



2023

Annual Campus  
Security Report

For the 2023-2024 academic year, containing crime  
statistics for 2022, 2021, and 2021

## 2023 Annual Campus Security Report

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## **Crime Awareness and College Safety**

In the 1980s, as more and more individuals entered higher education concern grew regarding the security of the nation's post-secondary institutions. Traditionally, these institutions have been considered safe havens or highly protected. A number of high profile crimes occurring on college campuses influenced legislation to address campus security and crimes committed on college campuses. This first change occurred with the enactment of Public Law 101-542, the Student Right-to-Know and Campus Security Act in 1990. Although amended several times, Title II of this Act is referred to as The Crime Awareness and Campus Security Act of 1990; the 1998 amendment renames this section the Higher Education Act the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This Act required institutions to disclose information regarding campus policies and procedures as they relate to safety and provide statistics of specific crimes taking place on college property.

In 2008, the Higher Education Opportunity Act was passed and a number of changes were made concerning how colleges and universities are required to report crimes, specifically hate crimes, emergency response and evacuation procedures, missing student notifications, and for campuses with residential living, fire and safety issues.

## **Equal Employment Policy and Nondiscrimination Statement**

Helena College University of Montana is an equal employment opportunity employer and prohibits discrimination based upon race, color, religion, national origin, creed, service in the federally and state defined uniform services, veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation unless based on bona fide occupational qualifications (BFOQ), or for retaliation. Helena College also prohibits discrimination in providing services, activities and programs unless providing reasonable accommodation or reasonable modification would cause an undue hardship.

All Helena College policies shall adhere to and be consistent with relevant federal and state laws, rules, and regulations; with Board of Regents' policies and procedures; and with The University of Montana's policies and procedures.

For more information regarding Helena College employment policies, please contact:

Human Resources

Helena College

406-447-6925

## **Reporting Emergencies and Criminal Activity**

All students, employees, and community members are encouraged to immediately report any criminal incidents, accidents, and other emergencies occurring on campus, on public property

running throughout or immediately adjacent to the campus, or in other property that is owned or controlled by Helena College to the Executive Director of Compliance & Financial Aid, 406-447-6913. If you witness criminal activity taking place, you are encouraged to call 911 immediately for the Helena Police Department.

You may also report crimes to any designated “Campus Security Authority”:

| <b>First Name</b> | <b>Last Name</b> | <b>Title</b>   | <b>Office Phone</b> | <b>Office Location</b>         |
|-------------------|------------------|--|---------------------|--------------------------------|
| Kelsey            | Anderson         | Trio Retention Specialist First Gen  | 447-6941            | Rm 119<br>Donaldson            |
| Sandra            | Bauman           | Dean/CEO   | 447-6928            | Rm 102M<br>Donaldson           |
| Stephanie         | Hunthausen       | Executive Director of Career Technical Education & Dual Enrollment                     | 447-6993            | Airport<br>Campus<br>Office    |
| Kim               | Caldwell         | Academic Coach & Tutoring Coordinator  | 447-6957            | Rm 139<br>Donaldson            |
| Valerie           | Curtin           | Executive Director of Compliance & Financial Aid /Title IX Coordinator/504 Coordinator | 447-6913            | Airport<br>Campus<br>Office    |
| Della             | Dubbe            | Director of Library Learning Hub   | 447-6942            | Rm 140<br>Donaldson            |
| Kasandra          | Reddington       | Accessibility Services Coordinator/Advisor   | 447-6911            | Rm 119<br>Donaldson            |
| Tyler             | Fife             | Admission Counselor  | 447-6912            | Welcome<br>Center<br>Donaldson |
| Melissa           | Mousel           | Administrative Associate IV  | 447-6350            | Airport<br>Campus<br>Office    |
| John              | Hartman          | Club Advisor/Faculty   | 447-6936            | Rm136<br>Donaldson             |
| Tommi             | Haikka           | Assistant Director Facilities/Chair of Safety Committee                                | 447-6958            | Rm 111<br>Donaldson            |
| Melanie           | Heinitz          | Academic Administrative Coordinator & Academic Support Desk                            | 447-6971            | Rm 102P<br>Donaldson           |
| Karen             | Henderson        | Club Advisor/Faculty   | 447-6973            | Rm 103<br>Donaldson            |
| Robyn             | Kiesling         | Executive Director of General Ed. & Transfer   | 447-6930            | Rm 101E<br>Donaldson           |
| Candice           | Miller           | Student Accounts   | 447-6921            | Rm 102L<br>Donaldson           |

|          |             |  |          |                             |
|----------|-------------|--|----------|-----------------------------|
| Kathy    | Mortimore   | Advising & Recruitment Counselor               | 447-6907 | Airport<br>Campus<br>Office |
| Nathan   | Munn        | Club Advisor/Faculty                           | 447-6981 | Rm 103<br>Donaldson         |
| Darlene  | Peterson    | ALC/ABE/High Set Administrative<br>Associate   | 447-6387 | Rm 117<br>Donaldson         |
| Virginia | Reeves      | Club Advisor/Faculty                           | 447-6964 | Rm 103<br>Donaldson         |
| Seth     | Roby        | Club Advisor/Faculty                           | 447-6992 | Rm 103<br>Donaldson         |
| Emily    | Schuff      | Director of Student Life                       | 447-6962 | Rm 135C<br>Donaldson        |
| Greg     | Thompson    | AIMA Retention Specialist & General<br>Advisor | 447-6938 | Rm 119<br>Donaldson         |
| Mary     | Twardos     | Human Resources Generalist                     | 447-6925 | Rm 102A<br>Donaldson        |
| Ann      | Willcockson | Director of TRIO & Retention Initiatives       | 447-6955 | Rm 119<br>Donaldson         |
| Glen     | Ziegler     | Club Advisor/Faculty                           | 447-6372 | Rm 117 AP<br>Campus         |
| Wes      | Walker      | Club Advisor/Faculty                           | 447-6361 | Airport<br>Campus           |

The designated Campus Security Authorities are individuals who have been identified as having significant contact with students. Any crime may be reported to these individuals anonymously but they are *required* to report the crime, without names if the reporting individual so chooses. There are no individuals associated with Helena College who are permitted non-disclosure as there are no professional counselors on campus. Any member of the college community may choose to report a crime to any college personnel.

Members of the Helena College community are encouraged to accurately and promptly report crime and emergencies to the Executive Director of Compliance & Financial Aid, or any designated Campus Security Authority.

### **Response to a Report**

All incident reports are forwarded to the Executive Director of Compliance & Financial Aid for review and referral for appropriate action. If assistance is required of the Helena Police Department or the Helena Fire Department, the Executive Director of Compliance & Financial Aid will make contact. If a sexual assault or rape should occur, staff on the scene including the

Executive Director of Compliance & Financial Aid and Director of Student Life will offer the victim a wide variety of services.

## **Voluntary & Confidential Reporting of Crimes & Other Serious Incidents**

Helena College utilizes the Maxient system for individuals to report crimes, accidents, near-misses and other serious incidents. These reports may be completed anonymously or with the assistance from a college employee. There are a number of incident and referral reports available to all Helena College employees, students, as well as the general public. The [Report an Incident](#) landing page defines the different report options in order to select the correct report for the correlating incident. These reports assist the college in evaluating if a Timely Warning should be issued as well as assists in the collection of information about various criminal activities happening on college property.

### **Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the Helena College or criminal justice systems, you may still want to consider making a confidential report. With your permission, an employee can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of a reported sex offense or sexual harassment). The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, Helena College is able to keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

### **Professional Counselors**

Campus 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. As a matter of policy, the professional counselors at Helena College are encouraged, if and when they deem appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary confidential basis through the [Report an Incident](#) landing page on the website.

*Professional Counselor* is defined as an employee whose official responsibilities include providing psychological counseling to members of the Helena College community, and who is functioning within the scope of their license or certification.

Note: There are no professional counselors currently employed by Helena College at this time.

### **Campus Law Enforcement Policies**

While Helena College works closely with the local Helena Police Department, there are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between Helena College and the Helena Police Department.

### **Requirement to Disclose Crime Statistics and Campus Security Policies**

The Higher Education Opportunity Act requires colleges and universities to:

- Publish an annual report every year by October 1 that contains three years of campus crime statistics and certain campus security policy statements;
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. The statistics must be gathered from, in the case of Helena College, the Helena Police Department or a campus official who has significant responsibility for student and campus activities.
- Provide timely warning notices of those crimes that have occurred and pose an ongoing ‘threat to students and employees;’ and provide an emergency notifications system to be issued for any significant or dangerous situation involving an immediate threat to the health and safety of the Helena College community.

All members of the Helena College community, to include students, faculty and staff, receive notification by e-mail on or before September 30<sup>th</sup> announcing the availability of the most recent Clery Act report and where the report may be found and provide a web link to the annual report. (\*Exception to the timing of posting was extended for the 2020-2021 academic year to December 31<sup>st</sup> per the [July 10, 2020 ED EA](#)) This link is prominently displayed and accessible to both prospective students and prospective employees due to its placement in various locations on the Helena College website.

### **Preparing the Annual Disclosure of Crime Statistics**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the Helena college community obtained from the following sources:

- The Helena Police Department,
- The CSAs, and
- Electronic incident reports.

For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all Campus Security Authorities (as defined by federal law) and to all Helena College Dean/CEO and Directors.

All of the statistics are gathered, compiled, and reported to the Helena College community via this report, which is published by the Executive Director of Compliance & Financial Aid. The

Executive Director of Compliance & Financial Aid also submits the annual crime statistics published in this document to the Department of Education (ED). The statistical information gathered by ED is available to the public through their website.

## **Security Awareness & Crime Prevention Programming**

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

During the 2022-2023 academic year, Helena College offered online training.

- All first-semester Helena College students are required to complete Sexual Assault Prevention training
- All first-semester Helena college students are required to complete online responsible alcohol use training
- All Helena College employees were required to complete online Title IX training, Clery Act Overview, FERPA, and Americans with Disabilities Act Overview training.
- The following were offered to employees throughout the 2022-2023 academic year:
  - Sexual Harassment: Staff-to-Staff
  - Implicit Bias Training
  - American Indian Minority Achievement
  - Conflict De-Escalation Techniques
  - Understanding Boundaries
  - Communication Styles and Skills
  - CPR Certification
  - Copyright Infringement
  - Behavior Based Safety
  - Gracious Spaces
  - Driver's Safety
  - Active Shooter
  - Healthy Colleges MT Advisors
  - NASPA Certified Peer Educator
  - Equity Training
  - Clery Act Compliance Academy
  - Americans with Disabilities Act
  - Clery Act Overview
  - FERPA: Confidentiality of Records
  - Password Security Basics
  - Protection Against Malware
  - Email and Messaging Safety
  - Cybersecurity Overview



- Browser Security Basics
- Building Supportive Communities
- HIPAA: The Basics
- What Indigenous Students Need to Thrive in College

All crime prevention and security awareness programs encourage students and employees to be responsible for their own safety and the safety of others. Participants in these programs are asked to be alert, security-conscious and involved and advised to report suspicious behavior.

Helena College does not have officially recognized student organizations that own or control housing facilities. Therefore, the Helena Police Department is not used to monitor and record criminal activity since there are no non-campus locations.

### **Timely Warnings**

In the event a Clery Act crime is reported or a situation arises within the Helena College Clery Geography, and in the best judgment of a member of Helena College leadership which may constitute a serious or ongoing threat, a timely warning will be issued. This warning is issued through both an email notification to all individuals with a helenacollege.edu account, to those who have opted in to the emergency texting notification, notifications on the digital clocks and TVs throughout the campus, and through publishing the information on Helena College's webpage (<https://www.helenacollege.edu>).

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 will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger Helena College community)
- Robbery involving force or violence (cases involving pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be evaluated on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Title IX Coordinator or designee). In cases involving sexual assault, 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 Timely Warning Notice
- Major incidents of Arson

- Other Clery crimes as determined necessary by the Executive Director of Compliance & Financial Aid, or their designee in case of absence.

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

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

Timely Warning Notices are typically written and distributed by the Executive Director of Compliance & Financial Aid, or their designee in case of absence.

Helena College is not required to issue a Timely Warning Notice with respect to crimes reported to a professional counselor.

Anyone with information believing a timely warning is necessary should report the situation to the Executive Director of Compliance & Financial Aid, via phone 406-447-6913, or in person, Room 101D Donaldson campus.

## **Emergency Notifications**

The emergency notification is intended to assist Helena College community members during times of both minor emergencies and those which may be perceived by College leadership as possessing eminent danger to our college community. This notification system is maintained by IT Services and uses the following methods of communications.

- Email
- Scrolling banners located throughout both the Donaldson and Airport Campuses
- Emergency texting notifications
- Scrolling banner on the website: <https://www.helenacollege.edu>
- Fire alarms
- Face-to-face communication may also be used to communicate emergency information

Helena College has gone to great lengths to ensure there is an emergency notification system in place to ensure the safety of all members of the college community. An emergency notification is issued when it is determined there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. These significant emergencies include all hazards such as natural disasters, environmental emergencies, weather emergencies, terrorist attacks, fires and other similar situations. Emergency notifications will be issued without delay and can be issued to only those individuals immediately affected by the situations or to the entire college community. The emergency

notification will utilize the same methods as those utilized by timely warnings and may include disseminating information to the press by the Dean/CEO or designee.

Helena College's Emergency Action Plan consists of:

- Designated members of the emergency response team
- Operating procedures and performance expectations
- Displacement and non-displacement emergencies
- Pandemic response plan
- Review of drill and emergency notification systems/processes

When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are typically Helena Police Department and/or Helena Fire Department and members of the Helena College Emergency Response Team. Depending on the nature of the incident, or other local or federal agencies may be involved. General information about the emergency response and evaluations procedures is published each year as part of the Helena College's Clery Act compliance efforts and the information is available on the Helena College website (<https://www.helenacollege.edu>).

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

If the Executive Director of Compliance & Financial Aid, or designee, in conjunction with other Helena College administrators, local first responders, Public Health Officials and/or the national Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Helena College Community, the Dean/CEO, the Executive Director of Compliance & Financial Aid, and the Director of Marketing, Communication & Alumni Relations 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 Helena College Community or to the appropriate segment of the community, if the threat is limited to a particular building segment of the population.

Helena College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgement of the first responders (including, but not limited to, the Helena Police Department, Helena Fire Department, and emergency medical services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Students, faculty, and staff are automatically included in the emergency text notification system.

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

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 circumstances; however, the institution must provide adequate follow-up information to the community as needed.

On an annual basis, employees of Helena College are notified of their requirement to notify the Executive Director of Compliance & Financial Aid of any incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of the college community. It is the responsibility of the Emergency Response Team to take the determined necessary actions dictated by the procedure.

Additionally, in every classroom on both the Donaldson and Airport campuses, a ‘quick reference sheet’ is placed next to the telephone to assist individuals in following and/or contacting the correct member of the emergency response team, should such a situation arise. Throughout both buildings, emergency evacuation routes and meeting locations are placed in every classroom and in prominent meeting spaces.

In 2009, Helena College created the Safety Committee. This committee, comprised of representation from all contingency groups of the college, meets monthly to review College emergency processes, discuss any incident or near-miss report and concerns regarding the safety of the College. Members include:

- IT Services
- Welcome Center Front Desk Associates
- Administrative Associate for Academics
- Assistant Director of Maintenance & Facilities
- Continuing Education Coordinator
- Faculty
- Director of Student Life
- Executive Director of Compliance & Financial Aid
- Executive Director of Operations
- Human Resources
- Director of Marketing, Communications, and Alumni Relations

The [Campus Emergency Protocol Manual](#) may be found through accessing the Helena College website. Helena College maintains an Emergency Response Plan that outlines responsibilities of campus units during emergencies. This plan outlines incident priorities, campus organization, and specific responsibilities of particular units or positions.

Helena College departments are responsible for developing emergency response and continuity of operations plans for their areas and staff. Campus emergency management provides resources and guidance for the development of these plans.

### **Procedures for Testing Emergency Response and Displacement Procedures**

Evacuations drills are conducted in coordination with Montana's State Fire Marshal's Office, a minimum of once every six months. All members of the Helena College community should learn the location of the emergency exits in all college buildings as well as the assembly locations for each designated building. In the event of a building displacement test, members of the emergency response team will direct individuals to the correct assembly location. At Helena College, displacement drills are used as a way to educate and train occupants on issues specific to their building. During these drills, the opportunity is given to occupants to familiarize themselves with evacuation procedures, the location of exits, assembly locations and the sound of the alarm system.

Displacement drills are monitored by members of the emergency response team to determine if additional training is necessary, identify areas of deficiency and make recommendations for improvements, should it be deemed necessary.

In conjunction with other emergency agencies, Helena College conducts emergency response drills and exercises each year, such as table top exercises, field exercises, and tests of the emergency notification system on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

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

The campus publicizes a summary of the emergency response and evacuation procedures 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.

### **General Evacuation Procedures**

At the sound of a fire alarm, or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and dial 911.

1. Remain calm
2. Do not use elevators. Use the stairs.
3. Assist the physically impaired. If they are unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform emergency responders 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**

If an incident occurs and the building 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 the actual danger. "Shelter-in-Place" means to make a shelter in the building in which you are in. In most cases, with minor adjustments, this shelter can increase your safety and provide comfort until it is safe to go back outside.

If an incident occurs in a building where you are required to seek shelter-in-place, move to an interior room away from windows, place material under doors and around windows as a means to deter external air to seep into your room, stay inside until you are directed otherwise. If the building you are in is damaged, take your immediate personal belongings and follow the displacement procedures, closing all doors as you exit.

### **Access to Security of Campus Facilities/Safety Considerations in the Maintenance of College Facilities**

Helena College is committed to campus safety and security. Exterior lighting and landscaping control is a critical part of that commitment. As appropriate, members of the facilities staff routinely verify the working order of all exterior lighting as well as maintain landscaping to ensure entrances are properly illuminated and shrubbery meets expectations. If lighting is found to be dim or malfunctioning, it is typically repaired within 24 hours. Helena College community is encouraged to report any lighting deficiency to the facilities department, 406-447-6935 or send a request via email to [hcmaintenance@helenacollege.edu](mailto:hcmaintenance@helenacollege.edu).

Every evening, campus facilities staff checks the working order of all exterior and interior doors to ensure locking mechanisms are in sound working order. Facilities staff is available to respond to calls for service regarding unsafe building and ground conditions. These conditions may include unsafe steps, walkways, or handrails and unsafe equipment.

### **Security of Campus**

Helena College Maintenance and Facilities staff conduct routine patrols of campus buildings to evaluate and monitor security related matters.

### **Access of Campus**

The campus facilities are typically open and accessible to students, staff and visitors during normal business hours and into the evening hours, depending on class and activity schedules. After normal business hours and during breaks, these facilities are locked and only accessible to authorized individuals.

Helena College does not have on-campus student house(housing) facilities.

# **The Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act, as Amended by the Violence Against Women Reauthorization [Act](#) of 2013**

## **Discrimination, Harassment, and Retaliation Policy**

In an effort to ensure the safety of all members of the Helena College community, discrimination, harassment, sexual misconduct, stalking and retaliation of any kind is a violation of our community standards. Specifically, Helena College 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 Helena College community. Toward that end, Helena College 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 report to a Helena College official.

The college, through its [100.3](#) policy and [procedures](#) will pursue strong disciplinary action through its own channels; including the possibility of suspension and dismissal from the College should a member be found responsible of a policy violation(s) by another member of the college community. A student found responsible for a policy violation will be subject to the procedures set forth in the Helena College Student Code of Conduct Disciplinary Procedures can be found here, [Student Code of Conduct - Helena College](#). Employees found responsible of a policy violation are subject to procedures set forth in the individual Collective Bargaining agreements, if such agreement exists.

## **How to Be an Active Bystander**

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. 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, and 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.

<sup>1</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

<sup>2</sup>Bystander intervention strategies adapted from Stanford UM Helena College's Office of Sexual Assault & Relationship Abuse

## **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](http://www.rainn.org))

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cab/Uber 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. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.

14. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

### **Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking**

Helena College 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 employees that address:

- a. A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act);
- b. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;
- c. What behavior and actions constitute consent, in reference to sexual activity, in the State of Montana;
- d. The institution’s definition of consent AND the purposes for which that definition is used.
- e. A description of safe and positive options for bystander intervention. 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;
- f. Information on risk reduction. 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.
- g. 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);
  - 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); and
  - 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**

Helena College recognizes education is key to preventing discrimination, harassment, sexual misconduct, stalking and retaliation. As a result, the college has offered various educational

events throughout the academic year dedicated to increasing the community's knowledge and awareness of interpersonal violence.

All students new to Helena College enrolled students, regardless of age, gender, course delivery, or program of study, must complete Sexual Assault Prevention for the Community College, a nationally normed educational module addressing the critical issues of sexual assault, relationship violence, stalking, and sexual harassment – among students, faculty and staff. Successful completion of this training is required during the student's first term of enrollment. Students failing to complete the module are disallowed to register for a subsequent term until completion.

Domestic violence is prevalent in every community and affects all people regardless of age, socioeconomic status, sexual orientation, gender, race, religion, or nationality. Physical violence is often accompanied by emotionally abusive and controlling behavior as part of a much larger, systematic pattern of dominance and control. Domestic violence can result in physical injury, psychological trauma, and even death. The devastating consequences of domestic violence can cross generations and last a lifetime. Between 2000 and 2018, 200 Montanans have been killed as a result of family violence homicides [Workbook: CIM - Domestic Violence \(mt.gov\)](#) by the Montana Domestic Violence Fatality Review Commission). Thankfully, Helena College continues to provide a safe and welcoming educational environment for its community members.

### **Federal Definitions**

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—

- A) By a current or former spouse or intimate partner of the victim;
- B) By a person with whom the victim shares a child in common;
- C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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.

**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.

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.

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.

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 is incapable of giving consent."

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

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

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

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

**Stalking:** 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.

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.

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.

### **State of Montana Definitions**

The terms Domestic Violence, Dating Violence, Sexual Assault, Stalking and Consent are defined in the applicable jurisdiction as outlined by Montana Code Annotated (MCA) 2022, Title 45. Crimes, Chapter 5. Offenses Against the Person, Part 5. Sexual Crimes.

**1. Domestic Violence:** The state of Montana’s legal definition of domestic violence for the purposes of getting an order of protection is defined as: 1) when you are reasonably afraid of bodily injury from a partner or family member; or 2) when a partner or family member commits one of the following crimes against you: assault, aggravated assault, intimidation, partner or family member assault, criminal endangerment, negligent endangerment, assault on a minor, assault with a weapon, strangulation of a partner or family member, unlawful restraint, kidnapping, aggravated kidnapping, arson, stalking.

In addition to victims of domestic violence, a person can file an order of protection against anyone who commits one of the following crimes against you, regardless of your relationship to offender: assault, aggravated assault, assault on a minor, stalking, incest, sexual assault, sexual intercourse without consent, sexual abuse of children, human trafficking, or a partner or family member of a victim of deliberate homicide or mitigated deliberate homicide. Montana Code Annotated (MCA) 40-15-102(1) and MCA 40-15-102(2)

**2. Dating Violence:** The state of Montana does not have a definition of dating violence.

**3. Sexual Assault:** The state of Montana defines sexual assault as follows: Montana Code Annotated (MCA) 40- 15-116. Definitions: As used in 40-15-115 through 40-15-121, the following definitions apply: (5) “Sexual assault” means sexual assault as defined in 45-5-502, sexual intercourse without consent as defined in 45-5-503, incest as defined in 45-5-507, or sexual abuse of children as defined in 45-5- 625.

**45-5-502. Sexual assault:**

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

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.

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

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.

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.

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

(a) Subject to subsections (5)(b) and (5)(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: 59

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.

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

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

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

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

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

(b) suffer other substantial emotional distress.

**2.** For the purposes of this section, the following definitions apply:

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

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

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

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

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

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



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

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

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

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

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

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

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

**Consent:** The State of Montana defines consent, in relation to sexual activity, with reference to sexual assault, in the applicable jurisdiction (Montana Code Annotated (MCA) 20122 (45-5-501), as follows:

**1.** The term “consent” means words or overt actions indicating a freely given agreement to have sexual intercourse or sexual contact and is further defined but not limited by the following:

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

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

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

**2.** Subject to subsections (1)(c) and (1)(d), the victim is incapable of consent because the victim is:

(a) Mentally disordered or incapacitated; b. physically helpless; c. overcome by deception, coercion, or surprise; d. less than 16 years old;

(b) As used in subsection (a), the term “force” means:

(i) The infliction, attempted infliction or threatened infliction of bodily injury or the commission of a forcible felony by the offender; or

(ii) The threat of substantial retaliatory action that caused the victim to reasonably believe that the offender has the ability to execute the threat.

### **Procedure Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs**

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at St. Peter's Hospital. For those Helena College students not residing in the Helena area, please contact local authorities for the name of facility offering services in your area. In Montana, evidence may be collected even if you choose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clear 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 Helena College investigators or the 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 Helena College at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

If you are a victim of violence, seek support from someone you trust immediately. There are local Helena and national resources available to you that are there to help you get medical attention and provide the opportunity to report the assault or rape. Montana Coalition Against Domestic Violence and Sexual Assault, 406-443-7794, and the Friendship Center 406-442-6800, are excellent local resources.

### **Reporting**

Helena College continues to provide a safe and welcoming educational environment for its community members. This is only accomplished, in part, when those affected by violence report policy violations and concerns. Victims of harassment, discrimination, sexual misconduct, stalking or retaliation, in any form, should be reported to any 'Campus Security Authority' (listed on page 4). Reports can be made in the following ways:

**Confidential:** This report is used solely for tracking statistics and information about the incident. No formal action will be taken against the suspect and the complainants name will remain anonymous. The information from a confidential report is used in the reporting of statistical data for the Annual Security Report (Clery Report) only and does not identify any individuals.

**Confidential - Campus Only:** This is a report filed by a member of the College community who seeks assistance ONLY through the college. This report is used by the Student Services Office to investigate a crime, and if appropriate, pursue actions on campus through the Student Code of Conduct process.

**Criminal Procedures:** All victims of sexual assault have the right to file criminal charges with the Helena Police Department. At the victims' request, the Executive Director of Compliance & Financial Aid (406-447-6913), or designee, will promptly assist the victim in notifying any requested law enforcement official.

Although Helena College strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus law enforcement and/or local police), 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. The Helena Police Department may also be reached directly by calling 406-442-3233, in person at 221 Breckenridge Street. Additional information about the Helena Police department may be found online at [Police Department \(helenamt.gov\)](http://helenamt.gov).

**Title IX Complaint:** Discrimination, Harassment, Sexual Misconduct, Stalking or Retaliation are covered by Title IX if the complainant is a member of a protected class. Sexual Harassment/Sexual Misconduct is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, request for sexual favors, or other, and verbal, nonverbal, or physical conduct of a sexual nature. Sexual misconduct or harassment is prohibited by Title IX and may include acts such as touching of a sexual nature, making sexual comments, jokes or gestures, writing graffiti or displaying or distributing sexual explicit drawings, pictures or written materials; calling others sexually charged names; spreading sexual rumors; or, circulating, showing, or creating e-mails or websites of a student nature.

If you have been a victim of unwelcomed sexual misconduct or harassment, under Title IX, you have specific rights. If you are an employee, you may file an internal complaint with Human Resources (406-447-6925) or a formal complaint with the EEOC within 60 days of the most recent incident. If you are a student seeking to file an internal complaint, you may do so with the Executive Director of Compliance & Financial Aid (406-447-6913), the Title IX Coordinator.

## **Procedures Helena College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported**

Helena College has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking; including information individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and a respondent. See Policy 100.3 for more information. Helena College will make such accommodations or protective measures, if the victim complainant request them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the institutional officials or local law enforcement. Students should contact the Executive Director of Compliance & Financial Aid (406-447-6913) and employees should contact Human Resources (406-447-6925).

Helena College complies with the State of Montana law in recognizing orders of protection. Any person who obtains an order of protection should provide a copy to the Executive Director of Compliance & Financial Aid. A meeting may be scheduled with the Executive Director of Enrollment and Executive Director of Compliance & Financial Aid to develop a campus safety plan to reduce risk of harm while on campus. This plan may include, but is not limited to escorts to car, special parking arrangements, changing classroom locations or allowing a student to complete assignments from home. Helena College cannot apply for an order of protection for a victim.

### **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, Helena College 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, and available assistance in, and how to request accommodations and protective measures; and
- An explanation of the procedures for institutional disciplinary action

Helena College may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If Helena College receives a report that such an institutional no contact order has been violated, Helena College 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.

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

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Helena College 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, Helena College offices will work cooperatively to assist the victim in obtaining accommodations, if reasonably available, a victim may be offered changes to academic, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to campus authorities 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, switch to an online modality, withdraw and take a class at another time if there is no option for moving to a different section, etc.

To request changes to academic and/or working situations or protective measures, a victim should contact the Executive Director of Compliance & Financial Aid (406)447-6913, or Human Resources [HCHumanResources@HelenaCollege.edu](mailto:HCHumanResources@HelenaCollege.edu).

### **On and Off Campus Services for Victims**

**On campus:** All students have support services on campus. The Executive Director of Compliance & Financial Aid, the Director of Student Life, and the Deputy Title IX Coordinators all have detailed information about available services.

| Name           | Title   | Contact Information  |
|----------------|---|--|
| Kelley Turner  | Executive Director of Operations/Clery Officer  | Phone: (406)447-6926, or in person room DON 102B, or Email: Kelley.turner@helenacollege.edu  |
| Valerie Curtin | Executive Director of Compliance & Financial Aid/Title IX Coordinator/Student Conduct/Veteran SCO | Phone: (406)447-6913, or In person room DON 101D, or Email: valerie.curtin@helenacollege.edu |
| Emily Schuff   | Director of Student Life  | Phone: (406)447-6962, or In person room DON 135C, or Email: Emily.schuff@helenacollege.edu   |
| Mary Twardos   | Human Resources   | Phone: (406)447-6925, or In person room DON 102C, or Email: mary.twardos@helenacollege.edu   |

**Off campus:** The Helena community offers many resources to assist victims of domestic violence, dating violence, sexual assault or stalking. The table below details community services.

| Off Campus                      | Types of Services Available   | Service Provider                                   | Contact Information   |
|---------------------------------|---|--|---|
| Mental Health & Counseling      | Services will be provided to youths or adults in transition who are enrolled students at Helena College and are referred to Intermountain. Services include: Onsite or remote counseling; crisis assessment and intervention; psychiatric services; community referrals; case management; and coordinated group offerings.  | Intermountain                                      | 3240 Dredge Dr.<br>Helena, MT 59602   |
| Health                          | PureView offers a wide spectrum of service to assist our students including, but not limited to: Obtaining insurance; medical care; dental care, mental health; case management; homelessness; and pharmacy needs   | PureView Health Center                             | PureView Health Center<br>1930 9 <sup>th</sup> Avenue<br>Helena, MT<br>406-457-8992   |
| Victim Advocacy                 | Provides tools and information to help crime victims recover from their experience and provide them with a range of services available. To assist them as they go through the justice system and to answer any questions.<br><br>The Friendship Center is the only agency that provides a safe shelter and broad range of support services to victims of domestic violence, sexual assault, and stalking in a large three county area in Southwest Montana. TFC's primary objective is to provide immediate safe shelter for adult and child victims and to provide opportunities for them to access the services they need to rebuild their lives. | Office of Victim Services<br><br>Friendship Center | Marcie<br><a href="mailto:dojovs@mt.gov">dojovs@mt.gov</a><br>406-444-1907<br>406-444-3653<br>1-800-498-6455<br><br>1430 Sanders Street<br>Helena, MT 59601<br>406-442-6800   |
| Legal Assistance                | Included in the Victim Advocacy and on campus Legal Clinic and Self-Help Law Center<br><br>The Court Help Program is a free service provided by the Montana Supreme Court to assist with civil, non-criminal legal problems. The goal is to provide individuals the information needed to understand their legal rights and responsibilities and to help individuals solve legal problems on their own if they cannot afford an attorney.   | Self-Help Clinic<br><br>Montana Supreme Court      | Mazurek Justice Building<br>215 N Sanders St.<br>Helena, MT 59601<br>406-444-9300<br><a href="mailto:statelawlibraryselfhelp@mt.gov">statelawlibraryselfhelp@mt.gov</a><br><br>Self-Help on HC Campus<br>Deb Micu<br>Director of Wellness<br>406-447-6962<br><a href="mailto:Debbie.micu@helenacollege.edu">Debbie.micu@helenacollege.edu</a> |
| Visa and Immigration Assistance | Citizenship; Immigration of Family Members; Work; Humanitarian Programs; Adoptions; Civic Integration   | U.S. Citizenship and Immigration Services          | 754 River Rock Dr.<br>Helena, MT 59602  |

## **Confidentiality**

Victims may request that directory information on file with Helena College be withheld by request. Requests should be directed to the Registrar's Office located in the Welcome Center on the Donaldson Campus.

Regardless of whether a victim has opted-out of allowing Helena College 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.

Helena College does not publish the name of crime victims or other identifiable information regarding victims 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**

Helena College'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. Helena College 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, the policy provides that:

1. The complainant and respondent will have timely notice for meetings at which either or both may be present.



2. The complainant, the respondent and appropriate officials will have timely and equal access to any information that will be used during formal and informal 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 complainant or respondent.
4. The complainant and respondent will have the same opportunities to have others present during any institutional disciplinary proceedings. The complainant and the respondent each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. Helena College will not limit the choice of advisor or presence for either the complainant or the respondent in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited to consultation.
5. The complainant and respondent will be notified simultaneously in writing, of any initial, interim, and final decision of any disciplinary proceeding.
6. Where an appeal is permitted under the applicable policy, the complainant and the respondent will be notified simultaneously in writing of the procedures for either party to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the complainant and the respondent will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

Whether or not criminal charges are filed, Helena College or a person may file a complaint under the following policies, depending up on the status of the accused (student or employee). 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 Helena College may assume the role of the complainant.

### **Policy 100.3 Discrimination, Harassment, and Retaliation**

Helena College Procedures for Policy 100.3 is available by clicking [here](#).

Procedures for Policy 100.3 outlines the following:

1. How to file a disciplinary complaint,
2. How Helena College determines whether this policy will be used;
3. Steps in the disciplinary process,
4. Anticipated timelines
5. Decision-making process,
6. Standard of evidence,

7. Possible sanctions, and
8. Range of protective measures available to a victim alleging misconduct.

### **Helena College 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 no contact order,
- adjustment of course schedule,
- 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 result of an investigation or may become permanent as determined by Helena College.

### **Alcohol and Other Drugs**

#### **Alcohol and Drugs**

Helena College follows a zero tolerance policy toward alcohol and drug violations. Students and employees should be acquainted with our policies. Students may find the policy in the Helena College Student Code of Conduct available on the website or by clicking [here](#).

As an educational institution, Helena College provides information regarding the dangers and misuse of both illegal drugs and alcohol through various courses to our enrolled students. All Helena College enrolled students, regardless of age, gender, course delivery, or program of study, must complete AlcoholEdu, a nationally normed educational module on the effects alcohol play on development, education, decision making and sexual misconduct. Successful completion of AlcoholEdu is required during the student's first term of enrollment. Students failing to complete the module are not allowed to register for a subsequent term until completion.

It is the policy of Helena College University of Montana ([600.6](#)) to comply with applicable laws pertaining to the unlawful sale, possession, use, and/or consumption of alcoholic beverages on college property and to foster responsible attitudes toward alcohol among the members of the college community, including students, faculty, staff, and visitors. No event involving the sale, possession, and/or consumption of alcoholic beverages may take place on college property without prior written approval of Helena College's Dean/CEO.

Helena College prohibits the unlawful possession, use, and sale of illegal drugs on campus.

Montana Board of Regents Policy [503.1](#) Alcoholic Beverages, prohibits the consumption of alcoholic beverages on property belonging to the Montana University System except as expressly permitted or Helena College's Dean/CEO.

### **Alcohol**

An estimated 18 million adults in the United States have significant alcohol-related problems. Ten percent of adults, twenty percent of men and ten percent of women, can be classified as heavy drinkers. That is, they consume an average of two or more drinks per day. Combined with the more moderate drinking of another 60 percent of the population, the consumption of alcohol in this country contributes to some astounding statistics: The U.S. Surgeon General estimates alcohol is involved in 200,000 deaths in this country per year, ten percent of the U.S. annual mortality. The National Institute on Drug Abuse estimates 100,000 deaths per year can be attributed directly to alcohol. There are more than one million annual alcohol-related hospital discharges in this country. Half of all traffic crash deaths are alcohol related.

According to a report completed by the Montana Department of Justice ([Substance-Use-in-Montana-DOJ-FINAL-September-19th.pdf \(dojmt.gov\)](#)), in Montana, one in five adults reported binge drinking in the last month prior to being surveyed in 2017. This is 19.8% of Montana adults as compared to 16.3% of adults in the US. 7.7% of Montana adults are classified as "heavy drinkers" as compared to 6.2% nationwide.

Adults, of course, are not the only ones who suffer from the effects of alcohol consumption. Driving under the influence is the number one killer of American teenagers. Maternal consumption results in a variety of alcohol-related birth defects in 4,000 California newborns each year, in 36,000 children nationwide.

Virtually all body systems are affected by the long-term abuse of alcohol. Such consumption results in ulcer disease, gastritis, pancreatitis, fatty liver, alcoholic hepatitis, chronic active hepatitis, and cirrhosis. Cancers of the digestive tract (particularly the esophagus and stomach), head, neck, and lungs are common in heavy users. However, intake of as little as one or two drinks per day has been associated with an increased risk of breast cancer. Chronic heavy consumption can lead to organic brain syndrome and permanent incoordination as well as elevated risk for hemorrhagic stroke. Heavy use is correlated with inflammation and abnormalities of the heart, hypertension, and elevations of blood fats, including cholesterol. Even low doses of alcohol can decrease the ability of an already diseased heart to contract and expel blood, and can diminish warning signs of pain. Heavy consumption decreases production of all types of blood cells, resulting in anemia, lowered resistance to infections, poor clotting and increased bruising, and gastrointestinal bleeding. Many conditions resulting from immune system deficiencies are related to alcohol consumption. Sexual dysfunctions, including decreased sperm production and motility, decreased testosterone production, impotence, and menstrual irregularities, are alcohol related. Binge drinking can result in muscle inflammation and chronic

drinking in muscle attrition in the shoulders and hips. Heavy drinking is also associated with alcoholic ketosis brought on through vomiting and dehydration, osteoporosis, resulting in broken bones, and renal dysfunction. Emotional responses in addition to interpersonal difficulties include intense sadness, auditory hallucinations, paranoia, and anxiety. Alcohol fragments sleep and can lead to insomnia. And, of course, heavy consumption results in hangovers. In summary, “alcohol abusers have lower life expectancies and higher mortality rates at younger ages than non-alcoholics.”

Serious health consequences can also result from non-alcoholic, episodic drinking. Because of the narrow range between the anesthetic and the lethal dose of alcohol, toxic reactions leading to death can occur when large amounts are consumed at one time. The potential effect of alcohol on other depressant drugs can also be fatal when the two are used in combination. The most common negative health consequences from occasional drinking are trauma related, however, and involve both the drinker and non-drinking bystanders and victims.

### **Other Depressants**

Although users of alcohol tend to feel “up” with low-level consumption, alcohol is actually a depressant drug. The “high” results from a depressing of the user’s usual inhibitions. Psychological and physical “lows” follow with continued consumption. Other depressants include opiates, sedative-hypnotics, and anti-anxiety medications. Suffice it to say that such industrial products as solvents and aerosols, when inhaled for their mind-altering properties, also create depressant-like effects.

### **Opiates and Narcotics**

Less than four percent of Montana adults ages 18 and older have admitted to the nonmedical use of a prescription pain killer in the past year. While that was the 2nd lowest state use rate overall in 2011, **174 Montana adults died from prescription drug only overdoses in 2018.** [Source](#)

The link between prescription narcotic painkiller abuse and subsequent and/or simultaneous heroin abuse continues to grow. Now across the country **86 percent “had used opioid pain relievers non-medically prior to using heroin.”** [Source](#)

From 2011-2013 prescription drug overdoses (where no substances other than Rx drugs were present) were responsible for at least **369 deaths and more than 7200 hospital inpatient admissions** and emergency department encounters in Montana (Montana Department of Health and Human Services’ Office of Epidemiology and Scientific Support). [Source](#)

Possibly the first drugs to be abused were opiates. Naturally occurring opiates include opium, heroin, morphine, and codeine. In recent years, synthetic opiates have been developed as medical analgesics and antagonists. Examples include such trademarked compounds as Darvon, Percodan, Demerol, Lomotil, and Talwin. All are central nervous system depressants that slow down both physical and psychological responses. The most serious medical consequence of opiate abuse is toxic reaction, more commonly known as overdose. Generally incurred accidentally, overdose leads to death when the respiratory and circulatory systems slow down to the point of ceasing to function.

More common health consequences of opiate abuse occur not from the chemicals themselves, but from the lifestyles that frequently accompany their use. Whether street junkies or party chippers, opiate abusers are prone to AIDS contracted from dirty needles, abscesses and other infections, tetanus and malaria, hepatitis and other liver abnormalities, gastric ulcers, heart arrhythmias, endocarditis, anemias, electrolyte abnormalities, bone and joint infections, eye abnormalities, kidney failure, muscle destruction, pneumonia, lung abscesses, tuberculosis, bronchospasm and wheezing, depression, and sexual dysfunctions, as well as social, interpersonal, and legal problems.

### **Hypnotics and Anti-anxiety Drugs**

Such prescription medications as Nembutal, Seconal, Quaalude, Miltown, and Equanil can be abused and do have serious negative health consequences. The most common is toxic overdose, which results in depressed central nervous system, cardiac, and respiratory functioning. Temporary psychosis involving auditory hallucinations and paranoid delusions can also occur. Use of these drugs can interfere with short-term memory and recall as well as impair judgment and motor performance. Decreased inhibitions can result in an increase of angry outbursts and potential for traumatic consequences. Permanent neurological damage is possible. When ingestion is through the use of a syringe and needle, the usual results of contaminated paraphernalia can result: hepatitis, tetanus, abscesses, and AIDS. The inadvertent injection of any depressant into an artery can result in muscle and nervous tissue death, necessitating limb amputation. Unsupervised withdrawal from these drugs can involve dangerous convulsions and serious depression.

### **Stimulants**

All drugs in this classification regardless of their relative current “popularity” among drug abusers share the essential ability to stimulate the central nervous system. Amphetamines, caffeine, methamphetamine, dextroamphetamine, and, of course, cocaine, are among the drugs in this category. The stimulating effects of these drugs are also obvious on the peripheral nervous system and the cardiovascular system. The stimulation results in decreased fatigue, increased feelings of sexuality, interference with sleep patterns, and decreased appetite.

Abusers of stimulant drugs are more likely to experience drug-induced psychiatric disturbances than are other abusers. Though transitory, these disturbances can be quite frightening as they

mimic manic stages, serious psychoses resembling schizophrenia, major depression, and panic attacks. Differences in health-related responses to stimulant drugs are dependent upon the mode of ingestion. Nasal and intravenous use create more acute responses than does oral use. The purity of the chemical also plays a significant role in the intensity of response. In addition to its phenomenally addictive qualities, the great danger with cocaine and its derivatives lies in the rapid onset of increased heart rate that can actually lead to cardiac fibrillation, heart attack, respiratory arrest, and death. Other negative health consequences associated with stimulant use include strokes, destruction of nasal tissue, bronchitis, tooth grinding, and skin ulcers. Maternal use can cause similar difficulties for a fetus as well as contribute to spontaneous abortions, premature labor, and detached placentas.

### **Hallucinogens**

Given the cyclical nature of the kinds of drugs users choose to abuse, relatively little is currently heard about such hallucinogens as psilocybin, mescaline, or the alphabet soup/designer drugs like LSD, PCP, MDMA, STP, etc. They are, however, among the oldest of recognized mind-altering substances. The most common health-related responses to hallucinogen use include panic reactions, flashbacks, and toxic reactions with ingestion of high levels of some of the compounds. The psychological states in these circumstances can include high anxiety, loss of contact with reality, depersonalization, paranoia, confusion, drug-induced psychosis, and, of course, hallucinations. PCP users often become violent and appear to acquire super strength due to the pain-numbing qualities of the drug. This lack of pain combined with violent reactions often leads to serious physical injuries.

### **Marijuana**

Until the relatively recent crisis with crack cocaine, marijuana was probably the drug that created the most concern for Americans. Although marijuana is sometimes called a hallucinogen, its use more often results in changing level of consciousness than in actual hallucinations. The drug has the peculiar ability to simultaneously create physical symptoms akin to both depressants (relaxation, sleepiness) and stimulants (increased respiratory and heart rates). Chronic long-term use affects most body systems, resulting in bronchitis and other respiratory difficulties, decreased strength of heart contractions, possible negative consequences on the immune system, lower sperm count, increased rate of chromosomal breakage, decreased size of prostate and testes, blocked ovulation, acute memory impairment, and possible reduction in growth-hormone production. Maternal use reduces oxygenation to the fetus and can result in behavior and learning difficulties for the child. Marijuana use by those with diabetes can create life-threatening ketoacidosis.

Episodic use of marijuana can result in panic reactions, including feelings of anxiety, fears of losing control or going crazy, or fears of physical illness. Flashbacks can occur, as can temporary psychotic states. Marijuana is also likely to worsen prior psychotic states. Toxic reactions are

possible with high-level use of high-potency marijuana. As with alcohol, some of the most serious health consequences of marijuana use result when decreased judgment, impaired ability to estimate time and distance, and impaired motor function and ability to carry out multi-step tasks contribute to injury-causing accidents. A recent study indicated that seventeen percent of drivers in fatal automobile crashes tested positive for marijuana use.

For more comprehensive information on the health consequences of alcohol or other drug use, consult your county alcohol and drug administration, a local alcohol or drug program.

## **Student Disciplinary System**

Individuals grow and mature in communities and we expect such growth of the students enrolled at Helena College. Participating in a community requires, depending upon knowledge, integrity and decency of others. In turn, the best communities help individuals mold habits and values that will enable them to achieve the highest personal satisfaction, including the satisfaction associated with helping to make a better world for all. The College's rules are designed to protect individual liberties and the College's values. These values, highlighted in our Strategic Plan and Student Handbook, are provided to ensure students and employees alike are aware of how the values play a crucial role to the mission of Helena College.

### **Procedural Protections**

Students accused of disciplinary violations are entitled to the following procedural protections:

**General Complaint Procedure:** When there is good cause to believe a student has a complaint, the following procedure should be utilized:

**Step 1:** The student should confer with the faculty or staff member against whom the complaint exists in order to reach an informal resolution within five (5) instructional days of the situation or circumstance which gave rise to the complaint. If resolution cannot be reached through discussion, the complaint may be put in writing to ensure that all parties understand the issues; however, this does not constitute filing a formal complaint at this stage in the process.

**Step 2:** If no satisfactory resolution is reached through discussion with the faculty or staff member against whom the complaint exists, or if the student determines that the complaint may be resolved more appropriately without the faculty or staff member involved, the student should attempt to resolve the complaint through discussion with the appropriate department chair or immediate supervisor. Although department chairs do not supervise faculty within their department they can help facilitate resolution to a complaint. Step 2 must occur within five (5) instructional days of the Step 1 conference with the faculty or staff member, or within five (5) instructional days of the situation or circumstance that gave rise to the complaint in the event a student determines it is not appropriate to resolve the complaint directly with the faculty or staff member directly involved.

**Step 3:** If a satisfactory informal resolution cannot be obtained through the Step 2 meeting, a student may proceed with a formal complaint. The student shall outline in writing the complaint, identifying dates and persons involved, why previous attempts at informal resolution failed, and the desired resolution to the complaint. The written complaint must be submitted to five (5) instructional days of the Step 2 meeting. When the formal complaint is received it shall be forwarded to the faculty or staff member and other appropriate parties concerned for a written response within ten (10) instructional days. The appropriate college administrator (academics, student affairs, fiscal & plant) shall keep all written documentation associated with the complaint as a record of the proceedings. The administrator shall inform the student of the nature of the written response from the parties. If the written response fails to resolve the complaint to the satisfaction of the student, the appropriate administrator will convene a conference of all the parties to the complaint within ten (10) instructional days for the purpose of bringing the complaint to resolution. In the event the administrative conference fails to resolve the complaint, the written complaint, along with any records of proceedings, and a recommendation for resolution will be provided to the Dean/CEO for a final resolution within ten (10) instructional days. The Dean/CEO will review the complaint and may amend, modify, reverse or accept the recommendation, advising all affected parties of the final resolution to be implemented.

If a student is not satisfied with the resolution implemented by the Dean/CEO, the student may address his or her complaint in writing to the Office of the President, University of Montana, 32 Campus Drive, Missoula, MT 59812, and the Commissioner of Higher Education, 560 N. Park Street, PO Box 203201, Helena, MT 59620-3201, in accordance with Montana Board of Regents of Higher Education 203.5.2.

A complaint against a faculty or staff member shall not result in the forfeiture of said faculty or staff member's rights as protected under the Collective Bargaining Agreement between the Helena Teacher's Union, MFPE, and the Montana Board of Regents of Higher Education or the Montana University System.

### **General Misconduct**

Generally, through appropriate due process procedures, a member of the community who adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on institution or institution-controlled property shall be charged with violating the Student Code of Conduct. Such violations include: forgery, falsification, or fraudulent misuse of college documents, records; furnishing false information to the college or members of the college community; theft of property; unauthorized use, destruction, or damage of college property; unauthorized or fraudulent use of the college's facilities; unauthorized entry, use or occupancy of college facilities; intentional obstruction or disruption of normal college or college-sponsored activities; use, possession, or distribution of alcoholic beverages on college premises or at college-sponsored activities except as permitted under college policies (Helena



College Policy [600.6](#) Alcohol Sale, Possession, and/or Consumption on College Property); disorderly or indecent conduct on college-owned or controlled property; interfering with freedom of expression of others; hazing; malicious intimidation; misuse of electronic devices; financial irresponsibility; illegal use, possession, or distribution of any controlled substance on College premises or at college-sponsored activities; illegal or unauthorized possession or use of firearms, explosives, other weapons, dangerous chemicals, or other noxious substances on college premises; sexual misconduct; retaliation against a person for filing a complaint or acts of intimidation directed towards a person to drop a complaint; violation of state or federal laws.

### **Sanctions for Violation of Code of Conduct**

Upon a determination that a student or organization has violated the Student Code of Conduct, the following disciplinary sanctions may be imposed, either singularly or in combination:

1. **Verbal Reprimand** – Such action shall be a reprimand for failure to maintain standards of conduct expected of a Helena College student. Documentation of the verbal reprimand will be maintained in the student’s disciplinary file.
2. **Referral** – Referral to a licensed counselor or medical professional with a recommendation of counseling, assessment, and/or specified behavior modifications.
3. **Written Reprimand/Disciplinary Warning** – Such action shall constitute a determination that the misconduct was of a moderate nature and the student is placed in a status of warning for a specified period of time. Occurrence of any further misconduct during the stated period may constitute grounds for probation, suspension or expulsion. The duration of the probation period will be in proportion to the degree of seriousness attached to the misconduct, as determined by the Conduct Officer.
4. **Written Reprimand/Disciplinary Probation** – Such action shall constitute a determination that the misconduct was of a serious nature and the student is placed in a status of probation for a specified period of time. Occurrence of any further misconduct during the stated period may constitute grounds for probation, suspension or expulsion. The duration of the probation period will be in proportion to the degree of seriousness attached to the misconduct, as determined by the Conduct Officer.
5. **Disqualification** – This action may be utilized to direct the loss or limitation of privileges, rights, or services which students normally enjoy on the campus or other instructional sites with regard to the use of facilities or participation in College activities. The disqualification shall be for a stated period of time in proportion to the seriousness of the offense. Failure to comply with disqualification may constitute grounds for suspension or expulsion.
6. **Restitution** – Such action is appropriate in any case in which the conduct has caused loss or damage to property or injury to a person or in which reparation for a particular act of misconduct may reasonably be made by payment of money or the performance of services.

Restitution as a sanction may not be made a part of a disciplinary action unless the offender agrees to accept the sanction OR damage to or theft of College property is involved.

7. **Interim Action** - The temporary suspension or termination of a Respondent's privileges on an interim basis before a final determination. Such actions include Interim Action, separation of parties, and changing of class schedules. If imposed, the student is denied access to campus, classes, and College activities and privileges until the charges are resolved. These conditions may warrant interim suspension:
  - a. To ensure the safety and well-being of College members;
  - b. To ensure the student's own safety and well-being;
  - c. To preserve College property;
  - d. To prevent disruption or interference with normal College operations.
8. **Suspension** – A suspension terminates the individual's status as a student for a stated period of time in proportion to the seriousness of the offense. A suspension for misconduct may not be affected until so ordered by the Conduct Officer. Suspension shall be college-wide. A student who is suspended may not enroll at the College for the duration of the suspension.
9. **Readmission** - Following suspension for general misconduct, readmission to the College is dependent upon the student's compliance with the conditions designated at the time of suspension and the student's fitness to return to the campus community. These decisions are made in collaboration by the Executive Director of Enrollment and the Executive Director of Compliance & Financial Aid upon consultation with appropriate professional staff on campus and/or in the community. Appropriate documentation, depending upon the nature of the original violation and the conditions of suspension, is required. Upon readmission, the student is placed on disciplinary probation for a designated period of time with required conditions and expectations of behavior monitored by a designated campus professional(s).
10. **Expulsion** – Expulsion constitutes a final termination of all opportunity for the offender to continue as a student at the College. Expulsion for misconduct may not be affected until so ordered by the Dean/CEO as recommended by the Executive Director of Compliance & Financial Aid. A student who is expelled may not enroll at the Helena College in the future.

Repeated or aggravated violation of this Code may result in more severe disciplinary sanctions than any individual action may warrant, and notification of any sanction imposed is provided to appropriate College officials. The Dean/CEO is authorized, at his or her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases. Notification of any sanction imposed is sent to appropriate college officials.

## **Temporary Suspension**

The College reserves the right to take necessary and appropriate action to protect the safety and well-being of the college community.

- A student may be temporarily suspended from the college by the Executive Director of Compliance & Financial Aid pending disciplinary or criminal proceedings, upon evidence that the continued presence of the student on campus constitutes an immediate threat to the physical safety and well-being of the accused, or to any other member of the college community or its guests, destruction of property or substantial disruption of classroom or other college activities. When such a determination is made, the temporary suspension is effective immediately without prior notice. The student shall be given an opportunity to contest the suspension with the Executive Director of Compliance & Financial Aid within five (5) instructional days from the effective date of the temporary suspension if there are disputed issues of fact or cause and effect.
- Faculty members have the authority to exclude a student from any class session in which the student displays disruptive behavior that threatens the learning environment or safety and well-being of others in the classroom. Students are eligible to return to the next class session. Faculty members maintain the authority to remove students from each class session during which a student is disruptive. A student may be suspended permanently from a class upon recommendation of the Executive Director of Compliance & Financial Aid following the disciplinary procedure outlined in the Student Code of Conduct.

## **Code of Conduct: Student Rights**

Helena College recognizes that its students retain the rights provided by the United States and Montana Constitutions, federal and state statutes, and other applicable college policy, while attending the college. The provisions of the Student Code of Conduct are intended to be consistent with these rights and to limit or restrict only conduct that exceeds the responsible exercise of rights recognized by law. The following rights are specifically recognized and implemented in the Code:

### **Right to Confidentiality**

Helena College complies with the principles of privacy found in the Montana Constitution, Montana Code Annotated, and the Family Educational Rights and Privacy Act (FERPA). A student's name and other identifying information including address, telephone number, date and place of birth, enrollment status, major field of study, participation in officially recognized activities, dates of attendance, degrees awarded, and honors received may be considered public information unless the student requests in writing for the college to hold the information in confidence.

A student's rights in a proceeding involving the Student Code of Conduct include the following:

1. All disciplinary proceedings are closed to the public.
2. The college, including individuals involved in a disciplinary proceeding, will not disclose information to anyone not connected with the proceeding. The fact that there is a disciplinary proceeding concerning the incident may be disclosed; however, the identity of individual students will not be disclosed.
3. The college, including individuals involved in a disciplinary proceeding, will disclose the results of the proceedings, including sanctions imposed, only to those who need to know the results for the purposes of record keeping, enforcement of the sanctions, further proceedings, or compliance with federal or state law. The fact that a disciplinary proceeding has been concluded and appropriate action taken may be disclosed. The Campus Security Act of 1990 allows, but does not require, the college to disclose the results to an alleged victim of a violent crime.

### **Right to Due Process**

**The Accused:** A student accused of violating the Student Code of Conduct has certain rights:

- The right to be advised that an alleged violation is being investigated and a right to be advised of the potential charges.
- The right to review the evidence.
- The right to decline to make statements.
- The right to submit a written account relating to the alleged charges.
- The right to know the identity of individuals who will be present at an administrative conference or hearing.
- The right to have a person of choice, including legal counsel, present throughout any and all proceedings provided for in this Code.
- The right to a period of time to prepare for a hearing and the right to request a delay of the hearing for exigent circumstances.
- The right to present relevant evidence and witnesses.
- The right to a timely adjudication of the charges as provided in this Code

**The Alleged Victim:** Some violations of the Student Code of Conduct involve a person who is an alleged victim of the violent crime. Violent crime may include acts such as robbery, vandalism, aggravated assault, sexual assault, harassment, and acts which endanger another person's safety. When a member of the campus community files a complaint and is identified as an alleged victim of a violent crime, that individual is entitled to certain rights in the disciplinary process. An alleged victim of a violent crime is entitled to the following:

- The right to meet with the designated administrative officer to discuss the various aspects of the disciplinary process.
- The right to submit a written account of the incident and a statement discussing the effect of the alleged misconduct.

- The right to have a person of choice, including legal counsel, present throughout any and all of the proceedings provided for in the Code.
- The right to be informed of the date, time and location of the administrative conference or hearing, and the right to be present at all stages of the proceedings except the private deliberations of the designated administrative officer. If not present, the alleged victim has the right to be informed immediately of the outcome of the disciplinary proceedings.
- The right to have past conduct that is irrelevant to the case not discussed during the proceedings. In the case of rape and sexual assault, this is specifically provided for in Montana law.

## Definitions of Reportable ‘Clery’ Crimes

Criminal Offenses are classified using the FBI Uniform Crime Reporting Handbook:

***Murder/Non-Negligent Manslaughter:*** the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

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

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

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

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

***Motor Vehicle Theft:*** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned – including joy riding)

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

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

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

***Liquor Law Violations:*** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not

included in this definition.)

## **Sex Offenses**

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances in which the victim is incapable of giving consent.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

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

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

## **Hate Crimes**

Helena College is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below).

**Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Vandalism:** To willfully or maliciously destroy, injure, damage, deface, or otherwise injure real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury

involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc... the assault is then also classified as a hate/bias crime.

### **Other Offenses**

***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.

(1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(2) For the purpose of this definition, dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.

***Domestic Violence:*** A felony or misdemeanor crime of violence committed

(1) By a current or former spouse or intimate partner of the victim.

(2) By a person with whom the victim shares a child in common.

(3) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.

(4) 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.

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

***Stalking:*** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(1) Fear for the person's safety or the safety of others; or

(2) Suffer substantial emotional distress.

For the purpose of this definition:

- course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method device, or means



follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

*NOTE: The above listed crime definitions from the Handbook for Campus Safety and Security Reporting, 2016.*

## **Crimes & Definitions Described by Montana Statute**

**Consent:** The Montana Code Annotated (State of Montana) defines consent in relation to sexual activity as follows: Montana Code Annotated 2021 TITLE 45.CRIMES

### CHAPTER 5.OFFENSES AGAINST THE PERSON

#### Part 5. Sexual Crimes Definitions

##### 45-5-501. Definitions

(1)

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

- i. an expression of lack of consent through words or conduct means there is no consent or that consent has been withdrawn;
- ii. a current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue does not constitute consent; and
- iii. lack of consent may be inferred based on all of the surrounding circumstances and must be considered in determining whether a person gave consent.

b. Subject to subsections (1)(c) 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

b. “Probation” means:

i. in the case of an adult offender, release without imprisonment of a 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.

### **Dating Violence**

Although dating violence is not defined specifically by Montana Statute, dating violence is covered under Montana’s domestic violence law 45-5-206, Partner or Family Member Assault listed below.

### **Domestic Violence MCA 45-5-206/ Partner or Family Member Assault**

#### ***Partner or Family Member Assault/Domestic Violence***

Montana Code Annotated 2021

TITLE 45. CRIMES

CHAPTER 5. OFFENSES AGAINST THE PERSON

Part 2. Assault and Related Offenses Partner or Family Member Assault – Penalty

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.
- d. 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.

### ***Strangulation***

#### **TITLE 45. CRIMES**

#### **CHAPTER 5. OFFENSES AGAINST THE PERSON**

#### **Part 2. Assault and Related Offenses**

#### **Strangulation of Partner or Family Member**

45-5-215. Strangulation of partner or family member.

(1)

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

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

(2)

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

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

(3)

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

(4)

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

### ***Stalking***

#### TITLES 45. CRIMES

#### CHAPTER 5. OFFENSES AGAINST THE PERSON

#### Part 2. Assault and Related Offenses Stalking – Exemption – Penalty

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

(1)

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

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

(2)

For the purposes of this section, the following definitions apply:

- a. “Course of conduct” means two or more acts, including but not limited to acts in which the offender directly or indirectly, by any action, method, communication, or physical or electronic devices or means, follows, monitors, observes, surveils, threatens, harasses, or intimidates a person or interferes with a person’s property.
- b. “Reasonable person” means a reasonable person under similar circumstances as the victim. This is an objective standard.
- c. “Substantial emotional distress” means significant mental suffering or distress that may but does not necessarily require medical or other professional treatment or counseling.

(3)

This section does not apply to a constitutionally protected activity.

(4)

- a. Except as provided in subsection (4)(b), for the first offense, a person convicted of stalking shall be imprisoned in the county jail for a term not to exceed 1 year or fined an amount not to exceed \$1,000, or both.
- b. For a second or subsequent offense within 20 years or for a first offense when the offender violated any order of protection, when the offender used force or a weapon or threatened to use force or a weapon, or when the victim is a minor and the offender is at least 5 years older than the victim, the offender shall be imprisoned in the state prison for a term not to exceed 5 years or fined an amount not to exceed \$10,000, or both.
- c. A person convicted of stalking may be sentenced to pay all medical, counseling, and other costs incurred by or on behalf of the victim as a result of the offense.

(5)

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

(6)



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

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

(7)

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

***Sexual Intercourse Without Consent***

TITLE 45. CRIMES

CHAPTER 5. OFFENSES AGAINST THE PERSON

Part 5. Sexual Crimes

45-5-503. Sexual intercourse without consent.

(1)

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

(2)

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

(3)

- a. If the victim is less than 16 years old and the offender is 4 or more years older than the victim or if the offender inflicts bodily injury on anyone in the course of committing

sexual intercourse without consent, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222.

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

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

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

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

(4)

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

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

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

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

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

(5)

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

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

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

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

(6)

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

(7)

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

(8)

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

*Sexual Assault*

TITLE 45. CRIMES

CHAPTER 5. OFFENSES AGAINST THE PERSON

Part 5. Sexual Crimes

45-5-502. Sexual assault.

(1)

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

(2)

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

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

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

(3)

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

(4)

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

(5)

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

- i. incarcerated in an adult or juvenile correctional, detention, or treatment facility or is on probation, conditional release, or parole and the perpetrator is an employee, contractor, or volunteer of the supervising authority and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search;
- ii. less than 14 years old and the offender is 3 or more years older than the victim;
- iii. receiving services from a youth care facility, as defined in 52-2-602, and the perpetrator:
  - A. has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
  - B. is an employee, contractor, or volunteer of the youth care facility;
- iv. admitted to a mental health facility, as defined in 53-21-102, is admitted to a community-based facility or a residential facility, as those terms are defined in 53-20-102, or is receiving community-based services, as defined in 53-20-102, and the perpetrator:
  - A. has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
  - B. is an employee, contractor, or volunteer of the facility or community-based service;
- v. a program participant, as defined in 52-2-802, in a private alternative adolescent residential or outdoor program, pursuant to Title 52, chapter 2, part 8, and the perpetrator is a person associated with the program, as defined in 52-2-802;
- vi. the victim is a client receiving psychotherapy services and the perpetrator:
  - A. is providing or purporting to provide psychotherapy services to the victim;
  - B. is an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the victim and the perpetrator has supervisory or disciplinary authority over the victim; or
- vii. a student of an elementary, middle, junior high, or high school, whether public or nonpublic, and the perpetrator is not a student of an elementary, middle, junior high, or high school and is an employee, contractor, or volunteer of any school

who has ever had instructional, supervisory, disciplinary, or other authority over the student in a school setting.

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

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

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

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

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

### ***Incest***

## **TITLE 45. CRIMES**

### **CHAPTER 5. OFFENSES AGAINST THE PERSON**

#### **Part 5. Sexual Crimes 45-5-507. Incest.**

(1)

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

(2)

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

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

(3)

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

(4)

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

(5)

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

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

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

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

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

(6)

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

### *Statutory Rape*

## TITLE 45. CRIMES

### CHAPTER 5. OFFENSES AGAINST THE PERSON

#### Part 5. Sexual Crimes

##### Sexual Intercourse without Consent

45-5-503. Sexual intercourse without consent.

(1)

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

(2)

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

**State of Montana definitions are included for educational and awareness purposes. The Clery Act requires crimes to be reported using Clery Act Crime Definitions which are located above the Montana Law Section.**

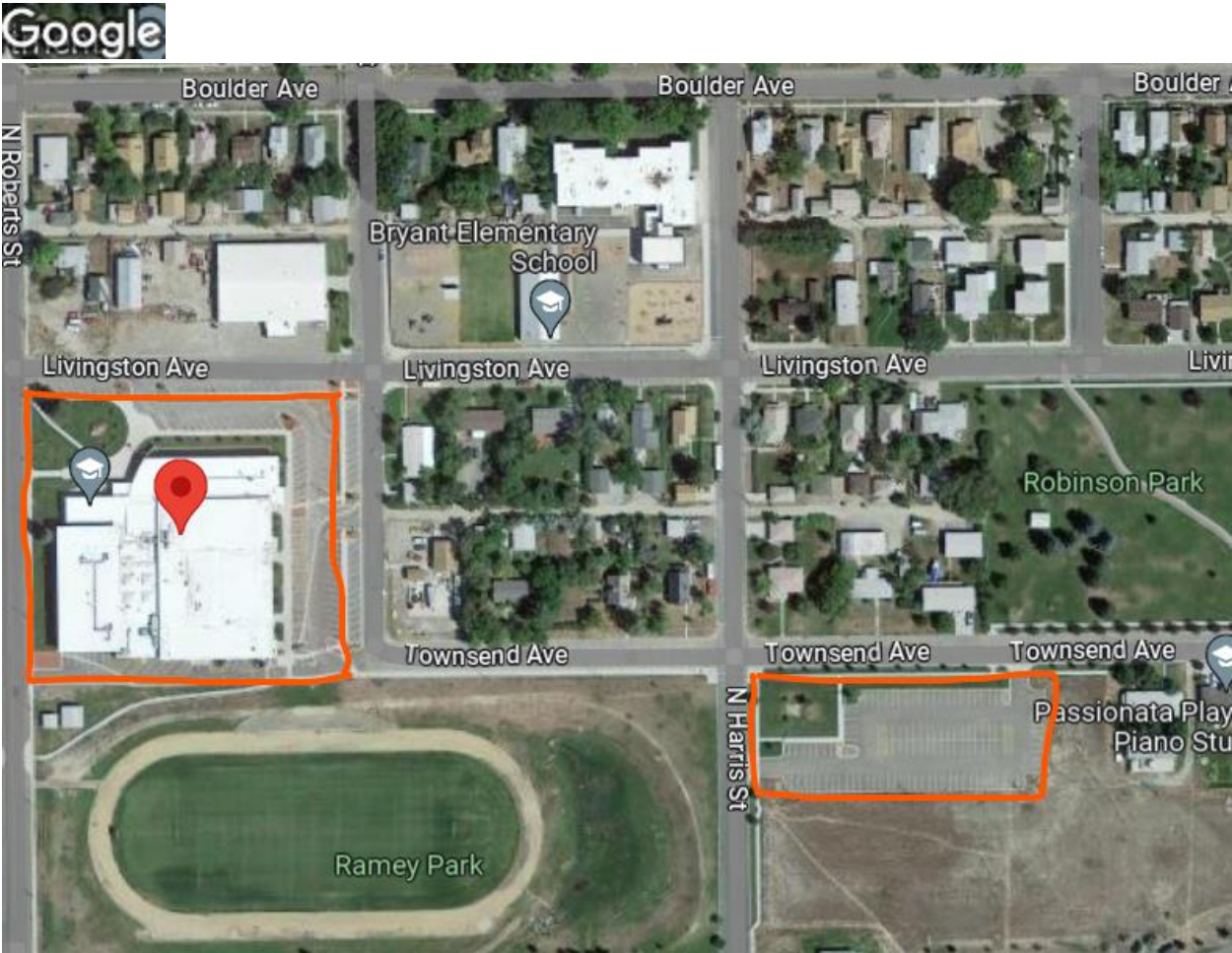


**Annual Crime Statistics – 20 reporting of years 2020, 2021, 2022**

| OFFENSE  | On CAMPUS      |      |      | Non CAMPUS |      |      | PUBLIC PROPERTY |      |      |
|--|----------------|------|------|------------|------|------|-----------------|------|------|
|  | 2020           | 2021 | 2022 | 2020       | 2021 | 2022 | 2020            | 2021 | 2022 |
| Murder/Non-Negligent Manslaughter                          | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Negligent Manslaughter                                     | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Sex Offenses, Forcible                                     | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Rape   | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Fondling   | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Sex Offenses Non Forcible                                  | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Robbery  | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Aggravated Assault   | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Burglary   | 0              | 1    | 1    | 0          | 0    | 0    | 0               | 0    | 0    |
| Motor Vehicle Theft  | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Arson  | Not Applicable |      |      |            |      |      |                 |      |      |
| Liquor Law Arrest  | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Liquor Law Violations Referred to Disciplinary Action      | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Drug Law Arrests   | 0              | 0    | 0    | 0          | 0    | 0    | 2               | 0    | 0    |
| Drug law violations Referred to Disciplinary Action        | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Illegal Weapon Possession Arrests                          | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Illegal Weapons Possession Referred to Disciplinary Action | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Hate Crimes  | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Stalking   | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Domestic Violence  | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Dating Violence  | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Harassment   | 0              | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |

HELENA COLLEGE UNIVERSITY OF MONTANA CAMPUS MAPS

Donaldson Campus



*Airport Campus*



**Helena College does not offer on campus student housing.**

**Hate Crimes:**

Helena College has had no reports of hate crimes for the years 2020, 2021, or 2022.

**Unfounded Crimes:**

There are no unfounded crimes to report for the reporting period, at any location.

References

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