



2015

Annual Campus  
Safety and Security  
Report

## 2015 Annual Campus Security Report

### Contents

Crime Awareness and College Safety.....	3
Equal Opportunity Policy & Nondiscrimination Statement .....	3
Reporting Emergencies & Crime Activity .....	4
Voluntary & Confidentiality Reporting of Crimes & Other Serious Incidents .....	4
The Jeanne Clery Disclosure of Campus Security Policy & Crime Statistics Act .....	6
Definition of Reportable Crimes .....	7
Timely Warnings/Emergency Notification .....	9
Procedures for Testing Emergency Response & Evacuation Procedures .....	11
Security/Safety considerations in the maintenance of College Facilities .....	12
Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation.....	13
Alcohol and Drugs .....	19
Student Disciplinary System .....	23
Code of Conduct: Student Rights .....	28
ANNUAL CRIME STATISTICS .....	30

Welcome to Helena College University of Montana. Please take the time to review the Annual Safety and Security Report. This report contains campus crime statistics and critical campus safety information such as policies, crime prevention, crime reporting, and resources to aid you in becoming more safety-minded. As members of the Helena College community, we all share in the responsibility of maintaining a safe campus community. Helena College strives to be a safe place where knowledge thrives. I encourage you to review the following information to assist you in maintaining safety and security for yourself and others in our campus and local community. Helena College has an excellent working relationship with the Helena Police Department and is the primary department for providing law enforcement services for the college.

Helena Police Department relies heavily on members of the Helena College community to report any suspicious activity, crimes being committed, and crimes in progress that occur on campus, or adjacent to our property. To make a report, please call HPD 442-3233 or 911 for emergency services.

If you are uncomfortable reporting to the police, this document contains information regarding how and to whom you can report incidents.

### **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 on based upon race, color, religion, national origin, creed, service in the federally and state defined uniform services, veteran status, sex, age, political ideas, martial or family status, pregnancy, physical or mental disability, genetic information, gender

identity, gender expression, or sexual orientation unless based on a 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:

Director of Human Resources

Helena College

406-447-6900

## **Reporting Emergencies and Criminal Activity**

### **CRIME REPORTING PROCEDURES**

Crime is a reality at Helena College, as it is on every college campus. Preventing crime is everyone's responsibility. Unreported crime is a criminal's greatest ally. If you suspect a criminal act has taken place, contact:

- For emergencies call 911 or contact Helena Police Department (406) 442.3233
- On Campus incidents involving people, Assistant Dean of Student Affairs (406) 447.6903
- On Campus incidents involving physical plant, Assistant Dean of Fiscal and Plant (406) 447.6917

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

**Suspicious persons:** If you see anyone acting suspiciously, call 911 or 442.3233. Do not approach the individual yourself. Report the type of suspicious behavior and the location. Relay pertinent information concerning the person including: age, sex, dress, vehicle and direction of travel.

**Bomb Threat:** If you receive a bomb threat, it is important to obtain as much information as possible from the caller. Things to ask are: (1) location of bomb, (2) time of explosion, and (3) type of bomb. Make mental notes about the caller's voice and background noises you may hear. Call the Helena Police immediately at the emergency number: 911. Do not panic. Helena Police officers will search the area, notify properly trained personnel, and notify emergency services. Helena police, in conjunction with the necessary Helena College personnel, will determine if

evacuation is necessary. **What to Report:** When calling Helena Police Department to report an incident, please provide the following information:

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

**Limited Voluntary Confidential Reporting:** If you are a victim of a crime and do not want to pursue action with the administrative process through the Equal Opportunity and Affirmative Action Office's Title IX Coordinator, or through the off-campus criminal justice system, you may still want to consider reporting the crime to a Campus Security Authority (CSA). Because criminal reports are public records under state law, a CSA cannot hold the fact a crime has been reported in confidence. However, a CSAD will not reveal a victim's identity without a victim's permission. The purpose of the confidential report is to comply with a victim's desire to keep the matter confidential, while taking steps to ensure the future safety of the victim and others. With such information, the College can keep an accurate record of the number of incidents involving students, determine if 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.

Helena College has several methods 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. One such form is the Crime Incident Report Form, available to all Helena College employees (H:forms/CrimeIncidentReportForm). This form assists 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. All other reporting forms are also available on the employee drive (H:forms/).

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. The only individuals associated with Helena College who are permitted non-disclosure are our licensed professional counselors, located in room 119, Donaldson Campus. However, any member of the college community may choose to report a crime to any college personnel.

The current Campus Security Authorities (CSA) are:

Rick Caron	406. 447.6938	Rm 139, Donaldson Campus
Therese Collette	406.447.6924	Rm 102A, Donaldson Campus
Dan Dobyns	406.447.6377	Main Office, Airport Campus
Jennifer Hern	406.447.6933	Bookstore, Donaldson Campus
Bridget Guerin	406.447.6350	Main Office, Airport Campus
Robyn Kiesling	406.447.6930	Rm 102N, Donaldson Campus
Yvonne Kunz	406.447.6938	Rm 136, Donaldson Campus
Ryan Loomis	406.447.6904	Rm 101, Donaldson Campus
Margaret McIntosh	406.447.6387	Rm 117, Donaldson Campus
Karina Moulton	406.447.6915	Rm 101, Donaldson Campus
Jesse Pate	406.447.6943	Library, Donaldson Campus
Matthew Richards	406.447.6925	Rm 101F, Donaldson Campus
Tammy Steckler	406.447.6953	Rm 119, Donaldson Campus
KayDee Syverson	406.447.6954	Rm 119, Donaldson Campus
Briana Trent	406.447.6956	Rm 119, Donaldson Campus
Ann Willcockson	406.447.6955	Rm 119, Donaldson Campus

**Medical Response:** When faced with a medical emergency, call 911 or notify the Helena Police Department at (406) 442.3233. Provide as much information as possible regarding the nature of the injury or illness and the state of the person needing assistance. Officers will arrange for an ambulance, if required.

### **The Jeanne Clery Disclosure of Campus Security Policy & Crime Statistics Act (“The Clery Act”)**

The Higher Education Opportunity Act requires colleges and universities to:

- Publish an annual report every year by October 01 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 of 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. 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.

## **Definitions**

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

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

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

## **Definitions of Reportable ‘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.
- *Negligent Manslaughter*: the killing of another person through gross negligence.
- *Forcible Sex Offense*: Any sexual act directed against another person, forcibly or against that person's will. Includes forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling.
- *Non-Forcible Sex Offenses*: Unlawful, non-forcible sexual intercourse. Includes incest and statutory rape.
- *Robbery*: the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

- *Aggravated Assault*: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury results 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 felony; breaking and entering with intent to commit a larceny; 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 Violation*: the violation of laws or ordinances prohibiting the manufacture, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
- *Drug Abuse Violations*: violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of certain controlled substances and the equipment or devices used in their preparation or use.
- *Liquor Law Violations*: the violation of state or local laws or ordinance prohibiting: the manufacture, sale, purchase, transporting, furnishing, possession, or use of alcoholic
- *Dating violence*:
  - violence committed by a person who is or has been in a social relationship or romantic or intimate nature with the victim, AND
  - Where the existence of such a relationship shall be determined based on consideration of the following:
    - Length of relationship
    - Type of relationship
    - Frequency of interaction between the person involved in the relationship.
- *Hate Crime* is defined as a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or



attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin. For Clery Act reporting purposes, hate crimes include any offense in the following list that is motivated by bias:

- Murder and Non-negligent manslaughter
- Forcible sex offenses
- Non-forcible sex offenses
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another
- Vandalism: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.
- Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

### **Disclosure of Disciplinary Proceeding Resulting for Violent Crime or Non-Forcible Sex Offenses**

Helena College will disclose to the alleged victim of a crime of violence or non-forcible sex offense the results of any disciplinary proceeding conducted by the College against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Helena College will provide the results of the disciplinary proceeding to the victim's next of kin.

### **Timely Warnings/Emergency Notification**

In the actual event a Clery Act crime occurs, either on any Helena College property, property adjacent to Helena College property, or in the best judgment of a member of Helena College leadership which may constitute a threat, a timely warning will be issued. This warning is issued through both an email notification to all individuals with a .umhelen.edu account and through publishing the information on Helena College's webpage ([www.umhelen.edu](http://www.umhelen.edu)).

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 Student Services and uses the following methods of communication:

- Email from [ALERT@umhelena.edu](mailto:ALERT@umhelena.edu)
- Scrolling banners located throughout both the Donaldson and Airport Campuses
- 2 TV Monitors located on the Donaldson Campus
- Scrolling banner on the website:  
[www.umhelena.edu](http://www.umhelena.edu)

Anyone with information believing a timely warning is necessary should report the situation to the Assistant Dean of Student Affairs, via phone 406-447-6903, or in person, Room 101B Donaldson campus.

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.

The College’s Emergency Action Plan consists of

- Designated members of the emergency repose team
- Operating procedures and performance expectations
- Displacement and non-displacement emergencies
- Pandemic Response Plan
- Review and drill of 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 Emergence Response Team. Depending on the nature of the incident, 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 Art compliance efforts and the information is available on the Helena College website ([www.umhelena.edu](http://www.umhelena.edu)).

On an annual basis, employees of the Helena College are notified of their requirement to notify the Assistant Dean of Fiscal and Plant or the Assistant Dean of Student Affairs 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 and dictated by procedure.

Additionally, in every classroom on both the Donaldson and Airport Campuses, a ‘quick reference card’ index 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.

In 2009, Helena College created the Safety Committee. This committee, comprised of representation from all constituent groups of the college, meets monthly to review College emergency process, discuss any incident or near-miss report and concerns regarding the safety of the College. The Emergency Action Plan and Crisis Protocol may be found through accessing the Helena College Website

[http://umhelena.edu/campus\\_facilities/policiesprocedures/docs/102EmergencyActionPlanEmergencyProtocolPolicy.pdf](http://umhelena.edu/campus_facilities/policiesprocedures/docs/102EmergencyActionPlanEmergencyProtocolPolicy.pdf).

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

Evacuations drills are conducted in accordance 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.

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

If an incident occurs and the building or areas around you become unstable, or if the air indoors 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.

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

### **Architectural Design and Security Review**

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 complete the facilities request form available through accessing the employee drive, <H://forms/maintance/HCWorkRequestForm>.

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.

In effort to ensure the safety of community members leaving the Donaldson campus in the evening, the facilities staff is available to escort individuals to their cars when parked in the extension lot on located on Townsend Avenue. Community members requesting escort may call 406-447- 6935 M-F, 4:00 – 10:30pm.

### **Electronic Alarm Systems**

A variety of intrusion, fire, and general emergency alarms are installed on campus. University Police monitor them and can provide immediate response to alarms.

### **Crime Prevention Programs**

Helena College crime prevention programs stresses community awareness and interaction through the dissemination of materials and presentations designed to familiarize students, faculty, and staff with their respective responsibilities to reduce opportunities for crime. Educational programs concerning personal safety, crime prevention, sexual violence, non-stranger sexual assault, the role of alcohol in personal safety, and techniques for personal safety are offered by a variety of groups and individuals on campus each year including Student Support Center, Helena College Student Government Association, Veteran's Resources, Wellness Programming and the Dean of Student Affairs.

## **CRIME PREVENTION TIPS**

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

- Report all suspicious persons/circumstances to Helena Police Department immediately by dialing (406) 442-3233
- Avoid walking alone at night regardless of gender.
- Engrave owner applied numbers such as a driver's license number on items of value, especially if the items don't have serial numbers.
- Backup your computer daily in case it gets stolen.
- Lock up bicycles using proper locking procedures and a good quality lock such as a Ulock.
- Always lock car windows and doors when leaving your car.
- If you know that you will be returning to your vehicle when it's dark outside, use well-lit parking lots Park under a streetlight if possible.
- Do not leave valuables in your car. If you must, put valuables in your trunk prior to your arrival at your destination.
- Carry only those items of value that you need on your person; e.g. limit the amount of cash and the number of credit cards you carry, and never carry your social security card in your purse or wallet.
- Never leave valuables (wallet, purses, books, laptops, etc.) unattended and unsecured – even for a bathroom break.

## **Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation**

In effort to ensure the safety of all members of the Helena College community, sexual misconduct of any kind is a violation of our community standards. The college, through its 100.3 policy ([100.3](#)) 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 [2015 Student Handbook](#)

If you are a victim of sexual or domestic violence, seek support from someone you trust immediately. There are local Helena and national resources available to you and 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.

Helena College has a strong, coordinated program of targeted educational events, materials and programs addressing violence prevention and risk reduction. The Grievance Procedures adopted by the College describe what will happen once the College receives a report of sexual assault,

dating violence, domestic violence and stalking, including the provision of a prompt, fair and impartial investigation and resolution and rights to appeal. Retaliation for participating in any such investigation or other part of the process, for reporting an incident, or opposing any conduct forbidden by the policy is prohibited. These procedures is included later in this report and the policy can be found at the website [Policy 100.3](#)

## **Sanctions**

The Assistant Dean of Student Affairs/CSAO is charged with imposing student sanction to those who are found to have violated the policy. Sanctions may include eviction from suspension, expulsion, probation, a warning, or any other sanction set forth in the Student Conduct Code of Conduct. Disciplinary records for policy violations are maintained in the same manner as other disciplinary records. Both the complainant and respondent will simultaneously be informed of the outcome of any institutional disciplinary action arising from allegations of domestic violence, dating violence, sexual assault or stalking and the procedure to appeal.

## **Reporting, Health, and Interim Protective Measures**

Helena College has two avenues to file a policy complaint: the Equal Employment Office (EEO) for employee reporting and the Title IX Coordinator, for student reporting, who investigates reports of sexual misconduct to determine whether it is more likely than not (preponderance of evidence standard) that there has been a violation of the Sexual Misconduct Policy. The Title IX Coordinator and any Investigator are specifically trained in how to conduct the investigation.

Upon receiving a report of sexual misconduct, the Title IX Coordinator will evaluate the information received and determine what further actions should be taken by following the procedures described in the Discrimination Grievance Procedures. The EEO or Title IX Coordinator is not an advocate for either the Complainant or the Respondent. The EEO or Title IX Coordinator will take steps, either directly or through a reporting employee, to provide information about the College's Discrimination Grievance Procedures to someone who is reporting sexual misconduct.

The EEO or Title IX Coordinator will describe the process of a fair and impartial investigation and also the confidentiality provisions. Those provisions are described more fully later in this report. The EEO or Title IX Coordinator will explain the right of the Respondent to review and respond to allegations and evidence against him or her. Both parties their rights to have a person of support, including an attorney, with them during their interviews and if there should be an appeal. All of these provisions, including the rights of both parties throughout the process and on appeal are in the Sexual Misconduct Policy and the Discrimination Grievance Procedure.

The EEO or Title IX Coordinator will provide available health and advocacy resources both on and off campus. The EEO or Title IX Coordinator will also provide options and, if requested, assistance making a report to law enforcement. Such notification starts a criminal investigation. This is different from a Helena College administrative process under the policies. The EEO or Title IX Coordinator will fulfill the College's obligation to implement interim measures to ensure the safety of the complainant and that the complainant's educational experience is not jeopardized. Interim measures may include changing academic situations, obtaining a no-contact

order, helping with a referral to a counselor on or off campus. The EEO or Title IX Coordinator will also take and address reports of retaliation.

Reports to the EEO or Title IX Coordinator may be made via several avenues:

- Calling the EEO – 406.447.6925 and leaving a private voice message;
- Calling the Title IX Coordinator – 406.447.6903 and leaving a private voice message;
- Sending a confidential email to
  - [Matthew.richards@umhelena.edu](mailto:Matthew.richards@umhelena.edu)
  - [E.stearnssims@umhelena.edu](mailto:E.stearnssims@umhelena.edu)
- Filing a complaint or report on the form [Harassment Discrimination Sexual Assault Complaint Form](#)
- Mailing a letter to the EEO and/or /Title IX Coordinator
- Visiting either the EEO or Title IX Coordinator on the Donaldson Campus

### **Mandatory Employee Reporting**

In order to enable Helena College to respond effectively and to stop instances of sexual misconduct involving students, employees or guests at Helena College, all employees must, within 24 hours of receiving the information, report all information they have about alleged or possible sexual misconduct involving students to the EEO or Title IX Coordinator. **Employees who are statutorily prohibited from reporting such information are exempt from these reporting requirements, including licensed health-care professionals.**

### **Amnesty for Drug or Alcohol Possession and Consumption Violations**

Helena College strongly encourages students to report instances of misconduct involving students. Therefore, students who report information about sexual misconduct involving students will not be disciplined by the College for any violation of the College’s drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

### **Definitions**

**Discrimination** is conduct that is based upon an individual’s race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual’s employment, education, living environment or participation in a Helena College program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

**Harassment** is covered under this policy if it is based upon an individual’s race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation.

Harassing conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Sex-based harassment includes sexual harassment, which is further defined below, and non-sexual harassment based on stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes.

Harassment violates this policy when it creates a hostile environment, as defined below.

***Sexual Harassment*** can include unwelcome: sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including sexual assault. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex. Consistent with the law, this policy prohibits two types of sexual harassment:

1. **Tangible Employment or Educational Action (Quid Pro Quo)** This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, or participation in College activity is conditioned upon either explicitly or implicitly submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, or participation in a College program or activity. Generally, perpetrators will be agents or employees with some authority from the College.

2. **Hostile Environment Sexual Harassment** may create a hostile environment as defined below.

***Hostile Environment Harassment***

A *Hostile Environment* based on race, color, religion, national origin, creed, service in the uniformed 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 exists when harassment:

- is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the College's programs, services, opportunities, or activities; or
- when such conduct has the purpose or effect of unreasonably interfering with an individual's employment.

A hostile environment can be created by anyone involved in a College program or activity (e.g., administrators, faculty members, students, and even campus guests). Offensiveness is not enough to create a hostile environment although repeated incidents increase the likelihood that harassment has created a hostile



**Sexual Misconduct** includes, sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, and relationship violence.

**Sexual Assault** means an actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:

1. Involvement in any sexual contact when the victim is unable to give consent;
2. Intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast);
3. Sexual intercourse without consent, including acts commonly referred to as "rape."

**Inducing incapacitation for sexual purposes** includes using drugs, alcohol, or other means with the intent to or having an actual effect on the ability of an individual to consent or refuse to consent (as "consent" is defined in this policy) to sexual contact.

**Sexual Exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
- Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- Going beyond the bounds of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in non-consensual voyeurism;
- Knowingly transmitting an STI, such as HIV, to another without disclosing your STI status;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals;
- Possessing, distributing, viewing or forcing others to view illegal pornography.

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

**Relationship Violence** is abuse or violence between partners or former partners involving one or more of the following elements:

- Battering that causes bodily injury;
- Purposely or knowingly causing reasonable apprehension of bodily injury;
- Emotional abuse creating apprehension of bodily injury or property damage;
- Repeated telephonic, electronic, or other forms of communication, directly or anonymously, made with the intent to intimidate, terrify, harass, or threaten.

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

**Retaliation** is action taken by an accused individual or an action taken by a third party, toward or against any person because such person has opposed any practices forbidden under this policy or because such person has filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, or sexual misconduct.

Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices forbidden under this policy.

**Preponderance of the evidence** is the greater weight of the evidence, or evidence which is more credible

### **Reporting**

Victims of sexual misconduct in any form should be reported to any 'Campus Security Authority' (listed on page 3). 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 Assistant Dean of Student Affairs will promptly assist the victim in notifying any requested law enforcement official.

**Title IX Complaint:** Sexual Misconduct or Harassment 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 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 (406-447-6924) 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 Assistant Dean of Student Affairs (406-447-6903), the Title IX Coordinator.

## **Alcohol and Other Drugs**

### **Alcohol and Drugs**

Helena College follows a zero tolerance policy toward alcohol and drugs violations. Students and employees should be acquainted with our policies. Students may find the policy in the Helena College Student Handbook available on the website [2015 Student Handbook](#)

As an educational institution, Helena College provides information regarding the dangers of misuse of both illegal drugs and alcohol through various courses to our enrolled students. Recognizing we play a role to educate our broader community, we also offer Alcohol Server courses monthly in efforts to assist our local business persons educate their patrons on the dangers of over-consumption.

It is the policy of Helena College University of Montana ([600.6](#)) to comply with applicable laws pertaining to the sale, possession, 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.

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 that 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 that 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.

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**

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 services, 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, 2500 Broadway 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, MEA-MFT, NEA, AFT, AFL-CIO and the Montana Board of Regents of Higher Education or the Montana Public Employees Association and 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 (UM-Helena 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 General 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 an 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 Judicial 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 Judicial 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 College Judicial Officer. Suspension shall be system-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 by the Dean/CEO 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 Assistant Dean of Student Affairs or the Judicial Board. 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 Assistant Dean of Student Affairs 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 Assistant Dean of Student Affairs 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 Assistant Dean of Student Affairs following the disciplinary procedure outlined in the Student Code of Conduct.

## **Student Rights**

Helena College recognizes that its students retain the rights provided by the United State 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 Respondent**

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 hear and question witnesses and the accuser.
- The right to present relevant evidence and witnesses.
- The right to a timely adjudication of the charges as provided in this Code

### **The Complainant**

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.

## Annual Crime Statistics - 2014

OFFENSE	On CAMPUS			Non CAMPUS			PUBLIC PROPERTY		
	2012	2013	2014	2012	2013	2014	2012	2013	2014
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
Sex Offenses Non Forcible	1	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	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
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	1	0	0	0	0	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	1	0	0	0	0	0	0	0	0
Dating Violence	0	0	1	0	0	0	0	0	0
Domestic Violence	0	0	1	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0	0

## References

<http://www.maricopa.edu/legal/cs/statlinks.htm>, Retrieved October 10, 2012

<http://students.southmountaincc.edu/StudentDevelopment/PublicSafety/PolicyEdit/Default.htm>, Retrieved October 12, 2012

<http://www.umt.edu/sexualmisconduct/definitions/default.php>, Retrieved October 01, 2012

<http://umhelen.edu/home/docs/Student%20Handbook.pdf>, Retrieved October 12, 2012

U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting*, Washington, D.C., 2011. Retrieved September 01, 2012