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Notice of Revisions
2/28/2020
Dear Campus Community,

Our Montana Tech Annual Security and Fire Safety Report has been revised. The revised document is attached as a PDF to this email and is available online at https://www.mtech.edu/campus-safety/files/AnnualFireandSafetyReportREVISED2.25.2020.pdf

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

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

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

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

Montana Tech Campus

Changes Made:

Criminal Offenses On-Campus
- Criminal Offense: Rape was changed from 0 to 1 in 2016 and 0 to 1 2017
- Criminal Offense: Aggravated assault was changed from 0 to 1 in 2016
- Criminal Offense: Motor vehicle theft was changed from 1 to 2 in 2018

Date of Changes made: 2/25/2020

Reason for Changes: After consultation and intensive training, it was determined that data reporting was not adequately categorized.

Criminal Offenses On-Campus Student Housing Facilities
- Criminal Offense: Rape was changed from 0 to 1 in 2016 and 0 to 1 2017
- Criminal Offense: Aggravated assault was changed from 0 to 1 in 2016
Date of Changes made: 2/25/2020
Reason for Changes: After consultation and intensive training, it was determined that data reporting was not adequately categorized.

VAWA Offenses On-Campus
   Crime: Dating Violence was changed from 0 to 1 in 2016
   Crime: Stalking was changed from 0 to 1 in 2016, 0 to 3 in 2017, and 0 to 1 in 2018
Date of Changes made: 2/25/2020
Reason for Changes: After consultation and intensive training, it was determined that data reporting was not adequately categorized.

Arrests on-campus student housing facilities
   Crime: Weapons (Carrying, possessing, etc.) changed from 1 to 0 in 2018
Date of Changes made: 2/25/2020
Reason for Changes: After consultation and intensive training, it was determined that data reporting was not adequately categorized.

Disciplinary Actions - On Campus
   Crime: Drug abuse violations was changed from 0 to 1 in 2017 and 1 to 3 in 2018
Date of Changes made: 2/25/2020
Reason for Changes: After consultation and intensive training, it was determined that data reporting was not adequately categorized.

Disciplinary Actions - On-campus student housing facilities
   Crime: Weapons (Carrying, possessing, etc.) changed from 1 to 0 in 2018
   Crime: Drug abuse violations was changed from 0 to 1 in 2017 and 1 to 3 in 2018
Date of Changes made: 2/25/2020
Reason for Changes: After consultation and intensive training, it was determined that data reporting was not adequately categorized.

Fires- Summary (2016 and 2018)
In this category, the number of fire counts did not change, but the number of buildings accurately represent the correct Clery definition. Campus apartments have historically counted as one facility; However, based on Clery definitions, we have altered the campus apartments from one to three buildings.
Date of Change: 2/25/2020
Reason: After consultation and intensive training, it was determined that data reporting was not adequately categorized.

Highlands College Campus
With guidance from the Department of Education Help Desk, our consultants, and training, we now report Highlands College as a fully separate campus. This is due to being further than one mile from the main campus. Historically, we considered Highlands part of the main campus for reporting purposes.

Changes Made:
**Student Housing has been removed (2016, 2017, 2018)**
Historically Montana Tech was associating the residence halls with Highlands College; however, based on Clery definitions and geography, Highlands College does not have any on-campus housing.

**Date of Change:** 2/25/2020
**Reason:** After consultation and intensive training, it was determined that data reporting was not adequately categorized.

**Criminal Offenses - On-campus**
- Criminal Offense: Burglary was changed from 0 to 2 in 2016, 0 to 2 in 2017
- Criminal Offense: Motor vehicle theft was changed from 1 to 0 in 2018

**Date of Changes made:** 2/25/2020
**Reason for Changes:** After consultation and intensive training, it was determined that data reporting was not adequately categorized.

**VAWA Offenses On-Campus**
- Crime: Stalking was changed from 1 to 0 in 2016

**Date of Changes made:** 2/25/2020
**Reason for Changes:** After consultation and intensive training, it was determined that data reporting was not adequately categorized.

**Arrests On-Campus**
- Crime: Weapons (Carrying, possessing, etc.) changed from 1 to 0 in 2018

**Date of Changes made:** 2/25/2020
**Reason for Changes:** After consultation and intensive training, it was determined that data reporting was not adequately categorized.

2/25/2020
Dear Campus Community,


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

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

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

Below are the revisions made to the key areas for Montana Tech and Highlands College and the reasons for the changes. It is important to note that there have been no changes to the areas of hate crimes, crimes associated with public property, and unfounded crimes.

Montana Tech Campus

   We revised the counts in three out of 11 areas going from 0 to 1 or 1 to 2.  
   **Reason:** After consultation and intensive training, it was determined that data reporting was not adequately categorized.

2. **Criminal Offenses - On-campus Student Housing Facilities (2016 and 2017)**
   We revised the counting in two out of the 11 areas going from 0 to 1. These are duplicates of the on-campus counts.  
   **Reason:** After consultation and intensive training, it was determined that data reporting was not adequately categorized.

   We revised data in two out of three areas going from 0 to 1 or 0 to 3.  
   **Reason:** After consultation and intensive training, it was determined that data reporting was not adequately categorized.

4. **Arrests on-campus student housing facilities (2018)**
   In this category, we counted an arrest when it should not have been included changing it from a 1 to 0.  
   **Reason:** After consultation and intensive training, it was determined that data reporting was not properly categorized.

5. **Disciplinary Actions - On Campus (2017 and 2018)**
   In this category, we adjusted one out of the three categories going from 0 to 1 and 1 to 3.  
   **Reason:** After consultation and intensive training, it was determined that data reporting was not adequately categorized.

   In this case, we adjusted two out of three categories going from 1 to 0 and 1 to 3.  
   **Reason:** After consultation and intensive training, it was determined that data reporting was not adequately categorized.
7. **Fires- Summary (2016 and 2018)**
In this category, the number of fire counts did not change, but the number of buildings accurately represent the correct Clery definition. Campus apartments have historically counted as one facility; however, based on Clery definitions, we have altered the campus apartments from one to three buildings.
**Reason:** After consultation and intensive training, it was determined that data reporting was not adequately categorized.

**Highlands College Campus**
With guidance from the Department of Education Help Desk, our consultants, and training, we now report Highlands College as a fully separate campus. This is due to being further than one mile from the main campus. Historically, we considered Highlands part of the main campus for reporting purposes.

1. **Student Housing has been removed (2016, 2017, 2018)**
Historically Montana Tech was associating the residence halls with Highlands College; however, based on Clery definitions and geography, Highlands College does not have any on-campus housing.
**Reason:** After consultation and intensive training, it was determined that data reporting was not adequately categorized.

2. **Criminal Offenses - On-campus (years 2016, 2017, and 2018)**
In this category, we updated one out of the eleven areas going from 0 to 2 or 1 to 0 each year.
**Reason:** After consultation and intensive training, it was determined that data reporting was not adequately categorized.

3. **VAWA Offenses - On-campus (2016)**
In this category, we updated one out of the three areas going from 1 to 0.
**Reason:** After consultation and intensive training, it was determined that data reporting was not adequately categorized.

4. **Arrests on-campus (2018)**
In this category, we updated one of the three areas going from 1 to 0.
**Reason:** After consultation and intensive training, it was determined that data reporting was not adequately categorized.
All policy statements in the Annual Security and Fire Safety Report apply to the following campuses:
Montana Tech and Highlands College unless otherwise stated in the report.

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

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

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

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


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

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

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

In addition to the crimes listed in (iii), hate crimes are also disclosed for those listed in (i). The statistics provide an overall picture of crime at MT from January 1 to December 31 for 2016, 2017, and 2018.
Crime statistics are collected annually from law enforcement agencies with concurrent law enforcement jurisdiction(s) surrounding MT and off-site properties or facilities owned or controlled by MT. These law enforcement agencies provide crime statistics they have collected for crimes occurring on on-campus properties or public property immediately adjacent to MT properties or facilities. MT does not have any off-campus properties owned by student organizations.

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

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

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

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

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

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

Counting Hierarchy

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

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

There are exceptions to using the Hierarchy Rule when counting offenses. They apply to Arson, Sexual Assaults, Hate Crimes and Violence Against Women Act (VAWA) Offenses. When applying these exceptions, MT must:
• Always count Arson regardless of the nature of any other offenses that were committed during the same incident. When multiple offenses are committed during the same distinct operation as the Arson offense, report the most serious offense along with the Arson.

• Include incidents in which persons are killed as a direct result of Arson as Murder and Non-negligent Manslaughter and Arson or Manslaughter by Negligence and Arson.

• Include a Sexual Assault as Fondling only if it is the only Sexual Assault.

• Count both the Sexual Assault and the Murder if Rape, Fondling, Incest or Statutory Rape occurs in the same incident as Murder.

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

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

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

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

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

Crime Statistics

Crime statistics can also be found online at: [https://www.mtech.edu/campus-safety/security-reports.html](https://www.mtech.edu/campus-safety/security-reports.html)

Montana Tech

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<th>Noncampus</th>
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### Domestic Violence

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### Dating Violence

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### Stalking

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### Residential Facilities*

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

Highlands College

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### Arrests and Referrals for Disciplinary Action

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#### Liquor Law Violation Referrals for Disciplinary Action

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#### Drug Law Violation Referrals for Disciplinary Action

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#### Weapons Law Violation Referrals for Disciplinary Action

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### VAWA Offenses

#### Domestic Violence

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#### Dating Violence

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#### Stalking

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</table>

### Unfounded Crimes

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

#### Montana Tech and Highlands College

2018: No Unfounded crimes reported
2017: No Unfounded crimes reported
2016: No Unfounded crimes reported
Hate Crimes
Montana Tech and Highlands College

2018: No Hate crimes reported
2017: No Hate crimes reported
2016: No Hate Crimes reported

Montana Tech Annual Security Report and Annual Fire Safety Report
Crime Reporting

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

Response to a Report

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

Reporting to MeetDisclosure Requirements

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

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

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

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

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

For contact information regarding personnel in these various positions, visit MT’s Directory at mtech.edu/directory. MT reporting offices, mandated and confidential alike, share resources to encourage victims of crime to report to the structure they feel is best for them. Confidential resources also encourage reporting parties to report crimes to Campus Security.
Anonymous Reporting

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

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

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

Pastoral Counselor

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

Professional Counselor

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

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

Timely Warnings

In the event a crime is reported or a situation arises, within the Montana Tech Clery Geography (On Campus, Public Property and Non-campus property), that, in the judgment of the Director of Environmental, Health and Safety and in consultation with the emergency/crisis management team when time permits, constitutes a serious or continuing threat, a campus wide “timely warning” notice will be issued.

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

Timely Warning Notices may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of Montana Tech.

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

Timely Warning Notices are typically written and distributed by the Director of Environmental, Health and Safety, or designee.

Timely Warning Notices will be issued to the campus community via email blast to all Montana Tech assigned email accounts. Timely warnings may also be issued using some or all of the following methods of communication: text messages or emails sent through the University’s Montana Tech ALERT system.

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

Disciplinary Procedures for Crimes Reported

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

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

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

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

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

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

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

**Security Considerations Used in the Maintenance of Campus Facilities**

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

**Campus Security Policies**

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

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

**Crime Prevention and Security Awareness Programming**

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

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

- Students and employees are informed about campus security procedures and encouraged to be responsible for their own security and the security of others through orientation programs, email notifications, the Student, Faculty/Staff, and Residence Hall Handbook publications.

- Crime prevention has been incorporated into the ongoing campus programming. Safety and Security topics and programs are incorporated into our Orientation and Hall Forums and addressed throughout the semester. Montana Tech offers workshops, trainings, publications, educational models, and speakers that focus on topics such as healthy relationships, personal safety, personal wellness, drug and alcohol abuse.

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

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

**Non-Campus Locations of Officially Recognized Student Organizations**

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

**Alcohol and Drugs**


- Use, possession, manufacture, sale, or distribution of any illegally controlled substance on Montana Tech’s property or at Montana Tech-sponsored activities is prohibited. Montana Tech prohibits the unlawful possession, use, and sale of alcoholic beverages on campus. Butte-Silver Bow police is responsible for the enforcement of state underage drinking laws and enforcement of Federal and State drug laws.

- This is in compliance with federal and state statutes, Montana Tech’s Community Expectation Program (Student Conduct Code), and the Drug-Free Workplace Act of 1988.

**Drug Free Schools and Communities Act**

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

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 or charged with the offense solely because the person was at a place where other persons were possessing or consuming alcoholic beverages. A person does not commit the offense if the person consumes or gains possession of an alcoholic beverage because it was lawfully supplied to the person under 16-6-305 or when in the course of employment, it is necessary to possess alcoholic beverages.

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

Montana’s Medical Amnesty Law 45-5-624. Possession of or unlawful attempt to purchase intoxicating substance

A person under 21 years of age may not be charged or prosecuted under subsection (1) if:
i. the person has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment;

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

iii. the person requires medical treatment as a result of consuming an intoxicating substance and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.

Montana’s Carrying False Identification Law

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

It is a misdemeanor for a person to:

1. display or cause or permit to be displayed or have in the person's possession a canceled, revoked, suspended, fictitious, or altered driver's license, identification card, or tribal identification card;

2. lend the person's driver's license, identification card, or tribal identification card to any other person or knowingly permit its use by another;

3. display or represent as one's own any driver's license, identification card, or tribal identification card not issued to the person;

4. fail or refuse to surrender to the department upon its lawful demand a driver's license or identification card that has been suspended, revoked, or canceled;

5. use a false or fictitious name in an application for a driver's license or identification card or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in an application; or

6. permit any unlawful use of a driver's license, identification card, or tribal identification card issued to the person.

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

Montana’s Public Drunkenness Law

61-8-508. Intoxicated pedestrian

Except in an authorized crosswalk, a person who is under the influence of alcohol or any drug may walk or stand in the public right-of-way, as defined in 60-1-103, but not on a roadway or a shoulder as is otherwise permissible under 61-8-506(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.

<table>
<thead>
<tr>
<th>Offense Level</th>
<th>Penalty</th>
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<tbody>
<tr>
<td>1st Offense</td>
<td>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 $2,000. The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending successful completion of a court-ordered chemical dependency assessment, education, or treatment by the person.</td>
</tr>
<tr>
<td>2nd Offense</td>
<td>Except as provided in subsection (4) or (5), a person convicted of a second violation of 61-8-401 shall be punished by a fine of not less than $1,200 or more than $2,000 and by imprisonment for not less than 7 days or more than 1 year, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by a fine of not less than $2,400 or more than $4,000 and by imprisonment for not less than 14 days or more than 1 year. The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.</td>
</tr>
<tr>
<td>3rd Offense</td>
<td>Except as provided in subsection (4) or (5), a person convicted of a third or subsequent violation of 61-8-401 shall be punished by imprisonment for a term of not less than 30 days or more than 1 year and by a fine of not less than $2,500 or more than $5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for a term of not less than 60 days or more than 1 year and by a fine of not less than $5,000 or more than $10,000. The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.</td>
</tr>
<tr>
<td>4th Offense – Felony</td>
<td>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.</td>
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</table>
Montana’s open container laws

Montana’s law on selling or furnishing alcohol to minors

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

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

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

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

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

2. It is unlawful for any person to fraudulently misrepresent 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
possessed by the driver or a passenger; or

e. in the immediate possession of a passenger:
   i. of a motor vehicle, including a bus, taxi, or limousine, that is used for the transportation of persons for compensation and that includes the provision of a hired driver; or
   ii. in the living quarters of a camper, travel trailer, or motor home.

3. A person convicted of the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle shall be fined an amount not to exceed $100.

4. A violation of this section is not a criminal offense within the meaning of 3-1-317, 3-1-318, 45-2-101, 46-18-236, 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.

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

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

**Sec. 4.04.070. Violation; penalty**

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

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

**Montana’s public urination or defecation laws**

**Sec. 24.06.010. Public urination and defecation**

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

**Possession of Dangerous Drugs (PODD)**

**45-9-102. Criminal possession of dangerous drugs**

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

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

Except as provided in Title 50, chapter 46, it is unlawful for a person to use or to possess with intent to use drug paraphilia 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 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 or imprisonment.

### Sexual Violence

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

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

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- **Domestic Violence:** A felony or misdemeanor crime of violence committed—
  i. By a current or former spouse or intimate partner of the victim;
  ii. By a person with whom the victim shares a child in common;
  iii. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  iv. 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;
  v. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  i. The existence of such a relationship shall be based on the reporting party'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.
  ii. For the purposes of this definition—
    a) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    b) Dating violence does not include acts covered under the definition of domestic violence.
  iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
**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 if incapable of giving consent.”

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

- **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

**Stalking:**

i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
   A) Fear for the person’s safety or the safety of others; or
   B) Suffer substantial emotional distress.

ii. For the purposes of this definition—
   A) **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.
   B) **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
   C) **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

- **Domestic Violence:** The state of Montana defines domestic violence as follows:

  45-5-206. Partner or family member assault -- penalty. (1) A person commits the offense of partner or family member assault if the person: (a) purposely or knowingly causes bodily injury to a partner or family member; (b) negligently causes bodily injury to a partner or family member with a weapon; or (c) purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family member. (2) For the purposes of Title 40, chapter 15, 45-5-231 through 45-5-234, 46-6-311, and this section, the following definitions apply: (a) "Family member" means mothers, fathers, children, brothers, sisters, and other past or present family members of a household. These relationships include relationships created by adoption and remarriage, including stepchildren, stepparents, in-laws, and adoptive children and parents. These relationships continue regardless of the ages of the parties and whether the parties reside in the same household. (b) "Partners" means spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship. (3) (a) (i) An offender convicted of partner or family member assault shall be fined an amount not less than $100 or more than $1,000 and be imprisoned in the county jail for a term not to exceed 1 year or not less than 24 hours for a first offense. (ii) An offender convicted of a second offense under this section shall be fined not less than $300 or more than $1,000 and be imprisoned in the county jail not less than 72 hours or more than 1 year. (iii) Upon a first or second conviction, the offender may be ordered into misdemeanor probation as provided in 46-23-1005. (iv) On a third or subsequent conviction for partner or family member assault, the offender shall be fined not less than $500 and not more than $50,000 and be imprisoned for a term not less than 30 days and not more than 5 years. If the term of imprisonment does not exceed 1 year, the person shall be imprisoned in the county jail. If the term of imprisonment exceeds 1 year, the person shall be imprisoned in the state prison. (v) If the offense was committed within the vision or hearing of a minor, the judge shall consider the minor's presence as a factor at the time of sentencing. (b) For the purpose of determining the number of convictions under this section, a conviction means: (i) a conviction, as defined in 45-2-101, under this section; (ii) a conviction for domestic abuse under this section; (iii) a conviction for a violation of a statute similar to this section in another state; (iv) if the offender was a partner or family member of the victim, a conviction for aggravated assault under 45-5-202 or assault with a weapon under 45-5-213; (v) a conviction for strangulation of a partner or family member under 45-5-215; (vi) a conviction in another state for an offense related to domestic violence between partners or family members, as those terms are defined in this section, regardless of what the offense is named or whether it is misdemeanor or felony, if the offense involves conduct similar to conduct that is prohibited under 45-5-202, 45-5-213, or this section; or (vii) a forfeiture of bail or collateral deposited to secure the defendant’s appearance in court in this state or in another state for a violation of a statute similar to this section, which forfeiture has not been vacated. (4) (a) An offender convicted of partner or family member assault is required to pay for and
complete a counseling assessment with a focus on violence, controlling behavior, dangerousness, and chemical dependency. An investigative criminal justice report, as defined in 45-5-231, must be copied and sent to the offender intervention program, as defined in 45-5-231, to assist the counseling provider in properly assessing the offender's need for counseling and treatment. Counseling providers shall take all required precautions to ensure the confidentiality of the report. If the report contains confidential information relating to the victim's location or not related to the charged offense, that information must be deleted from the report prior to being sent to the offender intervention program. (b) The offender shall complete all recommendations for counseling, referrals, attendance at psychoeducational groups, or treatment, including any indicated chemical dependency treatment, made by the counseling provider. The counseling provider must be approved by the court. The counseling must include a preliminary assessment for counseling, as defined in 45-5-231. The offender shall complete a minimum of 40 hours of counseling. The counseling may include attendance at psychoeducational groups, as defined in 45-5-231, in addition to the assessment. The preliminary assessment and counseling that holds the offender accountable for the offender's violent or controlling behavior must meet the standards established pursuant to 44-7-210 and be: (i) with a person licensed under Title 37, chapter 17, 22, or 23; (ii) with a professional person as defined in 53-21-102; or (iii) in a specialized domestic violence intervention program.

(c) The minimum counseling and attendance at psychoeducational groups provided in subsection (4)(b) must be directed to the violent or controlling conduct of the offender. Other issues indicated by the assessment may be addressed in additional counseling beyond the minimum 40 hours. Subsection (4)(b) does not prohibit the placement of the offender in other appropriate treatment if the court determines that there is no available treatment program directed to the violent or controlling conduct of the offender. (5) In addition to any sentence imposed under subsections (3) and (4), after determining the financial resources and future ability of the offender to pay restitution as provided for in 46-18-242, the court shall require the offender, if able, to pay the victim's reasonable actual medical, housing, wage loss, and counseling costs. (6) In addition to the requirements of subsection (5), if financially able, the offender must be ordered to pay for the costs of the offender's probation, if probation is ordered by the court. (7) The court may prohibit an offender convicted under this section from possession or use of the firearm used in the assault. The court may enforce 45-8-323 if a firearm was used in the assault. (8) The court shall provide an offender with a written copy of the offender's sentence at the time of sentencing or within 2 weeks of sentencing if the copy is sent electronically or by mail.

- **Dating Violence:** The state of Montana does not have a separate definition for dating violence and uses the partner or family member assault penalty described above under domestic violence.

- **Sexual Assault:** The state of Montana defines sexual assault as follows:

  **45-5-502. Sexual assault.** (1) A person who knowingly subjects another person to any sexual contact
without consent commits the offense of sexual assault. (2) (a) On a first conviction for sexual assault, the offender shall be fined an amount not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. (b) On a second conviction for sexual assault, the offender shall be fined an amount not to exceed $1,000(347,209),(405,225) or be imprisoned in the county jail for a term not to exceed 1 year, or both. (c) On a third and subsequent conviction for sexual assault, the offender shall be fined an amount not to exceed $10,000 or be imprisoned for a term not to exceed 5 years, or both. (3) If the victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual assault, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years, unless the judge makes a written finding that there is good cause to impose a term of less than 4 years and imposes a term of less than 4 years, or more than 100 years and may be fined not more than $50,000. (4) An act "in the course of committing sexual assault" includes an attempt to commit the offense or flight after the attempt or commission. (5) (a) Subject to subsections (5)(b) and (5)(c), 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) receiving services from a youth care facility, as defined in 52-2-602, and the perpetrator: (A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and (B) is an employee, contractor, or volunteer of the youth care facility; or (iv) admitted to a mental health facility, as defined in 53-21-102, is admitted to a community-based facility or a residential facility, as those terms are defined in 53-20-102, or is receiving community-based services, as defined in 53-20-102, and the perpetrator: (A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and (B) is an employee, contractor, or volunteer of the facility or community-based service. (b) 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. (c) Subsections (5)(a)(iii) and (5)(a)(iv) do not apply if the individuals are married to each other and one of the individuals involved is a patient in or resident of a facility, is a recipient of community-based services, or is receiving services from a youth care facility and the other individual is an employee, contractor, or volunteer of the facility or community-based service.

- **Stalking:** The state of Montana defines stalking as the following:

  45-5-220. Stalking -- exemption -- penalty. (1) A person commits the offense of stalking if the person purposely or knowingly causes another person substantial emotional distress or reasonable apprehension of bodily injury or death by repeatedly: (a) following the stalked person; or (b) harassing, threatening, or intimidating the stalked person, in person or by mail, electronic communication, as defined in 45-8-213, or any other action, device, or method. (2) This section does not apply to a constitutionally protected activity. (3) 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. For a second or subsequent offense or for a first offense against a victim who was under the protection of a restraining order directed at the offender, 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. 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. (4) 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). (5) 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. 6) 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, as follows:
  As used in 45-5-502, 45-5-503, and 45-5-508, the term "consent" means words or overt actions indicating a freely given agreement to have sexual intercourse or sexual contact and is further defined but not limited by the following:

(i) an expression of lack of consent through words or conduct means there is no consent or that consent has been withdrawn; (ii) a current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue does not constitute consent; and (iii) lack of consent may be inferred based on all of the surrounding circumstances and must be considered in determining whether a person gave consent. (b) Subject to subsections (1)(c) and (1)(d), the victim is incapable of consent because the victim is: (i) mentally disordered or incapacitated; (ii) physically helpless; (iii) overcome by deception, coercion, or surprise; (iv) less than 16 years old; (v) incarcerated in an adult or juvenile correctional, detention, or treatment facility or is on probation or parole and the perpetrator is an employee, contractor, or volunteer of the supervising authority and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search; (vi) receiving services from a youth care facility, as defined in 52-2-602, and the perpetrator: (A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and (B) is an employee, contractor, or volunteer of the youth care facility; or (vii) admitted to a mental health facility, as defined in 53-21-102, is admitted to a community-based facility or a residential facility, as those terms are defined in 53-20-102, or is receiving community-based services, as defined in 53-20-102, and the perpetrator: (A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and (B) is an employee, contractor, or volunteer of the facility or community-based service. (c) Subsection (1)(b)(v) does not apply if the individuals are married to each other and one of the individuals involved is on probation or parole and the other individual is a probation or parole officer of a supervising authority. (d) Subsections (1)(b)(vi) and (1)(b)(vii) do not apply if the individuals are married to each other and one of the individuals
involved is a patient in or resident of a facility, is a recipient of community-based services, or is receiving services from a youth care facility and the other individual is an employee, contractor, or volunteer of the facility or community-based service. (2) As used in 45-5-508, the term "force" means: (a) the infliction, attempted infliction, or threatened infliction of bodily injury or the commission of a forcible felony by the offender; or (b) the threat of substantial retaliatory action that causes the victim to reasonably believe that the offender has the ability to execute the threat. (3) As used in 45-5-502 and this section, the following definitions apply: (a) "Parole": (i) in the case of an adult offender, has the meaning provided in 46-1-202; and (ii) in the case of a juvenile offender, means supervision of a youth released from a state youth correctional facility, as defined in 41-5-103, to the supervision of the department of corrections. (b) "Probation" means: (i) in the case of an adult offender, release without imprisonment of defendant found guilty of a crime and subject to the supervision of a supervising authority; and (ii) in the case of a juvenile offender, supervision of the juvenile by a youth court pursuant to Title 41, chapter 5. (c) "Supervising authority" includes a court, including a youth court, a county, or the department of corrections.

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

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

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

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved
but have the choice to intervene, speak up, or do something about it.”

We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

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

Risk Reduction

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

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don’t know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Don’t allow yourself to be isolated** with someone you don’t trust or someone you don’t know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don’t leave your drink unattended** while talking, dancing, using the restroom, or

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3 Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse
making a phone call. If you’ve left your drink alone, just get a new one.

12. **Don’t accept drinks from people you don’t know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.

13. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.

14. **If you suspect you or a friend has been drugged, contact law enforcement immediately** (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
   a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
   b. **Be true to yourself.** Don’t feel obligated to do anything you don’t want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
   c. **Have a code word with your friends or family** so that if you don’t feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
   d. **Lie.** If you don’t want to hurt the person’s feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

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

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

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

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

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

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

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

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

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

C. Relationship (Dating) Violence is abuse or violence between partners or former partners who is or has been in a social relationship of a romantic or intimate nature with the victim involving one or more of the following elements:
   - Battering that causes bodily injury;
   - Purposely or knowingly causing reasonable apprehension of bodily injury;
   - Emotional abuse creating apprehension of bodily injury or property damage;
   - Repeated telephonic, electronic, or other forms of communication -- anonymously or directly -- made with the intent to intimidate, terrify, harass, or threaten.

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

E. Sexual Assault means an actual or attempted sexual contact with another person, including same sex rape, without that person’s consent. Sexual assault includes, but is not limited to: 1.
Involvement in any sexual contact when the victim is unable to consent. 2. Intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person’s intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast). 3. Sodomy and sexual assault with an object. 4. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. 5. Sexual intercourse without consent, including acts commonly referred to as “rape.”

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

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

H. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

I. Information regarding:
   a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
   b. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
   c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
   d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
   e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document);
Primary Prevention and Awareness Programs

These programs include mandatory online modules that focus on sexual assault prevention and alcohol education, mandatory new student orientation programs that focus on bystander training, health relationships. Additional resources are available from the Dean of Students, Counselors, and Residence Life.

Specifically, the University offered the following primary prevention and awareness programs for all incoming students in 2018:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Which Prohibited Behavior* Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault Prevention</td>
<td>Online Module</td>
<td>Online</td>
<td>Sexual Assault Prevention (DoV, DaV, SA, S)</td>
</tr>
<tr>
<td>Alcohol EDU</td>
<td>Online Module</td>
<td>Online</td>
<td>Sexual Assault Prevention &amp; Responsible Drinking (DoV, DaV, SA, S)</td>
</tr>
<tr>
<td>Down To Frontstand</td>
<td>New Student</td>
<td>Copper Lounge</td>
<td>Sexual Assault Prevention, Theft, Bullying (DoV, DaV, SA, S)</td>
</tr>
<tr>
<td>David Coleman</td>
<td>New Student</td>
<td>Lib. Auid.</td>
<td>Domestic/Partner Violence, Sexual Assault (DoV, DaV, SA, S)</td>
</tr>
</tbody>
</table>

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

The University offered the following primary prevention and awareness programs for all new employees in 2018:

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

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

Ongoing Prevention and Awareness Campaigns

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

The University offered the following ongoing awareness and prevention programs for students in 2018:
<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Which Prohibited Behavior* Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brining in Bystander</td>
<td>August</td>
<td>HSB</td>
<td>SA, DoV, DaV, S</td>
</tr>
<tr>
<td>Brining in Bystander</td>
<td>January</td>
<td>Residence Hall</td>
<td>SA, DoV, DaV, S</td>
</tr>
<tr>
<td>Student Health 101</td>
<td>Monthly</td>
<td>Online Publication</td>
<td>SA, DoV, DaV, S</td>
</tr>
<tr>
<td>Wellness Fair</td>
<td>September</td>
<td>Copper Lounge</td>
<td>SA, DoV, DaV, S</td>
</tr>
</tbody>
</table>

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

The University offered the following **ongoing awareness and prevention programs** for employees in 2018:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Which Prohibited Behavior* Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brining in the Bystander</td>
<td>September</td>
<td>Student Union Building</td>
<td>SA, DoV, DaV, S</td>
</tr>
</tbody>
</table>

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

**Involvement of Law Enforcement and Campus Authorities**

Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim’s choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the University’s Dean of Students will assist any victim with notifying law enforcement if the victim so desires. Butte-Silver Bow police department can also be reached by dialing 911 if it is an emergency situation or 406-497-1130 if it is in a non-emergency situation. The office of Victim Services is also available to assist and can be reached at 406-444-3653. The Butte-Silver Bow Police department may be found online at: [https://co.silverbow.mt.us/197/Law-Enforcement](https://co.silverbow.mt.us/197/Law-Enforcement) and The Office of Victim Services can be found online at: [https://dojmt.gov/victims/](https://dojmt.gov/victims/)

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

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

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

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at St. James Hospital, 400 South Clark Street, 406-723-2500. In (LIST STATE), evidence may be collected even if you chose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or police.

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

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

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

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

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

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

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

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

**Assistance for Victims: Rights & Options**

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

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

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

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

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

Temporary Order of protection

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

• The victim is required to apply directly for these services through the department of justice in conjunction with the office of victim services. The office of victim services can be reached at 406-444-3653 and additional information can be found on their website: https://dojmt.gov/victims/. A full description of the orders of protection and the corresponding forms can be found at https://dojmt.gov/victims/forms/.

• The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

• Student Handbook—Campus Sexual Misconduct Programs Established to Prevent Sexual Offenses, And the

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


Accommodations and Protective Measures Available for Victims

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

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

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

On and Off Campus Services for Victims

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

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

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### Counseling/Mental Health
- **Type of Services Available:** Provide range of services for mental health and substance use disorder issues
- **Service Provider:** Western Montana Mental Health
- **Contact Information:**
  - Phone: 81 W. Park Street, Butte MT 59701 406-497-9000

### Health
- **Type of Services Available:** Throat Cultures, Allergy shots, health care counseling, treat sprains, remove stitches and basic medical care
- **Service Provider:** Montana Tech
- **Contact Information:**
- **Healthcare Services:**
  - Montana Tech (must be registered in 7 or more credits on North Campus, South campus students must opt in to paying the health center fee to gain access to the service)
  - Student Union Building, Rm. 11

### Visa and Immigration Assistance
- **Type of Services Available:** Assist with Visas, I-20s and tax forms
- **Service Provider:** Montana Tech
- **Contact Information:**
  - Margie Pascoe
  - MPascoe@mtech.edu

### Student Financial Aid
- **Type of Services Available:** Manages Grants, loans, scholarships
- **Service Provider:** Montana Tech
- **Contact Information:**
  - Financialaid@mtech.edu

### Dean of Students
- **Type of Services Available:** Referral, support, and guidance
- **Service Provider:** Montana Tech
- **Contact Information:**
  - Dr. Carrie Vath, Eng. Hall 101

### OFF CAMPUS

<table>
<thead>
<tr>
<th>Type of Services Available</th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Counseling/Mental Health</strong></td>
<td>Western Montana Mental Health</td>
<td>81 W. Park Street, Butte MT 59701 406-497-9000</td>
</tr>
<tr>
<td><strong>Health</strong></td>
<td>St. James Healthcare</td>
<td>400 S. Clarke St., Butte MT 59701</td>
</tr>
<tr>
<td><strong>Victim Advocacy</strong></td>
<td>Montana Department of Justice</td>
<td>155 W. Granite ST, Butte MT 59701 406-497-6243</td>
</tr>
<tr>
<td><strong>Legal Assistance</strong></td>
<td>Homeland Security RAC Helena</td>
<td>2800 Skyway Drive, Helena MT 59602</td>
</tr>
</tbody>
</table>

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

- [https://www.rainn.org/](https://www.rainn.org/) - Rape, Abuse and Incest National Network
- [http://www.ovw.usdoj.gov/sexassault.htm](http://www.ovw.usdoj.gov/sexassault.htm) - Department of Justice
- [http://www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html) - Department of Education, Office of Civil Rights
Confidentiality

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

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

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

Adjudication of Violations

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

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited to consulting and advising his or her advisee, but they cannot speak for the advisee at any meeting or hearing.

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

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

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

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

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

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

2. How the University Determines Whether This Policy will be Used
   Upon receipt of a report the Title IX Coordinator will determine if an investigation will take place. The title IX coordinator will also determine if the report’s jurisdiction is within the Title IX office or Dean of Students jurisdiction. A decision is based on the filed report and/or a meeting

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6 Title IX states that if an institution knows or reasonably should know of sexual harassment, to include sexual violence, the institution has a duty to investigate. Consequently, whether a complainant chooses to cooperate or not should not be the deciding factor for whether or not disciplinary charges are brought against an accused party. If an investigation determines that it is more likely than not that the institution’s sexual misconduct policy was violated, then the “University” may assume the role of the complainant.
with the individual that filed the report. Montana Tech strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, students who report information about sex-based discrimination, sexual harassment, or sexual misconduct involving students will not be disciplined by Montana Tech for any violation of the Montana Tech’s drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

3. **Steps in the Disciplinary Process**

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

4. **Anticipated Timelines**

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

5. **Decision-Making Process**

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

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

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

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

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

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

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

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

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

3. **Steps in the Disciplinary Process**

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

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

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

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

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

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

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

Registered Sex Offenders

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

Emergency Notifications

Butte-Silver Bow police department can also be reached by dialing 911 if it is an emergency situation or 406-497-1130 if it is in a non-emergency situation. The office of Victim Services is also available to assist and can be reached at 406-444-3653. The Butte-Silver Bow Police department may be found online at: https://co.silverbow.mt.us/197/Law-Enforcement and The Office of Victim Services can be found online at: https://dojmt.gov/victims/

Emergency Response and Evacuation Procedures

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

University units are responsible for adhering to the Montana Tech campus emergency action and crisis protocol manual developing emergency response and continuity of operations plans for their areas and

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7 Applicable law requires that, when taking such steps to separate the complainant and the accused, the University must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the accused to remain.
staff. Campus emergency management provides resources and guidance for the development of these plans.


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


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

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

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

<table>
<thead>
<tr>
<th>System to use</th>
<th>Primary Message Creator</th>
<th>Backup Message Creator</th>
<th>Authority for approving &amp; sending messages</th>
<th>Primary Message Sender/Distributor</th>
<th>Backup Message Sender/Distributor</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIMARY Email and Text</td>
<td>Dir. Of Environmental Health, and Safety</td>
<td>Assoc. Vice Chancellor/Dean of Students</td>
<td>Dir. of Public Relations and Marketing</td>
<td>Dir. of Environmental Health and Safety</td>
<td>Vice Chancellor of Administration and Finance</td>
</tr>
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<td>----------------------------------------</td>
<td>----------------------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>SECONDARY Website</td>
<td>Dir. of Public Relations and Marketing</td>
<td>Web and Social media Developer</td>
<td>Dir. of Public Relations and Marketing</td>
<td>Dir. of Public Relations and Marketing</td>
<td>Web and Social media Developer</td>
</tr>
<tr>
<td>Fire alarm</td>
<td>Dir. Of Environmental Health, and Safety</td>
<td>Dir. of Physical Facilities</td>
<td>Dir. Of Environmental Health, and Safety</td>
<td>Dir. Of Environmental Health, and Safety</td>
<td>Dir. of Physical Facilities</td>
</tr>
</tbody>
</table>

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

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

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

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

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

Emergency Evacuation Procedures

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

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

General Evacuation Procedures

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

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

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

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

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

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

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

**How to “Shelter–in-Place”**

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

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

**Missing Student Notification and Procedures**

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

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

Procedures

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

Fire Safety Report

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

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

Fire Safety Systems

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

8 Partial Sprinkler System is defined as having sprinklers in the common areas only.
9 Full Sprinkler system is defined as having sprinklers in both the common areas and individual rooms.
<table>
<thead>
<tr>
<th>Building</th>
<th>Availability</th>
<th>Location</th>
<th>Distribution</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prospector Hall, 1301 West Park Street, Butte, MT 59701</td>
<td>Yes</td>
<td>X</td>
<td>Located in each room</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Located in hallways and public lobby areas</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Distributed to residence at the beginning of each semester.</td>
<td></td>
</tr>
<tr>
<td>Centennial Hall, 1225 West Broadway Street, Butte MT 59701</td>
<td>Yes</td>
<td>X</td>
<td>Located in each room</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Located in hallways and public lobby areas</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Distributed to residence at the beginning of each semester.</td>
<td></td>
</tr>
<tr>
<td>Living Learning Center, 1440 West Park Street, Butte MT 59701</td>
<td>Yes</td>
<td>X</td>
<td>Located in each room</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Located in hallways and public lobby areas</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Distributed to residence at the beginning of each semester.</td>
<td></td>
</tr>
<tr>
<td>Campus Apartments 1000-1039 Missoula Ave and 1001-1039 Lexington, Butte MT, 59701</td>
<td>Yes</td>
<td>X</td>
<td>Located in each room</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Located in each apartment in kitchen</td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

Procedures Students and Employees Should Follow in Case of a Fire

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

In the event fire alarms sound, College policy is that all occupants must evacuate from the building, closing doors as they leave.

Procedures for Student Housing Evacuation in Case of a Fire

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Fire Statistics**
Montana Tech Residential Facilities

**Statistics and Related Information Regarding Fires in Residential Facilities for CY 2018**
<table>
<thead>
<tr>
<th>Residential Facilities (Name and Address)</th>
<th>Total Number of Fires in Each Building</th>
<th>Fire Number</th>
<th>Cause of Fire</th>
<th>Number of Injuries That Required Treatment at a Medical Facility</th>
<th>Number of Deaths Related to a Fire</th>
<th>Value of Property Damage Caused by Fire (in USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prospector Hall, 1301 West park Street, Butte, MT 59701</td>
<td>0</td>
<td>0</td>
<td>NA</td>
<td>NA</td>
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<tr>
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<td>“Upper Missoula” Apartments Odd Numbers 1001-1039, Missoula Ave, Butte MT 59701</td>
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<td>1</td>
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Statistics and Related Information Regarding Fires in Residential Facilities for CY 2016

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<th>Fire Number</th>
<th>Cause of Fire</th>
<th>Number of Injuries That Required Treatment at a Medical Facility</th>
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<td><strong>“Upper Missoula” Apartments</strong></td>
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<tr>
<td>1001-1039, Missoula Ave,</td>
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<tr>
<td>Butte MT 59701</td>
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</tbody>
</table>

| **“Middle Missoula” Apartments** | 1 | 1 | BBQ fire that spread to building | 0 | 0 | $1,000-9,999 |
| Even Numbers                  |   |   |                                  |   |   |            |
| 1000-1038, Missoula Ave,      |   |   |                                  |   |   |            |
| Butte MT 59701                |   |   |                                  |   |   |            |

| **“Lexington” Apartments**    | 0 | 0 | NA | NA | NA | NA |
| Odd Numbers                  |   |   |    |    |    |    |
| 1001-1039, Lexington Ave,    |   |   |    |    |    |    |
| Butte MT 59701               |   |   |    |    |    |    |
Appendix 1. Clery Geography

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