emergency Notification, and Public Safety procedures. MSU will issue may issue Timely Warnings, Emergency Notifications, and/or Public Safety Advisories to the campus community on an as needed and required by Clery basis. Timely warnings are issued in the event a violent crime that represents a serious or continuing threat to the campus community has occurred. Emergency Notifications are issued during emergencies or critical incidents that pose an immediate threat to the health and safety of the campus community. A Public Safety Advisory issued to reduce the risk of being victimized by telephone/email scams, fraud, etc.

Consistent with the requirements of the Clery Act, MSU will “immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, unless issuing a notification will compromise efforts to contain the emergency.”

### **TIMELY WARNINGS NOTIFICATION**

In the event a crime is reported or brought to the attention of a CSA that occurred, within the MSU Clery Geography (On Campus, Public Property and Noncampus property), that, in the judgment of the Chief of Police and in consultation with other campus administrators (including but not limited to: Dean of Students, Legal Counsel, Director of the Office of Institutional Equity & Title IX Coordinator, and the Emergency Management Coordinator) when time permits, constitutes a serious or continuing threat, a campus wide “timely warning” notice will be issued.

Timely warnings will be distributed to the entire campus community 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 Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications: murder/non-negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, major incidents of arson, motor vehicle theft, and hate crimes. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by UPD and after consultation with the Gallatin County Attorney. Timely Warning Notices may be distributed for other Clery crimes -as determined by the Chief of Police or their designee.

The University Police Chief or designee reviews all timely warning notifications. Timely warnings will typically include information such as a brief statement of the incident, physical description of any suspect(s), appropriate safety tips, and other relevant, available information. Timely Warning Notices are typically written by the Chief of Police or designee and are sent to the University Communications News Director (or designee) for review and distribution by that office. The

University Police Chief notifies the Gallatin County Attorney of the intent to distribute a timely warning notice to ensure the information released does not compromise law enforcement efforts as permitted by the Clery Act and as outlined in a Memorandum of Understanding with that office.

Timely warnings will be distributed using the email list servs and the MSU Bozeman Facebook page as primary methods of communication. , If warranted, MSU may also communicate a timely warning via paper postings in buildings.

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

## **EMERGENCY NOTIFICATION**

MSU Alert is a Wireless Emergency Notification System (WENS) powered by EverBridge. The system is used to transmit brief, urgent messages to a large segment of the MSU population as quickly as possible. Face to face communication may also be used to communicate emergency information. MSU will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on campus.

If the MSUPD Shift Commander, or designee, in conjunction with other University administrators, local first responders, Public Health Officials and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the MSU Community. The MSUPD Dispatcher, in conjunction with the Shift Commander, the UPD Administrator on call, Emergency Management Coordinator, and/or the Chief of Police when time permits, will determine the content of the messages.

The Dispatcher, Emergency Management Coordinator, UPD Command Staff members and/or University Communications News Director are trained and authorized to distribute the messages via the EverBridge See specifics below for who develops content and distributes the messages for the other systems. MSU will use some or all of the systems described below to communicate the threat to the MSU Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

MSU will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, 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.

## **PUBLIC SAFETY ADVISORY**

Public Safety Advisories are used to notify students, faculty, and staff of situations that do not pose an immediate threat to life safety, buy may require awareness to reduce the risk of being victimized by telephone/email scams, fraud, etc. These notifications are sent via email.

System to use	Primary Message Creator	Backup Message Creator	Authority for approving & sending messages	Primary Message Sender/Distributor	Backup Message Sender/Distributor
<b>PRIMARY</b>					
Everbridge Emergency Alert (text, phone and/or email)	UPD Dispatcher	Shift Commander, the UPD Administrator on call, Emergency Management Coordinator, and/or the Chief of Police	UPD On Call Administrator (time permitting)	Dispatcher	Emergency Mgmt. Coordinator, UPD Command Staff, University Communications
Email List Servs	UPD Dispatcher	Shift Commander, the UPD Administrator on call, Emergency Management Coordinator, and/or the Chief of Police	N/A	University Communications	N/A
Facebook Page	UPD Dispatcher	Shift Commander, the UPD Administrator on call, Emergency Management Coordinator, and/or the Chief of Police	N/A	University Communications	N/A
<b>SECONDARY</b>					
Website Homepage Banner	University Communications	N/A	N/A	University Communications	N/A
Radio Station (1610 am)	UPD Customer Service Coordinator	University Communications	UPD On Call Administrator	UPD Customer Service Coordinator	UPD Parking Manager
Building Fire Alarm/ Public Address System*	UPD Patrol Officers, Supervisors and Command Staff	N/A	N/A	UPD Patrol Officers, Supervisors and Command Staff	N/A

\*May be used in buildings where this capability exists

The types of incidents that may cause an immediate threat to the community could include, but are not limited to, emergencies such as: an active shooter on campus, hostage/barricade situation, a riot, a suspicious package with confirmation of a device, a tornado, a fire/explosion, suspicious death, structural damage to a University owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.



All students, faculty, and staff members directly affiliated with the University are automatically enrolled in the MSU Alert system. The University strongly encourages parents, guardians, friends, family, the local community and guests to “Opt-In” to the system by texting “MontanaState” to 888-777. For more information, go to the [MSU Alert website](#). Students, faculty and staff are strongly encouraged to familiarize themselves with the intent and purpose of the MSU Alert system.

Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm) and would be developed by the Incident Response Group (IRG) and would be assigned to the appropriate staff members to distribute via the systems above.

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the Montana State University homepage and/or social media. Parents can also opt into the MSU Everbridge System.

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

Anyone with information about a situation that may require the issuance of a timely warning or emergency notification should report the circumstances to the MSU Police Department, by calling 911 or 994- 2121, or in person at the University Police Department, located in the Roy E. Huffman building at South 7th and Kagy Boulevard.



## EMERGENCY RESPONSE AND EVACUATION PROCEDURES

MSU has adopted emergency response procedures. The procedures are contained in the Emergency Operations Plan. Montana State University is committed to protecting the lives, safety, and welfare of its campus and community members.

The MSU Office of Emergency Management (OEM) is charged with improving the University's readiness for potential emergencies; protecting and preserving its intellectual property, physical assets and facilities; establishing requirements for tasked organizations to develop plans and execute annual training exercises; and ensuring the continuity of operations of essential services.

Written plans for building evacuation that are compliant with federal Occupational Safety and Health Administration (OSHA) regulations have been developed for all facilities at Montana State University in the event of a fire or other emergency.

These plans are available in the Office of Safety and Risk Management for each department in academic/administrative buildings. Plans are also available in the Residence Hall Director's office. Maps showing a means of egress can be found on the exit doors leading from each residential space and in hallways of other buildings. You should become familiar with these exit routes for any building you frequent.

In case of a fire or other emergency that requires all occupants to immediately leave a building or area, evacuation will be signaled by the internal building alarm or by the direction of emergency personnel.

MSU will test its emergency response and evacuation procedures on at least an annual basis through scheduled drills, exercises, and appropriate follow through activities designed to assess and evaluate the emergency plans and capabilities.

MSU will test evacuation procedures in academic/office buildings and residence halls and family and graduate housing. The tests may be announced or unannounced. The tests will be documented, including a description of the exercise, the date and time and whether it is announced or unannounced.

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.

### **Emergency Evacuation Procedures**

The emergency evacuation procedures are tested at least twice each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The UPD does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, UPD staff 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 MSU 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 dial 911.

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

### **Shelter-in-Place Procedures**

A Shelter in Place notification may be issued during a severe weather event, a hazardous materials incident, or an active threat to the campus. The MSU Alert System will be used to issue the notice of a shelter in place. Instructions of immediate actions will be provided in the MSU Alert message. Three types of messages may be issued "Shelter in Place – Secure", "Shelter in Place - Weather", and "Shelter in Place – HAZMAT".

**A Shelter in Place – Secure** notification will be issued when an active threat to the campus is possible. Active threats are human caused situations requiring immediate actions by law enforcement. Remember if an active shooter situation is occurring on campus, MSU Alert communications will clearly relay the information of an active shooter and instructions to RUN, HIDE, FIGHT.

**A Shelter in Place – Weather** notification may be issued when a significant weather situation is expected to impact the campus. Weather situations may include extreme winds, large hail, tornadoes, or microbursts.

**A Shelter in Place – HAZMAT** notification will be issued when a hazardous materials situation has occurred on campus or could affect the campus. Hazardous material releases are often accidental and may result from a transportation accident or laboratory work. All or portions of campus may be asked to Shelter in Place - HAZMAT during an incident of this nature. It is possible portions of the campus will also be asked to evacuate.

For additional information on emergency actions, [www.montana.edu/emergency](http://www.montana.edu/emergency)

## OFFICE OF EMERGENCY MANAGEMENT

During the 2018 calendar year, the MSU Office of Emergency Management (OEM) focused on developing new polices and improving past procedures as they relate to emergency management in higher education. The OEM continued to build and foster working relationships with members from city, county, and state entities through joint committees and reestablishment of Mutual Aid Agreements (MAA). The importance of utilization of the National Incident Management System (NIMS) and emergency management was further utilized into university event planning to improve overall safety of life, property and the environment.

In spring of 2018, Montana State University entered into a partnership with Gallatin County to produce a fortified and integrated emergency notification system powered by Everbridge. This partnership allows enhanced communications between MSU and Gallatin County during the time of a life-threatening emergency. Previously, MSU Alerts were only sent regarding issues within the immediate university property lines. The upgraded system now allows users to receive emergency notifications of events occurring within Gallatin County that could affect the MSU community.

In addition, the MSU Alert System upgrade automatically enrolls all students, faculty, and staff into the system. Members are given the opportunity to opt-out of emergency notifications if they choose. The local community, family, friends, and visitors are encouraged to opt in to receive emergency notifications by texting “montanastate” to 888-777.

The OEM convened the Emergency Management Committee (EMC) on a quarterly basis. The committee is comprised of several members representing various cross sections of the university. Current emergency management polices at the university were reviewed as well as incidents that occurred at other universities across the globe. Best practices and lessons learned from other incidents were reviewed by the committee. The EMC worked to implement updates to emergency management plans and to provide input on large campus events.

The OEM actively participated on the Unified Health Committee (UHC) and the All Hazards All Disciplines Committee (AHAD) at the county level. The UHC completed a Novel Flu Table Top Exercise (TTX) in Fall of 2018 to exercise the development of the Gallatin County Health Annex. The AHAD worked to establish a Mass Casualty Incident Working groups and to prioritize county projects for Homeland Security Grant funding. The OEM participated in the Disasters and Emergency Services (DES) Committee at the state level. The DES focused on lessons learned from individual counties who had dealt with incidents in their jurisdictions and functioned as a way to build additional relationships across counties.

The OEM and University Police Department (UPD) worked in coordination to improve NIMS utilization for events hosted at the university. Event Action Plans (EAPs) were developed for events with a high number of patrons. EAPs provide a pre-planning opportunity to reduce the damage to life, property and the environment should an incident occur. Incident Commands (ICs) were established prior to each large event, improving the process of incident stabilization and allowing increased communication amongst the appropriate entities.



## CAMPUS SECURITY AUTHORITIES (CSAs)

CSAs include University Police, campus security-related personnel and officials who have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. CSAs must report crimes online at [www.montana.edu/clery](http://www.montana.edu/clery) using the [CSA Reporting Form](#). Crimes reported to any CSA will be included in the annual crime statistics found later in this report.

While we have hundreds of CSAs, MSU officially designates the following two offices as locations where campus community members should report crimes:

- Office of Institutional Equity
- University Police

Students and employees can report criminal offenses to the above designated Campus Security Authorities for the purpose of making timely warning reports and annual statistical disclosure. Under the Clery Act, MSU must designate certain individuals as CSAs.

As explained above, students, employees, and visitors are encouraged to promptly report crimes to the University Police Department or the Office of Institutional Equity. However, students may contact any CSA for appropriate assistance in reporting crimes.

Confidentiality of crime reports made to CSAs cannot be promised. Clery requires statistical reporting, but CSAs are also reporters under the requirements of Title IX and University policy and as such may not be able to maintain confidentiality. There may be instances where the University must act regardless of the wishes of the complainant or reporting party. Nevertheless, in such cases MSU will take care to protect identities to the extent allowed by the circumstances and law.

## ANNUAL TRAINING FOR CSAS AND IDENTIFICATION

Montana State officials responsible for overseeing Clery practices meet annually- or upon the receipt of new guidance- to update a centrally-maintained CSA list in the Dean of Students' Office. Further, MSU staff members who are identified as Senior CSAs help to provide updated information regarding new CSAs or those who have left Montana State on a regular basis.

Identified CSAs are offered training through three means:

- Online Training;
- In-person training with an on-campus Clery expert from the Dean of Students;
- Dedicated campus web page providing overview of CSA responsibilities and a link to the Department of Education training video.

Additionally, a web page is maintained and updated throughout the year that hosts information on CSA trainings, including presentations they can browse and other relevant Clery information. Once a CSA has completed training, the centrally-maintained CSA list is updated to indicate training completion.

## PASTORAL AND PROFESSIONAL COUNSELORS

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

According to the Clery Act, professional mental health counselors who are appropriately credentialed and hired by Montana State University to serve exclusively in a counseling role are not considered CSAs. As a matter of policy, the University encourages our professional mental health counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them.

**Pastoral Counselor** – MSU does not have any Pastoral Counselors that work at the institution at this time.

**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.

Please note that reports of sexual violence and other violations that may be sex- or gender-based may also be reported to the Title IX Coordinator and may not be held in confidence.

## **POLICIES AND PROGRAMS ADDRESSING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING**

### **INTRODUCTION**

Montana State University prohibits the crimes 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, MSU maintains programs to prevent and 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.

Under the University [Discrimination, Harassment and Retaliation Policy](#), the definition of Sexual Harassment includes sexual assault, dating violence, domestic violence, and stalking.

MSU recognizes that these issues can impact anyone regardless of their sex, gender, gender identity, gender expression, or sexual orientation. Campus services are available to all victims.

Throughout this section, the term victim will be used to refer to anyone who experiences a Clery-covered crime. MSU recognizes that individuals may use a variety of terms to describe themselves and their experience.

### **RETALIATION PROHIBITED**

Retaliation is prohibited by MSU policy and federal law. Any retaliation against any person for reporting concerns, or filing, testifying, assisting, or participating in any manner in investigations or proceedings involving allegations of violation of the Discrimination Policy, is prohibited. Retaliation is subject to the same [Discrimination Grievance Procedures](#) and the same potential sanctions.

### **REPORTING DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING**

In the event that incidents of sexual assault, stalking, dating violence or domestic violence do occur, MSU takes these matters very seriously. Upon receipt of a report of dating violence, domestic violence, sexual assault and stalking, MSU will provide victims written notification of their rights, options, and resources, including counseling and victim advocacy. The written notification will also include information on how to request supportive and protective measures that the university can offer. Supportive and protective measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, safety planning, referrals to on and off-campus services, trainings, mutual restrictions on contact, and other similar measures. This assistance is provided when it is reasonably available and requested by the victim, regardless of whether the victim chooses to report the crime to law enforcement or file a formal complaint.

Students, faculty and staff are encouraged to report to the offices described below if they experience one of these issues or if they know of someone who is a victim.

Victims have the right to:

- Pursue action through both MSU's [Discrimination Grievance Procedures](#) and the criminal process
- Pursue action only through MSU's process
- Pursue action only through the criminal process;
- Report to the police and decline to pursue further action by law enforcement
- Seek confidential support on campus through Counseling and Psychological Services and/or the VOICE Center or off campus through confidential resources listed below
- Report to OIE and decline to pursue further action
- Report anonymously
- Do none of the above (victims are still encouraged to seek support)

## **CONFIDENTIAL AND NON-CONFIDENTIAL RESOURCES**

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

### **A. Confidential Resources**

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

Confidential Resources available to individuals include the VOICE Center, University Health Partners at other licensed medical health-care professionals acting in their health care capacity.

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

The Title IX Coordinator and the Office of Institutional Equity is not a Confidential Resource. Nevertheless, the Office of Institutional Equity will make every effort to respect and safeguard the privacy of the individuals involved in reporting or otherwise participating in Discrimination Grievance Procedures. Privacy means that reports will only be shared with limited individuals who need to know for the purpose of assessment, implementation of Supportive and Protective measures, and investigation and resolution of a formal complaint, and to the extent required by law or court order.



## REPORTING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

### 1. Reports to MSU's Title IX Coordinator and Office of Institutional Equity

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination in educational programs on the basis of actual or perceived sex, gender, and sexual orientation. The Office of Institutional Equity is the university office responsible for coordinating the University's compliance with Title IX and other federal and state laws prohibiting discrimination on the basis of a protected class. The Office responds to complaints of sex discrimination and sexual harassment, including Domestic Violence, Dating Violence, Sexual Assault and Stalking. Anyone can report concerns about potential discrimination or violence to the Title IX Coordinator. These reports are not confidential but are private student records protected under federal privacy law (FERPA). Reporting to the Title IX Coordinator does not mean a person is obligated to pursue any formal action or speak with law enforcement. Those who report to the Title IX Coordinator will be made aware of their rights, options, and resources and will receive assistance as reasonable and necessary to help the person be safe and continue to be successful at MSU.

Reports can be made by phone, e-mail, online, or in person.

#### Director of the Office of Institutional Equity

##### Title IX Coordinator

303 Montana Hall

406-994-2042

[oi@montana.edu](mailto:oi@montana.edu)

[www.montana.edu/equity](http://www.montana.edu/equity)

### 2. Reports to Law Enforcement

MSU encourages accurate and prompt reporting of all crimes to campus police and local law enforcement when the victim elects to, when there is an obligation under state law, or when there is an emergency. Although MSU strongly encourages all members of its community to report domestic violence, dating violence, sexual assault and stalking to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. If the victim desires to report the matter to law enforcement, MSU will provide assistance to the victim to make a report.

Certain offenses such as sexual intercourse without consent, sexual assault, domestic and dating violence, and stalking are crimes under Montana law and University law enforcement officials are available 24 hours a day to help respond to reports of these crimes. MSU encourages reporting to the police as soon as possible but if a student chooses not to report immediately, a report can be made later. At the MSU Police Department, a student can meet a detective or officer to learn more about their options, the process, the people involved and make an informed decision on pursuing criminal charges. If requested, University officials, such as the Director, Civil Rights Investigators, and/or the Case Manager in the Office of Institutional Equity are available to assist students in reporting to the University Police or other law enforcement agencies.

In addition to reporting to the University, anyone can make a report to law enforcement at the following non-emergency numbers:

University Police: 406-994-2121

Bozeman Police Department: 406-582-2000

Gallatin County Sheriff's Department: 406-582-2100

To make a report, an individual may call and report the crime, or may schedule a time to conduct an interview regarding their experience. For more information about reporting to MSU Police, please see: [www.montana.edu/police](http://www.montana.edu/police)

*In an emergency, please dial 9-1-1.*

### **3. Anonymous Reporting**

Victims and bystanders (but not employees required to report) can make reports anonymously. MSU may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable MSU to conduct a meaningful and fair investigation. It is possible that an anonymous reporter's identity may be discovered in the course of an investigation.

Reports can be made anonymously to OIE by calling 406-994-2042.

Reports can be made anonymously to University Police via the Silent Witness Program: [switness@montana.edu](mailto:switness@montana.edu)

### **4. Required Reporting by MSU Employees**

To enable MSU to respond effectively and to stop instances of sex discrimination and sexual harassment, including domestic violence, dating violence, sexual assault and stalking, all University employees must promptly (normally within 24 hours) report all known or suspected incidents of sex discrimination and sexual harassment involving students to the Office of Institutional Equity (OIE).

Employees who are hired by the University to work under a license or statutory privilege under Montana law that provides for confidentiality are not required to report but may be required to provide de-identified statistics annually. Victims who are also required reporters are not required to report to MSU about their own experiences.

Reports made to employees will be provided to OIE to ensure the victim is aware of their rights, options, and resources.

## MSU POLICY DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

MSU uses the definitions of domestic violence, dating violence, sexual assault and stalking as stated in the Clery Act to determine crimes documented in this report. MSU's definitions and the Montana criminal law definitions vary somewhat from the Clery Act definitions. The following are the definitions in the MSU policy:

### **Sexual Assault** is:

- i. Non-consensual touching, or coercing or forcing another to touch a person's intimate body parts (defined as genital area, groin, inner thigh, or breast);
- ii. Penetration, no matter how slight, of a person's vagina or anus, by any body part or object, or oral penetration by a sex organ of another person without consent; or
- iii. Sexual intercourse between persons who are related to each other to the degree they cannot marry under state law.

### **Dating Violence** is:

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

### **Domestic Violence** is:

- i. violence,
- ii. committed by a current or former spouse or intimate partner of the Complainant,
- iii. by a person with whom the Complainant shares a child in common, or
- iv. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- v. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Montana, or
- vi. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Montana.

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

**Stalking** is:

- i. engaging in a course of conduct,
- ii. directed at a specific person, that
  - 1) would cause a reasonable person to fear for the person's safety, or
  - 2) the safety of others; or
  - 3) Suffer substantial emotional distress.

For the purposes of this definition—

- i. Course of conduct means two or more acts, including, but not limited to,
- ii. acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- iii. Reasonable person means a reasonable person under similar circumstances
- iv. and with similar identities to the Complainant.
- v. Substantial emotional distress means significant mental suffering or
- vi. anguish that may but does not necessarily require medical or other professional treatment or counseling.

## **DEFINITION OF CONSENT**

Montana State University defines Consent for purposes of deciding if the University's Policy prohibiting sexual assault, has been violated. Consent is defined by University Policy as follows:

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

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

## **AMNESTY POLICY**

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

**CONFIDENTIAL RESOURCES – ON CAMPUS**

ON CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling/Mental Health	Counseling and referral services. Please see below for additional information.	Counseling and Psychological Services	211 Swingle Office: (406) 994-4531 After-hours emergency line: (406) 586-3333 <a href="http://www.montana.edu/counseling">http://www.montana.edu/counseling</a>
Health	Medical follow-up services, medication management, primary care.	University Health Partners	Swingle First Floor (406) 994-2311 <a href="http://www.montana.edu/health">http://www.montana.edu/health</a>
Victim Advocacy	Advocacy and prevention education related to Sexual assault, sexual exploitation, domestic violence, dating violence, and stalking. Please see below description of services	VOICE Center	24/7/365 by phone: (406) 994-7069 Location: SUB 370 <a href="http://www.montana.edu/oha/voice">http://www.montana.edu/oha/voice</a>
Legal Assistance	Legal Assistance	ASMSU Legal	You may schedule with ASMSU Legal by going to the Office for Student Engagement in SUB 221 or by calling (406) 994-2933

There are several resources available on campus and in the community that provide free, confidential support to victims of sexual misconduct, dating or domestic violence, and stalking.

**VOICE Center**

The VOICE [Victim Options in the Campus Environment] Center is the university's program to support victims of sexual assault, dating and domestic violence, and stalking. VOICE will work with students to explain the options for reporting to other campus authorities, including University Police and the Office of Institutional Equity. MSU VOICE Center will assist the victim in notifying authorities if they request assistance, and will advise the victim of the importance of preserving evidence if they choose to bring criminal charges in the future. However, the staff and student advocates in the VOICE Center will support survivors regardless of their reporting decisions.

MSU VOICE Center will treat the student's interactions with the VOICE Center confidentially in compliance with the privilege afforded to communications with victim advocates under state law. [§26-1- 812, Montana Code Annotated.]

The VOICE Center is located in room 370 of the Strand Union Building (above the Leigh Lounge) and provides primary support and response for anyone impacted by sexual assault, dating violence, domestic violence, and stalking. MSU VOICE Center has a 24-hour confidential support line and provides confidential information to students about reporting options, available resources and assistance for the victim, and victim's rights.

VOICE Center staff and trained advocates are available 24 hours a day via phone, text, or in-person

and can provide immediate crisis intervention; free counseling; refer survivors to legal, medical, and psychological service options; and can accompany students in accessing these services. Information is also available at the VOICE Center website.

**VOICE Center**

370 Strand Union Building (SUB) 24/7 Helpline (call or text): (406) 994-7069  
<http://www.montana.edu/oha/voice>

**Counseling and Psychological Services**

Talking with a counselor can be an important step in learning about available options as well helping the recovery process. MSU Counseling and Psychological Services offers free, confidential counseling to eligible students and provides counseling on a limited basis for a fee to MSU faculty and staff.

**Counseling and Psychological Services**

211 Swingle Office: (406) 994-4531 After-hours emergency line: (406) 586-3333  
<http://www.montana.edu/counseling>

**University Health Partners**

Regardless of the length of time since an assault, health care providers recommend a clinical visit to assess sexually transmitted infections (including HIV), pregnancy risk, and physical injuries. Services are available to eligible MSU students and their spouses/domestic partners. There is no charge for a clinical visit. There are charges for lab tests, x-rays and pharmaceuticals which may be covered by a student's insurance. Morning-after contraception is available. The University Health Partners does not perform medical forensic exams. These exams are only performed at the Bozeman Health Hospital Emergency Room.

**University Health Partners**

Swingle First Floor (406) 994-2311  
<http://www.montana.edu/health>



## OFF-CAMPUS RESOURCES

OFF CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling/ Mental Health	Crisis Counseling, ongoing group counseling	HELP Center	24/7 Helpline: 406-586-3333 421 E. Peach Street, Bozeman, MT 59715 <a href="https://www.bozemanhelpcenter.org/">https://www.bozemanhelpcenter.org/</a>
Health	Medical Forensic Examination**, Emergency Services	Bozeman Health Hospital Emergency Room	In an emergency, dial 911. 406-585-1000 915 Highland Boulevard, Bozeman, MT 59715 <a href="https://www.bozemanhealth.org/Bozeman-Health-Services/Emergency-Trauma-Services.aspx">https://www.bozemanhealth.org/Bozeman-Health-Services/Emergency-Trauma-Services.aspx</a>
Health	Ongoing care, please see below for complete description	BridgerCare	Please see below
Victim Advocacy	Domestic and Dating Violence Shelter, crisis support, legal advocacy, counseling	HAVEN	24/7 Helpline: (406) 586-4111 <a href="http://havenmt.org">http://havenmt.org</a>
Legal Assistance	Various fee, reduced fee, and free legal services	Please see the list below.	Please see the list below.
Visa and Immigration Assistance	Assistance in the application process for VISA	Department of Justice Clearinghouse or an Attorney	<a href="https://www.justice.gov/eoir/recognition-accreditation-roster-reports">https://www.justice.gov/eoir/recognition-accreditation-roster-reports</a>

*\*\* In Montana, Sexual Assault Nurse Examiners are forensic nurses who may be available to conduct a forensic examination. Here, there is no cost to have a Sexual Assault Forensic Examination completed, and completing the examination does not require the filing of a police report or to take criminal action.*

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

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<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

### HAVEN

HAVEN is Bozeman’s domestic violence shelter and provides 24-hour crisis support and advocacy for all domestic violence survivors. In addition to emergency shelter and crisis support, HAVEN provides support groups, individual counseling, and legal advocacy. A HAVEN Legal Advocate is housed at the Law and Justice Center in Bozeman and can help victims obtain protective orders, including court accompaniment.

HAVEN  
24/7 Helpline: (406) 586-4111  
<http://havenmt.org>

### **Help Center and Sexual Assault Counseling Center**

The Help Center is the confidential community crisis line for sexual assault victims and those struggling with suicide and mental health concerns. The Help Center also provides counseling and advocacy services.

Help Center and Sexual Assault Counseling Center  
421 E. Peach St., Bozeman, MT (406) 586-3333  
<http://www.bozemanhelpcenter.org>

### **Bridgercare**

Bridgercare is a non-profit reproductive healthcare facility in Bozeman. The professional staff provides affordable reproductive and sexual healthcare and education in a safe, supportive, and empowering atmosphere.

Bridgercare  
300 North Wilson Avenue, Suite 2001,  
Bozeman (406) 587-0681  
<http://www.bridgercare.org>

### **Bozeman Health Hospital Emergency Room**

Bozeman Health Hospital Emergency Room is the only hospital in Bozeman where anyone can obtain a medical forensic exam. Victims may request an exam and forensic evidence collection at no cost and without having to file a police report. The costs of the evidence collection will be covered as part of Montana's Forensic Rape Examination Payment Program.

Bozeman Health Hospital Emergency Room  
915 Highland Boulevard, Bozeman  
(406) 414-5000  
<https://www.bozemanhealth.org/services/emergency-services/>

### **Legal Assistance in the Community**

- American Civil Liberties Union (ACLU) (406) 443-8590
- Citizens' Advocate Hotline (800) 332-2272, [www.citizensadvocate.mt.gov](http://www.citizensadvocate.mt.gov)
- Gallatin County Self Help Law Center (405) 582-2158
- Help Center (suicide hot line) 2-1-1 (406) 586-3333
- Human Rights Bureau (800) 542-0807
- Lawyers Referral Services (MT State Bar Assn.) (406) 449-6577
- Montana Legal Services-low income (civil; no criminal) (800) 666-6899
- State Auditor/Insurance Commissioner (Auto insurance questions) (800) 332-6148, [www.sao.mt.gov](http://www.sao.mt.gov)
- Victims Assistance/Legal Advocacy (406) 582-2038



- If you have a misdemeanor, you can ask the judge for a public defender if you face jail time and are indigent (have no money). 582-2450 (Office of Public Defender)
- Other helpful websites: [www.montanalawhelp.org](http://www.montanalawhelp.org); <https://courts.mt.gov/> (Montana civil legal forms & areas of MT law)

## WHAT TO DO IF YOU ARE A VICTIM OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

There is no right or wrong way to respond if you are a victim of domestic violence, dating violence, sexual assault, or stalking. It is important to remember that it is not your fault. The following are options you can consider, but you don't have to do anything you don't want to do.

If you are a friend helping someone who is a victim, support their decisions and try to not tell them what to do. Find ways to help them make decisions for themselves.

**Seek Medical Attention:** After an incident of sexual assault, dating or domestic violence, you should consider seeking medical attention as soon as possible at Bozeman Health Hospital, offering physical evidence recovery kit collection, access to forensic nurse examiners and/or sexual assault nurse practitioners. BDH Sexual Assault Nurse Examiners (SANE) are specially trained and are sensitive to the needs of assault survivors. In the State of Montana, evidence may be collected and held for a year even if you choose not to make a report to law enforcement. If you are uncomfortable going to the hospital, you can go to University Health Partners for a wellness check, but they cannot do forensic exams.

**Preserve Evidence:** Although it is important for you to make decisions about the kind of service you want, timing is an important factor. It may be important to take action to preserve any evidence for use in a criminal case, even if you aren't sure what you want right now.

Medical forensic evidence may be collected if a sexual assault occurred within 120 hours of the evidence collection. The passage of time may make it more difficult, but not impossible, for a SANE to obtain forensic evidence. You may request an exam and forensic evidence collection at no cost and without having to file a police report. The costs of the evidence collection will be covered as part of Montana's Forensic Rape Examination Payment Program. The Bozeman Health Hospital Emergency Room is the only location in Bozeman which conducts forensic examinations.

If you are considering a medical forensic exam it is important that you try not to clean your body, change your clothes, or change any bed linens or other items that may have been near where the assault occurred. This helps preserve evidence that police can use in a criminal case, i.e. proving that the alleged offense occurred, or if you're requesting a protective order.

Even if you do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of sexually transmitted infections and/or pregnancy.

You are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents,

if you have any, that would be useful to a campus and/or criminal investigation. Other evidence of a crime should also be preserved in case criminal charges are pursued. Evidence might include pictures of injuries, forensic examination, written and electronic communications, text messages, emails, photos, or and other evidence that may show a course of conduct.

If you want to talk about these options confidentially, you can talk to anyone on the list of confidential resources above.

### **Assistance for Victims: Rights & Options**

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

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

*It does not matter where the victim experienced the behavior, MSU is here to work with victims regardless of where the crime occurred.*

### **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 State University complies with Montana law in recognizing orders of protection or criminal no contact orders by: coordinating with the parties to the Order as needed to ensure access for the individual who has protection under a Court Order. Any person who obtains an order of protection from Montana or any reciprocal state should provide a copy to Campus Police and the Office of Institutional Equity. A complainant may then meet with Campus Police and/or the Office of Institutional Equity to develop a Safety Action Plan, which is a plan for campus police 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 locations, or allowing a student to complete assignments from home, etc. The University cannot apply for a legal order of protection for a victim from the applicable jurisdiction(s).

In Montana the law governing Orders of Protection is Chapter 40, Part 21. MCA § 40-15-201 sets forth the procedure for requesting a Temporary Order of Protection. Within 20 days of the issuance of a Temporary Order of Protection, a hearing must be held to determine if there is good cause

for the order to be continued, amended, or made permanent. MCA § 40-15-202. The victim is required to apply directly for these services through the City Court, Justice Court, or District Court. Assistance in applying for an Order of Protection from HAVEN or the VOICE Center. Victim Services may also be available to assist, and the Self-Help Law Center located in the Gallatin County Law and Justice Center.

The University may issue an institutional no contact order, if deemed appropriate, 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.

### **Supportive and Protective Measures Available for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, MSU will provide written notification to students and employees about supportive and protective measures 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 supportive and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations). Supportive and protective measures are available to the individual who experienced the behavior regardless of whether they choose to report the crime to University Police or to a local law enforcement agency.

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

To request changes to academic, living, transportation and/or working situations or protective measures, or to receive assistance in requesting supportive and protective measures, a victim should contact the Director of the Office of Institutional Equity, at 406-994-2042, [OIE@montana.edu](mailto:OIE@montana.edu), you may also make requests in person in Montana Hall 311. You may request assistance by making a brief statement about what you have experienced, and request the changes that you believe would be helpful to remain safe and successful in your campus environment. Upon receipt, the Office will determine if the request is reasonable and work to implement the interim measures.

## MSU'S EDUCATION AND OUTREACH

In an effort to reduce the risk of sexual violence, including the crime of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence occurring among our students, MSU utilizes a range of campaigns, strategies, and initiatives to promote awareness, educational, risk reduction, and prevention programming.

MSU offers programming each year to identify and prevent domestic violence, dating violence, sexual assault, and stalking. Educational programs are offered to raise awareness for all incoming students and employees. Students participate in educational programming during new student summer orientation and throughout an incoming student's first semester. Employees attend New Employee Orientation during their first month at MSU and attend Mandatory Reporter Training each year. 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<sup>1</sup> and new employees and ongoing awareness and prevention campaigns for students and employees. Programs and other campaigns offered throughout the year to all students and employees include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management, and bystander intervention), and discuss institutional policies as well as the Montana state law definitions of domestic violence, dating violence, sexual assault, stalking, and the Montana state law definition of consent in reference to sexual activity. The program provides the institution's definition of consent. The programming also includes a statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act).

A description of safe and positive options for bystander intervention is also provided. 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 taking action to intervene.

Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks and do so without victim-blaming approaches.

The programming also includes information regarding:

- a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in "Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs" elsewhere in this document)

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

In the past year, offices across campus have facilitated dozens of programs reaching thousands of students on topics ranging from violence prevention and response, bystander engagement, healthy relationships, and gender equity.

MSU offices directly involved in these programs include the MSU VOICE Center, Office of Health Advancement, Office of Institutional Equity, Residence Life, Intercollegiate Athletics, Office of the Dean of Students, University Police, Women’s Center, Diversity Inclusion Student Commons the President’s Commission on the Status of University Women, ADVANCE, and Equity Advocates.

MSU’s Education Outreach includes:

1. **Violence Prevention Workshop:** A five-hour workshop marketed to all MSU students, faculty and staff offered within the first six weeks of Fall and Spring semesters. Participants engage in interactive learning focusing on the primary prevention technique of bystander intervention. Consent is defined and discussed within the workshop. Additional topics include gender stereotypes, causes of violence, and how to support a survivor of sexual violence.
2. **Orientation Sessions:**
  - a. **Summer Orientation (Students):** The MSU Orientation office worked with the MSU VOICE Center to develop a skit-based presentation presenting common issues facing freshmen students. This included information about Sexual Assault Prevention.
  - b. **New Employee Orientation (Staff):** Every new employee of MSU is required to attend a half day New Employee Orientation. Office of Institutional Equity (OIE) and MSU VOICE Center present information about discrimination and harassment, sexual assault prevention, and available resources.
  - c. **New Faculty Orientation:** All new faculty at MSU are required to attend a New Faculty Orientation. OIE presents information about discrimination and harassment, sexual assault prevention, and available resources.

3. **Educational outreach and safety presentations:** residence hall supervisors; Greek organizations; student athletes; student orientation leaders; and faculty and staff groups and organizations.
  - a. **#SetTheExpectation** – MSU Athletics joined with the MSU VOICE Center to develop programming focused on violence prevention. This included several trainings and tabling events throughout the year.
    - i. **One Love** – MSU Athletes and MSU VOICE Center Educators were trained to facilitate conversations following the screening of *Escalate*, a movie depicting Dating violence, Sexual assault, and Stalking from the One Love Foundation.
4. **Awareness Campaigns:**
  - a. **Don't Cancel That Class (DCTC)** – Facilitated by the VOICE Center, faculty who have to miss a class can choose to bring in a VOICE Center facilitator to present to the class about consent, healthy relationships, bystander intervention, and other issues related to violence prevention and response. This is done through Not in Our House – the educational team within the MSU VOICE Center.
  - b. **It's On Us** – Members of the MSU community can sign the It's On Us pledge as part of the national It's On Us campaign. The signing of the pledge is hosted by the MSU VOICE Center and held in front of Montana Hall for one week each semester.
  - c. **Sack Lunch Seminars** – the MSU Women's Center facilitates regular seminars on issues related to violence prevention, gender equity, and intersectional identity, among other topics.
  - d. **Take Back the Night** – A collaboration between MSU Student organization, Students Against Sexual Assault (SASA) and the MSU VOICE Center uniting to take a stand against violence. Specifically Take Back the Night focused on Missing and Murdered Indigenous Women (MMIW). Events include a Survivor Art Show, a Survivor Speak-out, a rally, a march, and a celebration. All events are free and open to the community.
  - e. **Respect is Hot Campaign** – The MSU VOICE Center collaborates with local coffee shops to offer information and education on Healthy Relationships and resources available for survivors of sexual assault, relationship violence, stalking, and harassment.
5. **Passive Programming:**
  - a. **Social Media Campaign** – The MSU VOICE Center posts information and educational posts on Facebook, Instagram, and Twitter daily throughout the year. Each month has a different topic focused on violence prevention.
  - b. **Posters and Flyers** – The MSU VOICE Center, OHA, and Women's Center work in conjunction to create posters and flyers focused on bringing awareness to sexual violence, relationship violence, stalking, and harassment. These posters and flyers are hung in the student union every semester and throughout the Residence Life Halls. Electronic posters are placed into the cycle on television screens throughout campus buildings.
  - c. **Tabling Events** – The MSU VOICE Center, OHA, and OIE regularly attend tabling events for new and potential students on campus. Information on preventing sexual violence on campus is provided. Events include MSU Friday, Catapalooza, and Student Information Fairs.

6. **Lecture Series** – the Women’s Center and the President’s Commission on the Status of University Women provide annual lectures specifically centered on gender-based equity issues. Lectures are free to the university community and occur throughout the year.
7. **Student online training** – MSU uses the Sexual Assault Prevention for Undergraduates/Young Adult Learners (SAPU/SAPYAL) Program in conjunction with alcohol.edu from Everfi. This online training is mandated for all incoming new undergraduate and graduate students. SAPU/SAPYAL covers the topics of sexual assault, domestic violence, stalking, bystander engagement, risk reduction, and campus resources. All students are required to take an online follow up training before registering for their second semester on campus.
8. **Mandatory Reporter Training** – the Office of Institutional Equity facilitates training related to mandatory reporting of sex discrimination and sexual harassment, including, dating violence, domestic violence, and stalking. All reporters are required to attend. The training covers definitions, reporting requirements, response to reports, and campus and community resources.

## PRIMARY PREVENTION AND AWARENESS PROGRAMS

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

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Violence Prevention Workshop	2/24/19, 9/15/19	Student Union Building	DoV, DaV, SA, S
Graduate Student Orientation	8/22/19	Leon Johnson Hall	DoV, DaV, SA, S
First Floor Meetings	8/25/19	All residence life halls	DoV, DaV, SA, S

*\*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 2019:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Mandatory Reporter Training	Multiple	Procrastinator Theatre	DoV, DaV, SA, S
New Employee Orientation	1/11/2019, 2/8/2019, 3/8/2019, 5/10/2019, 7/12/2019, 9/13/2019, 10/11/2019, 11/8/2019, 12/13/2019	Animal Bioscience Building	DoV, DaV, SA, S

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

**ONGOING PREVENTION AND AWARENESS CAMPAIGNS**

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

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
TriO Banquet	1/10/19	Sub Ballroom	DoV, DaV, SA, S
Residence Hall	1/24/19	Johnstone Hall	DoV, DaV, SA, S
DCTC	1/31/19	Wilson Hall	DoV, DaV, SA, S
DCTC	2/5/19	Roberts Hall	DoV, DaV, SA, S
DCTC	2/5/19	Roberts Hall	DoV, DaV, SA, S
Sorority	2/11/19	Alpha Gamma Delta House	DoV, DaV, SA, S
DCTC	2/20/19	Wilson Hall	DoV, DaV, SA, S
Behind the Sheets	2/22/19	Langford Hall	DoV, DaV, SA, S
Residence Hall	2/25/19	Hannon/Quads	DoV, DaV, SA, S
DCTC	3/1/19	Sherrick Hall	DoV, DaV, SA, S
University Health Partners	3/6/19	Swingle Building	DoV, DaV, SA, S
DCTC	3/8/19	Roberts Hall	DoV, DaV, SA, S
DCTC	3/11/19	Gaines Hall	DoV, DaV, SA, S
DCTC	3/11/19	Gaines Hall	DoV, DaV, SA, S
DCTC	3/15/19	Herrick Hall	DoV, DaV, SA, S
Great Falls College MSU	3/18/19	Great Falls College	DoV, DaV, SA, S
Great Falls College MSU	3/18/19	Great Falls College	DoV, DaV, SA, S
Great Falls College MSU	3/18/19	Great Falls College	DoV, DaV, SA, S
Great Falls college MSU	3/18/19	Great Falls College	DoV, DaV, SA, S
DCTC	3/27/19	Cheever Hall	DoV, DaV, SA, S
Student Org – Model UN	3/28/19	Gaines Hall	DoV, DaV, SA, S
DCTC	4/1/19	AJM Hall	DoV, DaV, SA, S
DCTC	4/1/19	AJM Hall	DoV, DaV, SA, S
Study Abroad	4/6/19	Gaines Hall	DoV, DaV, SA, S
Orientation	4/9/19	NAH 165	DoV, DaV, SA, S
DCTC	4/18/19	Sherrick	DoV, DaV, SA, S
Belgrade High School	4/19/19	BHS (Belgrade High)	DoV, DaV, SA, S
Belgrade High School	4/19/19	BHS	DoV, DaV, SA, S
Belgrade High School	4/19/19	BHS	DoV, DaV, SA, S
Belgrade High School	4/19/19	BHS	DoV, DaV, SA, S
Hilleman Scholars	4/22/19	Gaines Hall	DoV, DaV, SA, S
Student Athlete Advisory Council (SAAC)	4/23/19	Stadium	DoV, DaV, SA, S
Hilleman Scholar Mentors	7/10/19	Jabs Hall	DoV, DaV, SA, S
Orientation (Bobcat Game-show)	7/15/19	SUB Ballrooms	DoV, DaV, SA, S



Hilleman Scholars	7/19/19	NAH	DoV, DaV, SA, S
Athletics – Men’s/Women’s Bball, Volleyball	7/26/19	Fieldhouse (HOF Room)	DoV, DaV, SA, S
Athletics – Men’s/Women’s Bball, Volleyball	7/26/19	Fieldhouse (HOF Room)	DoV, DaV, SA, S
ResLife – Senior Staff	8/1/19	Johnstone Hall	DoV, DaV, SA, S
ResLife – RA Training	8/16/19	Linfield Hall	DoV, DaV, SA, S
Football	8/18/19	Fieldhouse (HOF Room)	DoV, DaV, SA, S
Football	8/18/19	Fieldhouse (HOF Room)	SA
Football	8/18/19	Fieldhouse (HOF Room)	DoV, DaV, SA, S
Football	8/18/19	Fieldhouse (HOF Room)	DoV, DaV, SA, S
Graduate Student Orientation	8/22/19	Leon Johnson Hall	DoV, DaV, SA, S
ResLife – First Floor Meeting	8/25/19	Hannon/Quads	DoV, DaV, SA, S
ResLife – First Floor Meeting	8/25/19	Hapner Hall	DoV, DaV, SA, S
ResLife – First Floor Meeting	8/25/19	Johnstone Hall	DoV, DaV, SA, S
ResLife – First Floor Meeting	8/25/19	Langford Hall	DoV, DaV, SA, S
ResLife – First Floor Meeting	8/25/19	North Hedges/Headwaters	DoV, DaV, SA, S
ResLife – First Floor Meeting	8/25/19	ResLife Apartments	DoV, DaV, SA, S
ResLife – First Floor Meeting	8/25/19	Roskie Hall	SA
ResLife – First Floor Meeting	8/25/19	South Hedges	DoV, DaV, SA, S
ResLife – First Floor Meeting	8/25/19	Yellowstone Hall	DoV, DaV, SA, S
Athletics	9/3/19	Fieldhouse (HOF Room)	DoV, DaV, SA, S
Athletics	9/9/19	Fieldhouse (HOF Room)	DoV, DaV, SA, S
Athletics	9/11/19	Fieldhouse (HOF Room)	DoV, DaV, SA, S
DCTC	9/12/19	Wilson Hall	DoV, DaV, SA, S
DCTC	9/12/19	Roberts Hall	DoV, DaV, SA, S
Violence Prevention Workshop	9/15/19	SUB Ballrooms	DoV, DaV, SA, S
ResLife	9/16/19	South Hedges	DoV, DaV, SA, S
Fraternity – Sig Ep	9/16/19	SigEp House	DoV, DaV, SA, S
DCTC	9/17/19	Hapner Hall	DoV, DaV, SA, S
DCTC	9/19/19	Reid Hall	DoV, DaV, SA, S
Fraternity – Alpha Sigma Phi	9/22/19	Norm Asb. Hall	DoV, DaV, SA, S

DCTC	9/23/19	Roberts Hall	DoV, DaV, SA, S
Fraternity – Pi Kappa Alpha	9/23/19	PIKE House	DoV, DaV, SA, S
DCTC	9/26/19	Wilson Hall	DoV, DaV, SA, S
DCTC	9/26/19	Wilson Hall	DoV, DaV, SA, S
DCTC	9/26/19	Wilson Hall	DoV, DaV, SA, S
Sorority/Org – Chi Alpha Kappa	9/29/19	SUB 235	DoV, DaV, SA, S
Fraternity – Sigma Chi	9/30/19	Sigma Chi House	DoV, DaV, SA, S
DCTC	10/3/19	Museum of the Rockies	DoV, DaV, SA, S
Fraternity – Sigma Nu	10/6/19	Sigma Nu House	DoV, DaV, SA, S
Fraternity – Alpha Gamma Rho	10/7/19	AGR House	DoV, DaV, SA, S
Club Sports MRT	10/8/19	Norm Asb. Hall	DoV, DaV, SA, S
Fraternity – Kappa Sigma	10/13/19	Kappa Sigma House	DoV, DaV, SA, S
DCTC	10/14/19	Reid Hall	DoV, DaV, SA, S
DCTC	10/14/19	Reid Hall	DoV, DaV, SA, S
DCTC	10/16/19	Wilson Hall	DoV, DaV, SA, S
DCTC	10/17/19	Reid Hall	DoV, DaV, SA, S
AdvoCats	10/30/19	Norm Asb. Hall	DoV, DaV, SA, S
Sorority – Pi Beta Phi	11/4/19	Pi Phi House	DoV, DaV, SA, S
DCTC	11/8/19	Reid Hall	DoV, DaV, SA, S
Student Organization – Model UN	11/12/19	Wilson Hall	DoV, DaV, SA, S
Fraternity Fireside Chat	11/17/19	SUB Ballrooms	DoV, DaV, SA, S
DCTC	11/21/19	Sherrick Hall	DoV, DaV, SA, S
Fraternity	10/22/18	Sigma Phi Epsilon House	DoV, DaV, SA, S
Fraternity	10/23/18	Sigma Chi House	DoV, DaV, SA, S
DCTC	10/25/18	Herrick Hall	DoV, DaV, SA, S
Apollo Assignment – FSL	11/4/18	Student Union Building	DoV, DaV, SA, S
DCTC	11/7/18	Roberts Hall	DoV, DaV, SA, S
DCTC	11/7/18	Wilson Hall	DoV, DaV, SA, S
Club Sports	11/7/18	Fitness Center	DoV, DaV, SA, S
Model of the UN	11/8/18	Wilson Hall	DoV, DaV, SA, S
DCTC	11/13/18	Herrick Hall	DoV, DaV, SA, S
DCTC	11/14/18	Gaines Hall	DoV, DaV, SA, S
DCTC	11/16/18	Gaines Hall	DoV, DaV, SA, S
DCTC	11/19/18	Lewis Hall	DoV, DaV, SA, S
DCTC	11/20/18	Wilson Hall	DoV, DaV, SA, S
DCTC	11/26/18	Reid Hall	DoV, DaV, SA, S
DCTC	11/30/18	Traphagan	DoV, DaV, SA, S

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

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

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Mandatory Reporter Training	Multiple	Procrastinator Theatre	DoV, DaV, SA, S
Residence Life Senior Staff Training	8/1/19	Johnstone Hall	DoV, DaV, SA, S
Residence Life RA Training	8/16/19	Linfield Hall	DoV, DaV, SA, S
Violence Prevention Workshop	2/24/19, 9/15/19	Student Union Building	DoV, DaV, SA, S

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

## BYSTANDER ENGAGEMENT

Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention. Techniques taught at MSU include the 4 D's: Direct, Distract, Delegate, and Delay. Students are taught each technique and practice using these techniques in scenarios within the prevention training. Students are encouraged to be mindful of safety when using any bystander intervention technique.

Direct intervention focuses on students identifying an unsafe situation and intervening in a direct manner to prevent violence. Distract intervention offers students the ability to intervene by distracting individuals involved in a situation and refocusing on an alternative. Delegate intervention encourages students to find assistance in intervening including calling 911 as needed. Delay intervention reminds students to keep themselves safe and not cause additional violence. They also may use this technique to support a survivor in connecting them with appropriate resources if they have experienced or are experiencing violence. Bystander empowerment training highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose. Bystander Intervention Training also motivates participants to intervene as stakeholders in the safety of the community when others might choose to be bystanders.

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.”<sup>2</sup> 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<sup>3</sup> of some ways to be an active bystander. 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.

<sup>2</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

<sup>3</sup> Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

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.

## REDUCING THE RISK OF VAWA OFFENSES ON CAMPUS AND IN OUR COMMUNITY

We all have a responsibility to keep our campus and community safe. Being aware of different strategies and taking action when you feel someone is unsafe can help someone get out of a potentially dangerous situation. Look out for your fellow Bobcats. If someone looks uncomfortable or afraid, check in, find someone who knows the person who can help, or call someone in a position of authority to step in.

If you ever are unsure about a situation you are in, trust your instincts. Make an excuse to leave, ask for help, or even just walk away. Be true to who you are and what you value most. You aren't obligated to do something you don't want to do, and a simple, "I don't want to" is a good enough reason. If you're feeling pressured in a situation, or if you're afraid a blunt "no" will make the situation worse, don't hesitate to make an excuse or even lie if that's what you need to do to get out of the situation.

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](http://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.



## **UNIVERSITY RESPONSE TO REPORTS OF DATING VIOLENCE, DOMESTIC VIOLENCE SEXUAL ASSAULT AND STALKING**

MSU has designated the Office of Institutional Equity (OIE) to oversee the University's compliance with state and federal civil rights laws, including laws covering , dating violence, domestic violence, sexual assault and stalking. OIE is responsible for the [implementation of the university's Discrimination, Harassment and Retaliation Policy and the related Discrimination Grievance Procedures](#). This Policy and it related Procedures govern the university's response to of incidents of dating violence, domestic violence, sexual assault and stalking.

Violations of this Policy will be addressed through the [Discrimination Grievance Procedures](#). Consequences for violating this policy will depend upon the facts and circumstances of each particular situation.

In determining the severity of sanctions or corrective actions, factors such as the frequency and severity of the offense and any history of past discriminatory, harassing, or retaliatory conduct are relevant. A finding of discrimination, harassment that creates a hostile environment or results in a tangible employment or educational action, or sexual violence may be cause for disciplinary action up to and including the discharge of employees and the expulsion of students, in accordance with applicable University policies and procedures and collective bargaining agreements. A complete list of sanctions for students is available in the Student Code of Conduct.

This policy shall not be construed or applied to restrict academic freedom at the campuses of Montana State University, nor shall it be construed to restrict constitutionally protected expression, even though such expression may be offensive, unpleasant, or even hateful.

In addressing all complaints and reports under this policy, the University will take all reasonable permissible actions to ensure the safety of students and employees while complying with free speech requirements for students and employees.

The University has procedures in place that serve to be sensitive to individuals 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<sup>4</sup> and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The University will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the University Police or local law enforcement. Students and employees should contact the Director of the Office of Institutional Equity, 406-994-2042, by email at [oe@montana.edu](mailto:oe@montana.edu) , or in person at Montana Hall 311.

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
<b>Sexual Assault</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care</li> <li>2. Institution will assess immediate safety needs of complainant</li> <li>3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>4. Institution will provide complainant with referrals to on campus mental health providers</li> <li>5. Institution will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> <li>8. Institution will provide instructions on how to apply for Protective Order</li> <li>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</li> <li>10. Institution will inform the complainant of the outcome of the investigation, whether or not the respondent will be administratively charged and inform them of the outcome.</li> <li>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</li> </ol>
<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>
<b>Dating Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> </ol>

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

### Adjudication of Violations

The University's Discrimination Grievance Procedures provide for a prompt, fair, and impartial investigation and resolution process of alleged violations of the university policy prohibiting domestic violence, dating violence, sexual assault and stalking... Furthermore, it is the practice of the Office to provide, where feasible:

1. The Complainant and the Respondent will have timely notice for meetings at which the Complainant or Respondent, or both, may be present;
2. The Complainant, the Respondent and appropriate officials will have timely and equal access to any information that will be used during formal and informal investigations;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the Complainant or the Respondent;
4. The Complainant and the Respondent will have the same opportunities to have others present during any institutional proceeding. The Complainant and the Respondent 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 Complainant or the Respondent in any meeting or institutional proceeding, unless that advisor is also a witness to the alleged events. Please note, however, the role of the advisor is limited to providing advice to the individuals, and may not speak on their behalf;
5. The Complainant and the Respondent will be notified simultaneously, in writing, of any initial, interim and final decision of any formal investigation; and
6. Where an appeal is permitted under the applicable policy, the Complainant and the Respondent will be notified simultaneously in writing, of the procedures for the Respondent and the Complainant to appeal of the result of the institutional disciplinary proceeding. When an appeal is filed, the Complainant and the Respondent 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.



## MSU'S NON-DISCRIMINATION GRIEVANCE PROCEDURES

### REQUIRED INFORMATION ON PROCEDURES FOR SEXUAL ASSAULT, STALKING, DATING VIOLENCE, OR DOMESTIC VIOLENCE

Victims may request that directory information on file with the University be withheld by request to either the Office of Institutional Equity (406-994-2042 or [oiie@montana.edu](mailto:oiie@montana.edu)) or to the Registrar, Kandi Gresswell, Ph. D (406-994-1972 or [registrar@montana.edu](mailto:registrar@montana.edu)).

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 private and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as private, any accommodations or protective measures provided to the victim to the extent that maintaining such privacy would not impair the ability of the institution to provide the accommodations or protective measures.

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

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

Montana State University has adopted a Discrimination, Harassment, and Retaliation Policy and the associated Discrimination Grievance Procedures for the adjudication of reports of Sexual Assault, Domestic Violence, Dating Violence and Stalking.

These procedures apply to Employees (Faculty/Staff), Students, and Guests.

#### 1. How to File a Complaint Under this Policy

The individual who experienced the behavior may initiate a complaint by reporting to the Office of Institutional Equity who work with the Complainant to determine what course of action under the policy they will like to take. In most cases, the decision is up to the individual who experienced the behavior. The policies and procedures documents may be accessed at:

<https://www.montana.edu/policy/discrimination/procedures/>

<https://www.montana.edu/policy/discrimination/>

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

Each report received by the Office of Institutional Equity is reviewed for jurisdiction and an immediate health and safety risk for campus. If the Director of the Office of Institutional Equity determines that the Office does not have jurisdiction to pursue a Complaint under the Discrimination, Harassment, g and Retaliation Policy, the appropriate referrals will be made.

## **3. Steps in the Disciplinary Process**

In general, the procedural steps under the university [Discrimination Grievance Process](#) include the following:

- a. Upon receipt of a report of conduct prohibited by the policy that falls within the jurisdiction of the Office of Institutional Equity, the Office will offer the person who experienced the behaviors supportive and protective measures and invite the person to meet with a staff member to discuss the options available to the person and the process for filing a Formal Complaint.
- b. If the Complainant wishes to proceed with a Formal Complaint, the OIE staff will notify Respondent(s) of the allegations contained in the Formal Complaint and will conduct a preliminary investigation. Prior to completion of the investigation, the parties will be provided opportunity to review the evidence collected and submit a written response. The investigator will issue a pre-hearing investigative report.
- c. Upon completion of the pre-hearing investigative report, a Hearing Officer will preside over a live hearing at which each party will present witnesses and engage in cross-examination as allowed under the policy and will be advised by an advisor of their choosing or, if they have no advisor, one appointed by the university.
- d. Following the conclusion of the Hearing, the Hearing Officer will issue a written determination regarding responsibility using a preponderance of the evidence standard of proof. If applicable, the determination will include the sanctions to be imposed on the Respondent.
- e. The Investigator's findings will be provided to the Title IX Coordinator.
- f. Each party has the right to appeal the determination of responsibility to the Title IX Coordinator as outlined in the Discrimination Grievance Process.

A full description of the procedures can be found [here](#).

## **4. Anticipated Timelines**

The university makes every effort to complete the investigative process in a prompt manner, while adhering to the required time frames established in the policy and the schedules of the parties. Unless the investigation is complex and involves numerous witnesses, the university will complete an investigation within 120 days of the receipt of the report.

## **5. Decision-Making Process**

Generally, upon receipt of a Formal Complaint the decision-making process will follow the process described in section 4 above.

## **6. Standard of Evidence**

Preponderance of the Evidence.

## 7. Possible Sanctions

### *For Students*

Sanctions include, but are not limited to: Suspension, Expulsion, Conduct Probation, Suspension Warnings, Disciplinary Remand, Restitution, Residence Hall Sanctions, Community or University Service Requirements, Loss of Privileges, Trespass from Campus and affiliated properties.

### *For Employees*

Sanctions include, but are not limited to: Termination, Letter of Warning, Letter of Expectation, Leave with Pay, Leave Without Pay, Restitution, Disciplinary Remand, Trespass from Campus and affiliated properties, and other progressive discipline as deemed appropriate.

## 8. Range of Protective Measures Available to a Victim

Supportive and protective measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, safety planning, referrals to on and off-campus services, trainings, mutual restrictions on contact, and other similar measures.



## **MSU SEXUAL OR VIOLENT OFFENDER LIST (MONTANA STATE SEX OFFENDER REGISTRY)**

The federal Campus Crimes Prevention Act, enacted on October 28, 2000, requires:

1. Registered sex offenders to provide notice, as required under State law, of each institution of higher education where they are employed or enrolled;
2. States must make this information available to a law enforcement agency where the institution of higher education is located; and
3. Institutions of higher education must advise the campus community where the information on registered sex offenders can be obtained.

The MSU Police Department has a website that lists individuals who are registered with the Montana Department of Justice as sexual or violent offenders and who are affiliated with the institution. Updates to the MSU Sexual or Violence Offender List are made regularly and throughout the year. To search the current names of offenders for sexual offender pictures and additional information, go to <https://app.doj.mt.gov/apps/svow/search.aspx>

## **ADDITIONAL CAMPUS SECURITY POLICIES**

### **UNIVERSITY WEAPONS POLICY AND STORAGE POLICY**

The University has a weapons policy that outlines various definitions, storage facilities, and corresponding procedures for safe handling and transportation of firearms and other weapons. Based on this policy, no person, student or University employee, may carry or possess a weapon, regardless of whether the person has a permit to carry a concealed weapon, on University premises except as authorized by the University weapons policy.

Students residing in University residence halls or visiting campus must store all weapons at the University's weapons storage facility located adjacent to the University Police Department. All weapons must be unloaded and in a hard gun case. Storage of any weapon in a parked vehicle on campus is strictly prohibited. Concealed carry permits are not recognized on campus.

Licensed peace officers working in the course and scope of their employment as law enforcement officers and employees of a contracted private security company, registered to carry firearms pursuant to Title 37, Chapter 60, MCA, working in the course and scope of their employment, are authorized to carry loaded firearms on campus.

Students and employees who violate the provisions of this policy shall be subject to disciplinary action, up to and including expulsion or termination of employment. The University Police Department shall be responsible for appropriate enforcement of the policy for visitors and others on campus which may include removal from the campus, restriction of access to campus under section 1200.00 of the Facilities Use Manual, criminal and/or civil proceedings.

## MISSING STUDENT POLICY

MSU has established a Missing Student Policy concerning the procedures for reporting and responding to reports of missing students. After 24 hours, when students are unaccounted for, they are presumed missing and the missing student procedures are invoked.

In accordance with the Higher Education Opportunity Act, MSU has a procedure that is followed when residential students are determined to be missing for 24 hours. Students residing in campus housing will be informed annually that each student has the option to identify a person designated as a confidential missing person contact to be notified by MSU 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 (specifically, the University Police Department) or the local law enforcement agency in which the student went missing. When students are informed of their option to provide a confidential contact, they are advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement and that it may not be disclosed outside of a missing person investigation.

Reports of missing students should be referred immediately to the University Police Department. If members of the MSU community believe that a student has been missing for 24 hours, it is critical that they report that information to UPD by calling (406) 994-2121. When a student is reported missing by any source, the University will determine whether the report is valid and, if so, will institute action to find the student. It will also notify other appropriate law enforcement agencies and specified University officials.

If the student has designated a missing person contact as recommended by this policy, or as offered by Housing, MSU will notify that contact person within 24 hours, if the student is determined to have been missing for 24 hours. If the missing student is under 18 years old and is not emancipated, MSU will notify the custodial parent or guardian and any other designated contact person within 24 hours.

For all missing students, MSU will notify the local law enforcement agency 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.

**Missing Student Procedures** – If the student is under the age of 18 and is not an emancipated individual, UPD 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, if above the age of 18, or is an emancipated minor, the University will inform the local law enforcement agency that has jurisdiction in the area that the student is missing within 24 hours.

## PARENTAL NOTIFICATION POLICY

Montana is one of two states in the country where State privacy law is more restrictive than Federal privacy law. Montana Code Annotated 20-25-515 - Release of student records prevent any State agency from releasing student records. When the Family Education Rights to Privacy Act (FERPA) was amended in 1998 to include parental notification provisions, the Montana University System determined that the above state law would prohibit such notification without the consent of the student.

## UNIVERSITY POLICIES ON ALCOHOL AND OTHER DRUGS

### Introduction

MSU has a Campus Alcohol and Drug Policy that promotes a healthy campus environment. That Policy is found at [www.montana.edu/policy/campus\\_alcohol\\_drug](http://www.montana.edu/policy/campus_alcohol_drug) and it conforms to the requirements of the [Drug Free Schools and Communities Act](#), and the Montana Board of Regents Policy 503.1, Alcoholic Beverages.

### Standards of Conduct

MSU's policy prohibits unlawful possession, consumption, use, distribution or sale of illicit drugs and alcohol by students and employees on campus property. These acts are prohibited by both the Student Conduct Code and Section 1230 of the Personnel Policies and Procedures Manual. The University Police Department has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

MSU is a tobacco-free campus, which includes all nicotine delivery devices. Even though medical marijuana is legal in the state of Montana, University policy prohibits use in compliance with federal and state law which prohibits the possession and/or use of drug paraphernalia at educational institutions. On December 20, 2019, the President signed legislation raising the federal minimum age of sale of tobacco products from 18 to 21 years of age.

### Alcoholic Beverages

Montana Board of Regents Policy 503.1 provides that consumption of alcoholic beverages is permitted on property belonging to the Montana University System only as follows:

1. Within student living quarters, consumption of alcohol is allowed only by persons of legal age. Legal consumption by students in student living quarters shall not interfere with the rights of other residents and their guests or cause the normal operation of residence halls/student housing to be disrupted.
2. Within approved areas on campus property that are used or rented as approved by the President.

### Approval Process

MSU has established procedures for obtaining approval for events where alcohol will be available. See Section 890.00 of the Facilities Use Manual.

### **Residence Life and Family and Graduate Housing**

All events involving alcohol held on campus must receive approval from University Catering. University Catering provides information about policies, laws, and the procedures to initiate the University's approval process. The requirements for events with service of alcoholic beverages are found in the Campus Alcohol and Drug Policy and the Facilities Use Manual.

MSU's policy allows the possession and consumption of alcohol in the privacy of student rooms or individual family and graduate housing units, in accordance with applicable State law (legal drinking age in Montana is 21). However, it does not allow alcoholic beverages to be consumed in public areas such as hallways and lounges. If a public area is used for an event and alcohol will be present, the event sponsor must follow the requirements in Section 890 of the Facilities Use Manual. Also, the Policy does not allow parties or activities in student rooms where large amounts of alcohol are present.

Residence Hall social funds (managed by Residence Hall Association (RHA)) may not be used for the purchase of alcoholic beverages. Approved residence life and family and graduate housing sponsored functions involving alcohol must also adhere to the state law and the policies of the university. Off-campus events organized or sponsored by MSU Residence Life or Family and Graduate Housing may serve alcohol only in accordance with the Campus Alcohol and Drug Policy.

### **Fraternity/Sorority Organizations**

MSU Policy provides that possession and consumption of alcoholic beverages at Fraternity/Sorority houses and functions are subject to policies established by the Board of Regents, Montana State University, IFC/Panhellenic policies, and with national chapter policies, local ordinances, and State laws.

Any Fraternity/Sorority events must follow MSU's Alcohol and Drug Policy including its provisions concerning prohibitions on: alcohol at open parties; use of alcohol at recruitment functions; the use of Chapter funds for the purchase of alcohol. Events with alcohol must also meet the requirements for registration with university officials and other related requirements and procedures.

### **ASMSU, Departmental and Other Registered Student Organizations**

MSU's Alcohol and Drug Policy also regulates the use of alcohol at gatherings or events of ASMSU, registered student organizations, and other organized student groups. Such groups must follow MSU's policies and procedures governing the use of alcohol at events and must receive prior approval in accordance with Section 890.00 of the Facilities Use Manual. No organizational or ASMSU funds are allowed to be used to buy alcohol.

### **Stadium and Sports Facilities**

Alcohol use is not allowed in sports facilities except in specific locations (e.g., Stadium Club) or as authorized under Section 890.00 of the Facilities Use Manual. Alcohol concessions at Football games and at tailgating are allowed in accordance with the requirements of MSU policies.

### **University Employees and Outside Groups**

MSU's Alcohol and Drug policy also requires employee or private party events using university facilities that involve the service of alcohol to comply with the requirements of Section 890.00 of the Facilities Use Manual. No organizational funds of employee groups may be used to purchase alcohol.

### **Alcohol Marketing Guidelines**

MSU's Policy also regulates alcohol advertising and marketing on campus. It prohibits reference to alcoholic beverages, free drinks, and drinking games, and regulates any allowed advertising.

### **Illegal Drugs**

MSU's Policy also prohibits the use, possession, manufacture, sale, or distribution of any illegal drugs on University property or at University sponsored, including the non-medical use of prescription drugs.

### **Prescription Drug Abuse**

Students' inappropriate use of prescription drugs to "get high," cram for exams, or use to enhance sports performance is a violation of MSU's policy. Prescription drugs, when mixed with alcohol, are particularly dangerous and potentially lethal. This is especially true of opiates, such as OxyContin, Vicodin or other painkillers. Harmful effects of prescription drug abuse include:

1. Mental health: increased irritability, agitation, anger, apathy, depression, paranoia (delusions and Hallucinations), violence, and dependence.
2. Physical health: drastic changes in sleep patterns, sudden weight loss or gain, stunted growth, and dependence.

### **Medical Marijuana**

Although Montana state law permits the use of medical marijuana, i.e., use by persons possessing lawfully issued medical marijuana cards, federal laws prohibit marijuana use, possession and/or cultivation at educational institutions and on the premises of other recipients of federal funds. Therefore, MSU's Policy prohibits the use, possession or cultivation of marijuana for medical purposes in any Montana State University property, inclusive of housing; nor is it allowed at any University-sponsored event or activity off campus.

### **Health Risks of Alcohol and Drug Abuse**

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

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

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



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

### **Second-Hand Effects**

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

In compliance with the Drug Free Schools and Communities Act, Montana State University 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 MSU students and employees. A complete description of these topics, as provided in the University’s annual notification to students and employees, is available online on the [Office of the Dean of Students website](#).

## **Education, Prevention, and Treatment Programs**

Because of the health and social risks of alcohol and drug abuse, Montana State University provides alcohol and drug abuse prevention education, counseling and treatment programs, and recovery programs designed to reach all segments of the campus community.

All incoming students regardless of their age are required to take Alcohol EDU. AlcoholEdu for College, a science-based, interactive online program, provides students with facts and skill-based information on alcohol and sexual assault, other consequences of alcohol abuse, including alcohol's impact on the brain, body, and behavior. All incoming MSU students regardless of age, are required to take AlcoholEdu. The program matches course content to each student based on his or her behavior, attitudes, and what he or she already knows about alcohol.

Whether students choose to drink or not, AlcoholEdu is designed to encourage informed decision-making about alcohol use as well as providing skills to respond to the drinking and risk behaviors of friends and peers. The program delivers information with a non-judgmental tone that supports students in making their own plan to reduce the risk of harm associated with drinking while in college.

This program is one of many efforts at MSU to support better decision-making and a healthier campus environment where everyone every can live, study, work and play. MSU Office of Health Advancement provides education programs addressing risk reduction as well as policy development to prevent substance misuse.

Details about AlcoholEdu and MSU Office of Health Advancement are available at 406-994- 4380 or [www.montana.edu/oha](http://www.montana.edu/oha)

## **Student Treatment and Assistance – Alcohol and Drug Assistance Center/Insight Program**

The MSU Office of Health Advancement provides a voluntary, confidential resource to assist all students who are impacted directly or indirectly by chemical abuse through its Alcohol and Drug Assistance Center/Insight Program, including the MIP (Minor in Possession) program.

INSIGHT is a state approved three-level assistance and intervention program open to all MSU students, either by self- referral or by referral from MSU offices, departments or the local court system. This program can be contacted at (406) 994-5937, and is located at 1106 S 6th Avenue. Student confidentiality will be respected. The Center provides referral and pre- assessment support.

The Center:

- Offers referral assistance to students and their friends who have alcohol and other drug use issues.
- Offers workshops, seminars and training related to substance abuse.
- Provides support to friends and family who are affected by someone else's substance use/abuse.
- Supports other MSU offices, faculty and staff in issues relating to alcohol/drugs.
- Provides factual information and dispels myths about alcohol and other drugs.
- Disseminates information on local treatment and recovery program options.
- Provides information, support and referral for those students affected by behavioral compulsions and for students who are/were affected by chemical abuse within a family.

The Center also offers limited family counseling and referral. A licensed counselor will meet and consult with family or friends of students on a limited basis in order to discuss options and offer support. The Center also provides treatment referrals. The three levels (Focus Seminar, Brief Alcohol Screening and Interventions for College Student—BASICS, and Intervention and Referral) are described in detail on the Insight website.

Students can also call Insight at 406-587-2306.

A full-time licensed clinical and addiction counselor works specifically with substance abuse issues. This service is provided as part of the health fees and is free to participants.

The Office of Health Advancement/Insight program also supports Students in Recovery. The Insight office staff also includes an MIP Case Coordinator and graduate student employees. Graduate students facilitate the Level I Focus Seminars; the licensed counselor conducts the BASICS program and oversees Levels III interventions.

## CENTER FOR STUDENTS IN RECOVERY

The MSU Office of Health Advancement provides the Center for Students in Recovery. This is a community for students in sobriety, their allies, and those looking to gain or maintain recovery from addictive disorders. They provide sober events, fellowship, wellness mentoring and other resources. The Center provides recreational opportunities, service work, academic and professional growth as well as a peer-based recovery mentorship program that helps students manage and excel in challenging situations, on and off campus.

Details are available [www.montana.edu/oha](http://www.montana.edu/oha) or email at [crs@montana.edu](mailto:crs@montana.edu). The Center is located at 1106 S 6th Ave.

The Center for Recovering Students offers several Alcoholic Anonymous and Marijuana Anonymous meetings throughout the week. For more information on meeting times and dates please contact 406-994-5937.

### Students and Employees – General Counseling Services

In addition to the Student Alcohol and Drug Assistance/Insight Program, general counseling is available through [MSU's Counseling and Psychological Services](#) located in 211 Swingle, 406-994-4531. Assessments and individual counseling for students whose lives have been affected by their own or someone else's substance abuse are available. Persons who voluntarily avail themselves of university services shall be assured that applicable professional standards of confidentiality will be observed.

These counseling and rehabilitation services include:

1. Training professional staff and student staff on drug abuse information, intervention and referral;
2. Conducting education programs for students who have demonstrated abusive behavior with drugs;
3. Conducting individual counseling for members of the university community with drug problems;
4. Conducting drug abuse assessments;

5. Providing consultation, information and referral for students, staff and faculty with drug problems;
6. Designing and developing referral opportunities for members of the university community who desire to seek professional assistance beyond the campus. This will be done in cooperation with the employee assistance program and MSU Human Resources; and
- 7 Providing, with peer involvement, a system of intervention and referral services for students, faculty and staff.

This program has been designed to make faculty, students, administrators, and other employees served by the program comfortable, to give choice in the selection of assistance, to maintain confidentiality of clients, and to provide professional service.

Employees needing help in dealing with drug/alcohol problems or information on insurance coverage for treatment and rehabilitation programs may also contact Human Resources.

### **Enforcement and Sanctions**

MSU's policy provides that students who violate the University alcohol and drug abuse policy, city or state laws are subject to disciplinary action as a student under the Student Conduct Code; and employees violating the policy are subject to discipline under personnel policies or applicable collective bargaining agreement. Individuals may also be subject to criminal prosecution.

Student sanctions may include reprimand, probation, suspension, expulsion and/or restitution as well as required attendance at educational and/or treatment programs. Employee sanctions may include disciplinary measures up to and including termination. MSU may require the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who violates campus policy. (Section 1230.30 of the Personnel Policies and Procedures Manual.)

Criminal sanctions, regardless of status, may include jail, probation, mandatory counseling and/or education, fines, and suspension or revocation of driving privileges. Groups displaying unreasonable and irresponsible conduct or violating this University Alcohol/ Other Drugs policy will jeopardize continuance of the University- recognized or supported event and access to University service and facilities.

### **Biennial Review**

MSU's Office of the Dean of Students and the Office of Health Advancement reviews the University's drug and alcohol abuse prevention programs for students and employees biennially to determine the programs' effectiveness and to implement changes if needed. The review will include the collection of information about a) the number of drug and alcohol-related violations and fatalities that occur on campus or as part of the institution's activities which are reported to campus officials; and b) the number and types of sanctions imposed by the institution as a result of those drug and alcohol-related violations and fatalities.

A written report of the review shall be prepared and maintained by MSU for a period of at least three years.

## PREPARATION OF THE ANNUAL DISCLOSURE OF CLERY CRIME STATISTICS

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from the following sources: the University Police Department (UPD), the Bozeman Police Department, and Campus Security Authorities (CSAs). For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

All of the statistics are gathered, compiled, and reported to the University community via this report, which is published by the Office of the Dean of Students. The MSU Dean of Students submits the annual crime statistics published in this Report to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the Department of Education's website, and hardcopies of this report are available from the MSU Office of the Dean of Students.

Under the Clery Act, Montana State University is required to report annual crime statistics showing reported occurrences of specific types of crime for the benefit of current/prospective students and current/prospective employees.

Crimes reported under the Silent Witness Program are included in the annual disclosure of crime statistics. The VOICE Center staff report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. The VOICE Center staff will inform persons they are counseling that they will make these confidential reports. The VOICE Center staff will not disclose any identifying information without the written consent of the client.

Statistics pertaining to referrals for disciplinary action reflect those incidents of alcohol, drugs, and weapons violations that were referred to the Dean of Students, Director of Residence Life, and the Fraternity/Sorority Leadership for student disciplinary action.

Statistics for off-campus crime are not collected by the Bozeman Police Department or Gallatin County Sheriff's Office for Clery reportable offenses or arrests. The Dean of Students' Office has requested the information for public property and non-campus buildings or property within the jurisdiction of each agency.

However, the agencies have officially confirmed that they are not able to provide this data.

There are two private apartment complexes immediately adjacent to the campus and across from the MSU Football Stadium that are not affiliated with MSU-Bozeman. Visitors sometimes assume that those apartment buildings are part of the campus, but the institution has no written agreement with those apartment complexes to provide student housing. Thus, there are no MSU staff members assigned to those buildings and the policies, procedures, and statistics for those buildings are not addressed in the Annual Fire Safety Report. Furthermore, crime statistics are not provided for those private apartment buildings in the Annual Security Report.

## MSU CRIME STATISTICS: CLERY DATA

The following crime statistics are for selected crimes that have been reported to appropriate and corresponding police agencies or to campus security authorities based on our Clery geography. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

CRIMINAL OFFENSES (Reported by Hierarchy)	On-Campus			On-Campus Student Housing			Non-Campus			Public Property		
	17	18	19	17	18	19	17	18	19	17	18	19
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	9	10	9	9	9	5	4	1	2	0	2	0
Fondling	2	4	2	0	3	2	0	1	2	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	1	0	1	0	0	1	0	0	0	0	0	0
Aggravated Assault	4	3	2***	3	3	2***	0	2	1	0	0	0
Burglary	6*	2	6***	6*	1	5***	0	1	3***	0	0**	0***
Motor Vehicle Theft	0	0	1	0	0	0	0	1	0	0	1	0
Arson	0	1	0	0	1	0	0	0	0	0	0	0

VAWA OFFENSES	On-Campus			On-Campus Student Housing			Non-Campus			Public Property		
	17	18	19	17	18	19	17	18	19	17	18	19
Domestic Violence	8*	6	14***	8*	6	14***	0	0	0	0	0	0
Dating Violence	4	3	2	3	3	1	0	1	1	0	0	0
Stalking	15	11	16***	6	6	4***	0	0	2***	1	0	0

ARRESTS	On-Campus			On-Campus Student Housing			Non-Campus			Public Property		
	17	18	19	17	18	19	17	18	19	17	18	19
Weapons Law Arrests	0	0	0	0	0	0	0	0	0	0	2	0
Drug Law Arrests	129	101	105	107	86	85	2	0	13	7	6	3
Liquor Law Arrests	93	59	124	17	24	32	0	3	11	12	9	31

DISCIPLINARY REFERRALS	On-Campus			On-Campus Student Housing			Non-Campus			Public Property		
	17	18	19	17	18	19	17	18	19	17	18	19
Weapons Law Violations	0	0	0	0	0	0	0	0	1	0	0	0
Drug Law Violations	89	66	49	81	63	41	2	0	0	0	2	0
Liquor Law Violations	235	236	235	208	218	218	3	1	3	4	2	3

\*A change in recordkeeping software revealed a discrepancy in the number of reports of crime to the University Police Department. MSU became aware of the discrepancy on September 11, 2019. The revised 2018 report was published on September 27, 2019.

\*\*The original 2019 ASFSR reported 2 burglaries on public property in 2018. The University later discovered that these two burglaries occurred adjacent to the University and not within our Clery geography. MSU became aware of the discrepancy on October 16, 2019. This revised 2019 report was published on October 22, 2019

\*\*\*The original 2020 ASFSR was published on November 13, 2020. An administrative error was discovered by the University on December 22, 2020 that has since changed a number of MSU's crime statistics. These statistics have been updated and the revised 2020 report was published on January 28, 2021.

## UNFOUNDED CRIMES

Year	Description
2019	One unfounded crime***
2018	No unfounded crime
2017	One unfounded crime

## HATE CRIMES BY CATEGORY AND BIAS

Year	Description
2019	One on-campus housing Intimidation incident, characterized by Racial and Sexual Orientation Bias***
2018	One on-campus housing Intimidation incident – characterized by National Origin Bias. One public property Intimidation incident – characterized by Racial Bias.
2017	Three on-campus Vandalism incidents, two characterized by Racial Bias, one characterized by Sexual Orientation Bias. Two on-campus Intimidation incidents, one characterized by Racial Bias, and one characterized by National Origin Bias (on-campus housing)

## DEFINITION OF CRIME CATEGORIES UNDER FEDERAL LAW

Criminal Offenses are defined as outlined by the U.S. Department of Justice, FBI National Incident-Based Reporting System. For the purposes of complying with the requirements of 34 CFR 668.41, and incident meeting these definitions is considered a crime for the purpose of Clery Act reporting.

1. **Murder & Non-Negligent Manslaughter:** The willful (non- negligent) killing of one human being by another. Any death caused by injuries received in a fight, argument, quarrel, assault, or commission of a crime is classified as murder and non- negligent manslaughter.
2. **Manslaughter by Negligence:** Is defined as the killing of another person through gross negligence. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities, are not included in the category Manslaughter by Negligence.
3. **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
  - a) **Rape:** 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.
  - b) **Fondling:** 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 his/her age or because of his/her temporary or permanent mental or physical incapacity. (Because there is no penetration in fondling, this



- offense will not convert to the SRS as Rape)
- c) **Incest:** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) **Statutory Rape:** sexual intercourse with a person who is under the statutory age of consent.
4. **Robbery:** The taking, or attempted taking, of anything of value from one person by another, in which the offender uses force or the threat of violence.
  5. **Aggravated Assault:** Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
  6. **Burglary:** The unlawful entry into a building or other structure with the intent to commit a felony or a theft.
  7. **Motor-Vehicle Theft:** The theft or attempted theft of a motor vehicle, including automobiles, trucks, motorcycles, and mopeds.
  8. **Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, or aircraft, personal property of another, etc.
  9. **Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, 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, or by any other person against an adult or youth victim who is protected from that persons acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
  10. **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; and, where the existence of such a relationship shall be determined by the victim with consideration of the following factors: (1) The length of the relationship, (2) The type of relationship, (3) The frequency of the interaction between the persons involved in the relationship.
  11. **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 to suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts 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.
    - \* *Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.*
    - \* *Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.*
  12. **Liquor-Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned offenses.
    - \* *Drunkenness and driving under the influence are not included in this definition.*
  13. **Drug-Law Violations:** Violations of State and local laws relating to the unlawful possession,

sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

14. **Weapons-Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned offenses.

### Categories of Prejudice

Hate Crime is defined as a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability.

For Clery Act reporting purposes, hate crimes include any offense in the following list that is motivated by bias:

- Murder and Non-negligent manslaughter
- Sex Offense
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Destruction/Damage/Vandalism to Property
- Intimidation
- Larceny/Theft
- Simple Assault

### Hate Crime Bias

- Race
- Gender
- Religion
- National Origin
- Sexual Orientation
- Gender Identity
- Ethnicity
- Disability



## DEFINITION OF CRIME CATEGORIES UNDER MONTANA LAW

The terms Domestic Violence, Dating Violence, Sexual Assault, Stalking and Consent are defined in the applicable jurisdiction as outlined by Montana Code Annotated (MCA) 2019, Title 45. Crimes, Chapter 5. Offenses Against the Person, Part 5. Sexual Crimes.

1. **Domestic Violence:** The state of Montana does not have a definition of domestic violence.
2. **Dating Violence:** The state of Montana does not have a definition of dating violence.
3. **Sexual Assault:** The state of Montana defines sexual assault as follows: Montana Code Annotated (MCA) 40- 15-116. Definitions: As used in 40-15-115 through 40-15-121, the following definitions apply: (5) “Sexual assault” means sexual assault as defined in 45-5-502, sexual intercourse without consent as defined in 45-5-503, incest as defined in 45-5-507, or sexual abuse of children as defined in 45-5- 625.

### 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.
  - 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.
2. 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.
3. An act “in the course of committing sexual assault” includes an attempt to commit the offense or flight after the attempt or commission.
  - a. Subject to subsections (5)(b) and (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 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. Irceiving services from a youth care facility, as defined in 52-2-602, and the perpetrator:
      - A. lhas supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
      - B. lis an employee, contractor, or volunteer of the youth care facility; or
    - iv. ladmitted 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 **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**;
- 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; or
- vi. 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.

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

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.

#### **45-5-220 Stalking – exemption – penalty**

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. 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.
  - a. 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.
  - b. A person convicted of stalking may be sentenced to pay all medical, counseling, and other costs incurred by or on behalf of the victim as a result of the offense.
5. Upon presentation of credible evidence of violation of this section, an order may be granted, as set forth in Title 40, chapter 15, restraining a person from engaging in the activity described in subsection (1).
6. For the purpose of determining the number of convictions under this section, “conviction” means:
  - a. a conviction, as defined in **45-2-101**, in this state;
  - b. a conviction for a violation of a statute similar to this section in another state; or
  - c. a forfeiture of bail or collateral deposited to secure the defendant’s appearance in court in this state or another state for a violation of a statute similar to this section, which forfeiture has not been vacated.
7. Attempts by the accused person to contact or follow the stalked person after the accused person has been given actual notice that the stalked person does not want to be contacted or followed constitutes prima facie evidence that the accused person purposely or knowingly followed, harassed, threatened, or intimidated the stalked person.

## Consent

The State of Montana defines consent, in relation to sexual activity, with reference to sexual assault, in the applicable jurisdiction (Montana Code Annotated (MCA) 2019, (45-5-501), as follows:

1. 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:
  - a. an expression of lack of consent through words or conduct means there is no consent or that consent has been withdrawn;
  - b. 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
  - c. lack of consent may be inferred based on all of the surrounding circumstances and must be considered in determining whether a person gave consent.
2. Subject to subsections (1)(c) and (1)(d), the victim is incapable of consent because the victim is:
  - a. mentally defective or incapacitated; b. physically helpless; c. overcome by deception, coercion, or surprise; d. less than 16 years old;
  - b. As used in subsection (a), the term “force” means:
    - i. the infliction, attempted infliction or threatened infliction of bodily injury or the commission of a forcible felony by the offender; or
    - ii. the threat of substantial retaliatory action that caused the victim to reasonably believe that the offender has the ability to execute the threat.

## 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
<b>Under 18 years of age who is convicted</b>	<b>1st Offense</b>	Shall be fined an amount not less than \$100 and not to exceed \$300 and: <ul style="list-style-type: none"> <li>• shall be ordered to perform 20 hours of community service;</li> <li>• 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</li> <li>• 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).</li> </ul>
	<b>2nd Offense</b>	Shall be fined an amount not less than \$200 and not to exceed \$600 and: <ul style="list-style-type: none"> <li>• shall be ordered to perform 40 hours of community service;</li> <li>• 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;</li> <li>• 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</li> <li>• shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8).</li> </ul>
	<b>3rd or Subsequent Offense</b>	Shall be fined an amount not less than \$300 or more than \$900 and: <ul style="list-style-type: none"> <li>• shall be ordered to perform 60 hours of community service,</li> <li>• 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</li> <li>• shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8).</li> <li>• If the person has a driver's license, the court shall confiscate the license for 6 months, except as provided in subsection (2)(b).</li> </ul>

<b>18 Years of age or older who is convicted</b>	<b>1st Offense</b>	<p>Shall be fined an amount not less than \$100 or more than \$300 and:</p> <ul style="list-style-type: none"> <li>• shall be ordered to perform 20 hours of community service; and</li> <li>• 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).</li> </ul>
	<b>2nd Offense</b>	<p>Shall be fined an amount not less than \$200 or more than \$600 and:</p> <ul style="list-style-type: none"> <li>• shall be ordered to perform 40 hours of community service; and</li> <li>• 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.</li> </ul>
	<b>3rd or Subsequent Offense</b>	<p>Shall be fined an amount not less than \$300 or more than \$900, and:</p> <ul style="list-style-type: none"> <li>• shall be ordered to perform 60 hours of community service;</li> <li>• 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</li> <li>• in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months</li> </ul>
<b>A person under the age of 21</b> (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:

1. 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;
2. 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
3. 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 61-8-506(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
<b>1st Offense</b>	<ul style="list-style-type: none"> <li>a) 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.</li> <li>b) 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.</li> <li>c) 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.</li> </ul>
<b>2nd Offense</b>	<ul style="list-style-type: none"> <li>a) 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.</li> <li>b) 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.</li> <li>c) 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.</li> </ul>
<b>3rd Offense</b>	<ul style="list-style-type: none"> <li>a) 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.</li> <li>b) 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.</li> <li>c) 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.</li> </ul>
<b>4th Offense – Felony</b>	<ul style="list-style-type: none"> <li>4. If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 61-8-731 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.</li> <li>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.</li> </ul>

**Montana's law on selling or furnishing alcohol to minors****16-6-305. Age limit for sale or provision of alcoholic beverages – liability of provider**

- A. Except in the case of an alcoholic beverage provided in a nonintoxicating quantity to a person under 21 years of age by the person's parent or guardian, physician or dentist for medicinal purposes, a licensed pharmacist upon the prescription of a physician, or an ordained minister or priest in connection with a religious observance, a person may not sell or otherwise provide an alcoholic beverage to a person under 21 years of age.
  - B. A parent, guardian, or other person may not knowingly sell or otherwise provide an alcoholic beverage in an intoxicating quantity to a person under 21 years of age.
  - C. For the purposes of this section, "intoxicating quantity" means a quantity of an alcoholic beverage that is sufficient to produce:
    - i. a blood, breath, or urine alcohol concentration in excess of 0.05;
    - ii. substantial or visible mental or physical impairment.
1. A person is guilty of a misdemeanor who:
    - i. invites a person under the age of 21 years into a public place where an alcoholic beverage is sold and treats, gives, or purchases an alcoholic beverage for the person;
    - ii. permits the person in a public place where an alcoholic beverage is sold to treat, give, or
    - iii. purchase alcoholic beverages for the person; or holds out the person to be 21 years of age or older to the owner of the establishment or to the owner's employee.
  2. It is unlawful for any person to fraudulently misrepresents the person's age to any dispenser of alcoholic beverages or to falsely procure any identification card or to alter any of the statements contained in any identification card, including a tribal identification card.
  3. A person 21 years of age or older who violates the provisions of subsection (1)(b) is, in addition to applicable criminal penalties, subject to civil liability for damages resulting from a tortious act committed by the person to whom the intoxicating substance was sold or provided if the act is judicially determined to be the result of the intoxicated condition created by the violation.

**Montana's open container laws****61-8-460. Unlawful possession of open alcoholic beverage container in motor vehicle on highway**

1. Except as provided in subsection 2), a person commits the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle if the person knowingly possesses an open alcoholic beverage container within the passenger area of a motor vehicle on a highway.
2. This section does not apply to an open alcoholic beverage container:
  - a. in a locked glove compartment or storage compartment;
  - b. in a motor vehicle trunk or luggage compartment or in a truck bed or cargo compartment;
  - c. behind the last upright seat of a motor vehicle that is not equipped with a trunk;
  - d. in a closed container in the area of a motor vehicle that is not equipped with a trunk and that is not normally occupied by the driver or a passenger; or
  - e. in the immediate possession of a passenger:

1. 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
  2. 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, 46-18-236, 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.

**Bozeman Municipal Code Sec. 4.04.030. - Public drinking or display of open alcoholic beverages; open 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.

**Bozeman Municipal Code 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**

**Bozeman Municipal Code 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.**

1. Except as provided in 50-32-609 or 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.

2. A person convicted of criminal possession of marijuana or its derivatives in an amount the aggregate weight of which does not exceed 60 grams of marijuana or 1 gram of hashish is, for the first offense, guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.
  - a. A person convicted of a second offense under this subsection (2) 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. A person convicted of a third or subsequent offense under this subsection (2) 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. This subsection does not apply to the possession of synthetic cannabinoids listed as dangerous drugs in **50-32-222**.
3. A person convicted of criminal possession of dangerous drugs not otherwise provided for in subsection (1) or (2) shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$5,000, or both.
4. A person convicted of a first violation under this section is presumed to be entitled to a deferred imposition of sentence of imprisonment.
5. Ultimate users and practitioners, as defined in **50-32-101**, and agents under their supervision acting in the course of a professional practice are exempt from this section.

**Possession of Dangerous Paraphilia (PODP)**

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

Except as provided in 50-32-609 or 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.



## 2020 ANNUAL CAMPUS FIRE SAFETY REPORT FOR REPORTING YEAR 2019

### INTRODUCTION

MSU publishes this Annual Fire Safety Report as part of its annual Clery Act/HEOA Compliance document, which contains information regarding fire safety practices, education and standards for the University. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire (see Fire Statistics later in this report).

In an effort to standardize the information an institution publishes on fire safety, the U.S. Department of Education requires all universities that maintain on-campus student housing facilities and receive U.S. Department of Education funding to publish an annual fire safety report, maintain a fire log, and report fire statistics to the Secretary of Education. The Annual Security and Fire Safety Report is also posted on the Montana State University Residence Life website. Paper copies of the full report are available upon request at the Residence Life Office during business hours.

**Federal Definition of Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. Fire safety is essential in protecting a campus community from injuries, deaths, business interruption, and property damage resulting from fires.

**On-Campus Student Housing:** A student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that make up the campus.

### FIRE REPORTING AND UNIVERSITY RESPONSE TO ARSON

If you suspect an active fire or witness evidence of a fire (smoking paper on bulletin board, fire in trash can, etc.), please call the University Police Department located at the corner of 7th Ave. and Kagy Blvd., in the Roy Huffman Building or dial:

- For emergencies call 911
- Non-Emergencies call (406) 994-2121

MSU is required to annually disclose statistical data on all fires that occur in on-campus housing facilities. To report a non-emergency fire which has already been extinguished in on-campus housing contact the University Police Department non-emergency line at (406) 994-2121.

Arson is the act of maliciously, voluntarily, and willfully setting fire to the building, buildings, or other property within the building. Arson is a criminal offense and will be treated as such. Any acts or attempted acts of arson will result in disciplinary sanctions, up to and including suspension or expulsion from the university as well as criminal charges.

If you are not sure if Campus Police or the Fire Department has been contacted, call 911 or the University Police Department immediately. Make a difference, please call and report arson. Concerned citizens can (and should) report fires and/or arson.

## UNIVERSITY FIRE MARSHAL

MSU's Fire Marshal is the authority that has jurisdiction over fire and life safety across Bozeman campus and as part of his duties annually reviews MSU's fire safety policies, evacuation plans, and oversees fire drills in MSU's academic buildings. For questions related to MSU's fire and life safety programs please contact MSU Fire Marshal Jake Zlomie at (406) 994-7583 or [jake.zlomie@montana.edu](mailto:jake.zlomie@montana.edu). The Department of Residence Life oversees MSU's fire safety efforts and drills in campus housing facilities.

## UNIVERSITY FIRE SAFETY POLICIES

**Smoking:** Montana State University became a “tobacco- free” campus, effective August 1, 2012. Smoking is prohibited within the residence halls, academic buildings, public areas and student rooms. Smoking is prohibited in all Family & Graduate Housing Apartments and grounds.

**Open Flames:** Within the residence halls system, any type of open flame is prohibited. Within Family and Graduate Housing open flames are allowed when operated under safe conditions.

**Use of Portable Electrical Appliances:** Within the residence halls, hot plates, George Foreman Grills, and toaster ovens are not permitted. Other appliances are allowed provided there are no exposed heating elements. Within Family and Graduate Housing, standard household electrical appliances are allowed.

**Candles:** Burning candles in campus housing is prohibited (Residence Life Handbook)

**Lamps:** Halogen lamps, lava lamps, and space heaters are not allowed in the residence halls due to significant fire hazards. (Residence Hall Handbook) Incense - Burning of incense in the residence halls is strictly prohibited. (Residence Hall Handbook)

**Family and Graduate Housing Fire Safety rules:** Gasoline, kerosene, burning fluid, or other combustible or explosive materials are prohibited. Any condition that creates a fire hazard is prohibited and must be eliminated upon request of University Staff.

## PROHIBITED ACTS

The following acts are prohibited in any University Housing and will result in disciplinary action and possible criminal charges:

1. Misuse of any fire equipment, including extinguishers, pipes, pull stations, smoke/heat detectors, hoses, exit signs, emergency lights, horns, alarms, bells, and doors;
2. starting fires or setting off false alarms;
3. failing to evacuate and/or hindering in the evacuation of others; and
4. the use of fire escapes during a “non- emergency” (Residence Hall Handbook)

## FIRE EVACUATION PROCEDURES

Fire alarms alert community members of potential hazards, and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. Fire drills are mandatory and failure to participate in fire drill is subject to disciplinary action.

When a fire alarm is activated, the elevators in most buildings will recall automatically to a safe floor. Occupants should use the stairs to evacuate the building. If you are caught in an elevator, push the emergency phone button. The emergency phones in elevators on campus typically ring to Montana State University Police Dispatch at the Gallatin County 911 Center.

**Residence Life:** Resident Advisors explain the evacuation procedures to residents at the first-floor meeting of each academic year, including discussion of evacuation plans posted at each floor exit door. Residents are directed to exit through the nearest safe exit route/stairwell, and are informed of the exterior hall meeting location for students. Students are required to evacuate any residence hall immediately upon the sound of an alarm and may not re-enter until authorized by University personnel.

During the alarm, front desk personnel document the fire alarm and evacuation progress. Residence Life Senior Staff members facilitate the fire panel and direct residence life staff during the alarm. Residents are not permitted to re-enter until Residence Life staff, fire department personnel, and/or University Police give authorization.

**Family and Graduate Housing:** Tenants are instructed to evacuate their apartment and call 911 if they hear an alarm or see smoke or fire.

## FIRE SAFETY EDUCATION AND TRAINING

### Procedures that Students and Employees Should Follow in Case of Fire

In these programs, procedures that students and employees should follow in case of a fire are reviewed and include the following:

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

- 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.**
- 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.
- 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.

- 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.
- 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.
- **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.
- Each resident should report to their assigned assembly area. Resident life staff should report to their assigned assembly area and make sure that students have cleared the building. Conduct a head count and do not allow re-entry into the building until directed to do so by emergency personnel.

### **Residence Life**

All residence halls are equipped with portable fire extinguishers and Resident Advisors attend and complete fire extinguishing training and fire evacuation simulation each academic year. Students in the residence halls are provided with the housing requirements set forth in the Residence Life Handbook and are instructed on evacuation procedures.

### **Family and Graduate Housing**

**Check-in Appointment** – Tenants are required to attend a check-in appointment within one week of their move into their apartment. During this meeting, tenants are given the following instructions. These are ongoing throughout the year, dependent on when the tenant(s) obtains housing.

- If an alarm is audible, vacate the building immediately in a safe manner;
- If smoke or fire are visible, dial 911 immediately and report visible fire/smoke;
- Tenants are encouraged and instructed to practice E.D.I.T.H. (more information below)

**Fire Safety Brochure** – A fire safety brochure is delivered to all tenants during our week of welcome. This provides information for new tenants and a refresher for existing tenants. Details are listed below:

- **E.D.I.T.H (Exit Drills in the Home)** – education materials provided by NFPA (National Fire Protection Association) are provided to the tenants.
- **Family & Graduate Housing Safety Fair** – Held within first two weeks of fall semester, the Annual Safety Fair is an event for all tenants of Family & Graduate Housing. Fire safety is featured, along with a variety of other safety related topics (bicycle safety, household safety/security, neighborhood crime reporting, fire extinguisher training, personal safety, etc.)
- All Family & Graduate Housing Apartments are equipped with portable fire extinguishers and Community Assistants attend and complete live fire extinguisher training.

## **FIRE DRILLS AND FIRE SAFETY SYSTEMS**

The Higher Education Act (HEA) defines a fire drill as “A supervised practice of a mandatory evacuation of a building for a fire.” Fire drills are announced and assist in the educational process for students and staff alike. Within the residence halls and Family & Graduate Housing (FGH),



fire drills are conducted in each building at the beginning of each academic period. Fire drills are scheduled with staff and unannounced to the general public.

The table below lists the various fire drills conducted in 2019, as well as a list of on campus residential and academic buildings and their current fire/life safety status.

	Fire Alarm Monitoring Done On Site	Partial Sprinkler System <sup>5</sup>	Full Sprinkler System <sup>6</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans/ Placards	Number of Evacuation (fire) drills each calendar year
<b>RESIDENTIAL FACILITIES</b>							
<b>East Julia Martin 101-111</b>	NO	NO	NO	YES	YES	NO	2
<b>Gallatin Hall</b>	YES	N/A	YES	YES	YES	NO	2
<b>Hannon Hall</b>	YES	N/A	YES	YES	YES	NO	2
<b>Hapner Hall</b>	YES	N/A	YES	YES	YES	NO	2
<b>Hedges Hall (North)</b>	YES	N/A	YES	YES	YES	NO	2
<b>Hedges Hall (South)</b>	YES	N/A	YES	YES	YES	NO	2
<b>Jefferson Hall</b>	YES	N/A	YES	YES	YES	NO	2
<b>Johnstone Hall</b>	YES	N/A	YES	YES	YES	NO	2
<b>Langford Hall</b>	YES	N/A	YES	YES	YES	NO	2
<b>Madison Hall</b>	YES	N/A	YES	YES	YES	NO	2
<b>Miller Dining</b>	YES	N/A	YES	YES	YES	NO	0
<b>Quads A-F</b>	YES	N/A	YES	YES	YES	NO	2
<b>Roskie Hall</b>	YES	N/A	YES	YES	YES	NO	2
<b>West Julia Martin 112-115</b>	NO	NO	NO	YES	YES	NO	0
<b>Yellowstone Hall</b>	YES	N/A	YES	YES	YES	NO	2
<b>FAMILY &amp; GRADUATE HOUSING</b>							
<b>Branegan Court</b>	NO	NO	NO	YES	YES	NO	0
<b>Grant Chamberlain</b>	NO	NO	NO	YES	YES	NO	0
<b>McIntosh Court</b>	NO	N/A	YES	YES	YES	NO	0
<b>Nelson Story Tower</b>	YES	N/A	YES	YES	YES	NO	0
<b>Paisley Court</b>	NO	NO	NO	YES	YES	NO	0
<b>Peter Koch Tower</b>	YES	N/A	YES	YES	YES	NO	0
<b>South Street Residence</b>	NO	NO	NO	YES	YES	NO	0
<b>West Side Houses</b>	NO	NO	NO	YES	YES	NO	0
<b>West Julia Martin 116-119</b>	NO	NO	NO	YES	YES	NO	0

<sup>5</sup> Partial Sprinkler System is defined as having sprinklers in the common areas only.

<sup>6</sup> Full Sprinkler system is defined as having sprinklers in both the common areas and individual rooms.

**FIRE SAFETY REPORT LOG 2017/2018/2019**

The [MSU Fire Log](#) includes date, time and location of fire reports and the nature of the fire for the past three years in on-campus living units. The MSU Fire Log is accessible online and hard copies are available at the Residence Life Office during normal business hours.

The following table indicates the fire statistics from each on-campus housing facility during the last three years.

<b>2017 RESIDENTIAL FACILITIES</b>	<b>Total Number of Fires in Each Building</b>	<b>Fire Number</b>	<b>Cause of Fire</b>	<b>Number of Injuries That Required Treatment at a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire (in USD)</b>
East Julia Martin 101-111	0	0	0	0	0	0
Gallatin Hall	0	0	0	0	0	0
Hannon Hall	0	0	0	0	0	0
Hapner Hall	0	0	0	0	0	0
Hedges Hall (North)	0	0	0	0	0	0
Hedges Hall (South)	0	0	0	0	0	0
Jefferson Hall	0	0	0	0	0	0
Johnstone Hall	0	0	0	0	0	0
Langford Hall	0	0	0	0	0	0
Madison Hall	0	0	0	0	0	0
Miller Dining	0	0	0	0	0	0
Quads A-F	0	0	0	0	0	0
Roskie Hall	0	0	0	0	0	0
West Julia Martin 112-115	0	0	0	0	0	0
Yellowstone Hall	0	0	0	0	0	0

**FAMILY & GRADUATE HOUSING**

Branegan Court	0	0	0	0	0	0
Grant Chamberlain	0	0	0	0	0	0
McIntosh Court	0	0	0	0	0	0
Nelson Story Tower	0	0	0	0	0	0
Paisley Court	1	1	Unintentional – Cooking	0	0	\$0-99
Peter Koch Tower	0	0	0	0	0	0

South Street Residence	0	0	0	0	0	0
West Side Houses	0	0	0	0	0	0
West Julia Martin 116-119	1	1	Unintentional	0	0	\$0-99

<b>2018 RESIDENTIAL FACILITIES</b>	<b>Total Number of Fires in Each Building</b>	<b>Fire Number</b>	<b>Cause of Fire</b>	<b>Number of Injuries That Required Treatment at a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire (in USD)</b>
East Julia Martin 101-111	0	0	0	0	0	0
Gallatin Hall	0	0	0	0	0	0
Hannon Hall	0	0	0	0	0	0
Hapner Hall	0	0	0	0	0	0
Hedges Hall (North)	3	1	Unintentional – Heating Equipment	0	0	\$0-99
		2	Unintentional – Electrical	0	0	\$0-99
		3	Unintentional – Heating Equipment	0	0	\$0-99
Hedges Hall (South)	0	0	0	0	0	0
Jefferson Hall	0	0	0	0	0	0
Johnstone Hall	0	0	0	0	0	0
Langford Hall	0	0	0	0	0	0
Madison Hall	0	0	0	0	0	0
Miller Dining	0	0	0	0	0	0
Quads A-F	0	0	0	0	0	0
Roskie Hall	0	0	0	0	0	0
West Julia Martin 112-115	0	0	0	0	0	0
Yellowstone Hall	1	1	Intentional	0	0	\$0-99

**FAMILY & GRADUATE HOUSING**

Branegan Court	0	0	0	0	0	0
Grant Chamberlain	0	0	0	0	0	0
McIntosh Court	0	0	0	0	0	0
Nelson Story Tower	0	0	0	0	0	0
Paisley Court	1	1	Unintentional - Cooking	0	0	\$0-99
Peter Koch Tower	0	0	0	0	0	0
South Street Residence	0	0	0	0	0	0
West Side Houses	0	0	0	0	0	0
West Julia Martin 116-119	1	1	Unintentional	0	0	\$0-99

<b>2019 RESIDENTIAL FACILITIES</b>	<b>Total Number of Fires in Each Building</b>	<b>Fire Number</b>	<b>Cause of Fire</b>	<b>Number of Injuries That Required Treatment at a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire (in USD)</b>
East Julia Martin 101-111	0●●●	0●●●	0●●●	0	0●●●	0●●●
Gallatin Hall	0	0	0	0	0	0
Hannon Hall	0	0	0	0	0	0
Hapner Hall	0	0	0	0	0	0
Hedges Hall (North)	0●●●	0●●●	0●●●	0	0	0●●●
Hedges Hall (South)	0	0	0	0	0	0
Jefferson Hall	0	0	0	0	0	0
Johnstone Hall	0	0	0	0	0	0
Langford Hall	0	0	0	0	0	0
Madison Hall	0	0	0	0	0	0
Miller Dining	0	0	0	0	0	0
Quads A-F	0	0	0	0	0	0
Roskie Hall	0	0	0	0	0	0
West Julia Martin 112-115	0	0	0	0	0	0
Yellowstone Hall	0	0	0	0	0	0

**FAMILY & GRADUATE HOUSING**

Branegan Court	1	1	Unintentional – Cooking	0	0	\$0-99
Grant Chamberlain	0	0	0	0	0	0
McIntosh Court	0	0	0	0	0	0
Nelson Story Tower	0	0	0	0	0	0
Paisley Court	0	0	0	0	0	0
Peter Koch Tower	0	0	0	0	0	0
South Street Residence	0	0	0	0	0	0
West Side Houses	1	1	Unintentional – Cooking	0	0	\$0-99
West Julia Martin 116-119	0	0	0	0	0	0

*\*A change in recordkeeping software revealed a discrepancy in the number of reports of crime to the University Police Department. MSU became aware of the discrepancy on September 11, 2019. The revised 2018 report was published on September 27, 2019.*

*\*\*The original 2019 ASFSR reported 2 burglaries on public property in 2018. The University later discovered that these two burglaries occurred adjacent to the University and not within our Clery geography. MSU became aware of the discrepancy on October 16, 2019. This revised 2019 report was published on October 22, 2019*

*\*\*\*The original 2020 ASFSR was published on November 13, 2020. An administrative error was discovered by the University on December 22, 2020 that has since changed a number of MSU's crime statistics. These statistics have been updated and the revised 2020 report was published on January 28, 2021.*

**PLANS FOR FUTURE IMPROVEMENTS IN MSU'S FIRE SAFETY**

Montana State University is committed to reviewing trends as it relates to residence hall fire incidents, alarms and best practices in order to provide our campus community with a fire-safe living and learning environment. New programs and policies are developed as needed to help ensure the life safety for all faculty, staff and students. Montana State University is committed to enhancing the degree of fire and life safety of all campus facilities. As funding allows, the university would like to improve fire and life safety across facilities through:

- Single Station Smoke Alarm Upgrades within Dormitories





