



2016

Annual Campus Security  
Report

Disclosure of Campus Security Policy and Campus  
Crime Statistics

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## Introduction

This information is furnished to you as part of Helena College commitment to safety and security on our campuses. This report provides information regarding our compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (generally referred to as the Clery Act). By October 1 of each year, a school that is Title IV student financial assistance program eligible is required to publish and distribute an annual security report to all current students and employees. In addition to the required annual security report, schools are also required to provide timely warning of the occurrences of certain crimes. The timely warning notification is provided in an appropriate manner that may help prevent similar crimes from occurring and to protect the personal safety of students and employees.

## SECTION A – REQUIREMENT OVERVIEW

### What is the Clery Act?

The Jeanne Clery Act is a federal law that requires colleges and universities to disclose information about crime on and around their campuses. The act is named in memory of Jeanne Clery, a 19-year-old female who attended school in Bethlehem, Pennsylvania at Lehigh University. Jeanne was a freshman who was assaulted and murdered in her residence hall room on April 5, 1986. The “Clery Bill” was first introduced in Congress on September 6, 1989, and was signed into law on November 8, 1990 by President George Bush as Title 2 of the "Student Right-To-Know and Campus Security Act." It took effect September 1, 1991 and the U.S. Department of Education (DoE) was charged with enforcing the law. The law requires institutions of higher education to comply with certain campus safety-

and security-related requirements as a condition of participating in the Federal student financial aid programs authorized by Title IV of the Higher Education Act of 1965, as amended. Congress enacted this law, which was originally known as the "Crime Awareness and Campus Security Act of 1990. The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights. Amendments in 1998 added new categories to the crime statistics, an obligation to report statistics for public property in and immediately adjacent to the campus, a geographic breakdown of statistics, and a daily public crime log for schools with a police or security department. The law was also amended to require the DoE to centrally collect the crime statistics and make them publicly available. The 1998 amendment also formally named the law in memory of Jeanne Clery.

## 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, methadones); 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. (Drunkness and driving under the influence are not included in this definition.)

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### **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.

*NOTE: The above listed crime definitions from the Uniform Crime Reporting Handbook, 2013 Revised UCR definition of Rape, as prescribed by 2014 VAWA Negotiated Rulemaking Final Consensus Language.*

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## **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, 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.

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.

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## **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.

(3) 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.

(4) Report the location as where a perpetrator engaged in the stalking course of conduct or where a victim first became aware of the stalking.

(5) Report any additional behaviors that meet the above definition of Stalking if they occur or continue to occur after an official intervention has been put in place, including, but not limited to, an institutional disciplinary action or the issuance of a no contact order, restraining order or any warning by the institution or a court.

*NOTE: Additions from 2014 VAWA Negotiated Rulemaking Final Consensus Language*

## **Changes to Clery Act made by the Violence Against Women Reauthorization Act of 2013**

Implementation of changes to the Clery Act made by the Violence Against Women Reauthorization Act of 2013 (VAWA). On March 7, 2013, President Obama signed the VAWA, which, among other provisions, amended the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports (ASRs). The change required institutions to include this new information in the ASR beginning with the ASR that must be provided to students, employees, and prospective students and employees by October 1 of every year.

### **Clery Act Requirements** (5 General Responsibilities)

Higher Educational institutions must publish an annual report disclosing their campus security policies and procedures, and three years' worth of crime statistics. Crime statistics are also submitted to the Department of Education (DoE), made available on Helena College website and published in a widely available document titled "Annual Security Report" (this document).

#### **1. Report the Types of Crimes**

Each Helena College campus must distribute annual statistics concerning the types of crimes occurring on campus, in or on non-

campus buildings or property, and on public property immediately surrounding the campus.

a. Reported occurrences for the following offenses: murder; sex offenses, forcible or non-forcible; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; arson; domestic violence; dating violence; stalking; arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession.

b. Crimes described above, plus the crimes of larceny - theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice.

c. Domestic violence, dating violence, and stalking incidents [as defined above] that were reported to Helena College or local police agencies.

### **Disclose the Location of Crimes**

- On campus property.
- In or on non-campus buildings or property that are owned or controlled by Helena College.
- \*Residence Halls or other College - owned residences. \*Not Applicable to Helena College as the institution is a non-residential institutional.
- On public property within or immediately adjacent to the campus. Public property could be streets and sidewalks running

inside the official campus boundaries and/or areas reasonably contiguous to the campus. Criminal activities, if any, at off-campus student organizations (those recognized by the campus) are required to be monitored and recorded through local police agencies. It is the policy of Helena College to gather statistical data from local police departments on an annual basis. In cases of criminal activities at off-campus student organizations, the local agency will create a police report and case number for each incident, pursuant to their own procedures for recording criminal incident reports and using FBI Uniform Crime Reporting standards.

### **Provide Timely Warning and Emergency Notification Measures**

Timely warnings are triggered by crimes that have already occurred but represent an ongoing threat. The alerting of the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. The timely warnings are focused on, but not limited to, Clery Act crimes. The Clery Act does not define or clarify the meaning of “timely”; the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves, therefore the warning should be issued as soon as the pertinent information is available.

Emergency notification is triggered by an event that is currently occurring on or imminently

threatening the College or one of its campuses. Initiated immediately upon confirmation that a dangerous situation or emergency exists or threatens. Emergency Notifications are made to students and employees for any significant emergency or dangerous situation occurring on the campus involving an immediate threat to their health or safety. The emergency notification has a wide focus on any significant

emergency or dangerous situations, but may include Clery Act crimes.

### **Maintain a Daily Crime Log**

The institution is required to maintain a public log of all crimes reported to them, or those of which they are made aware. The log is required to have the most recent 60 days' worth of information. Each entry in the log must contain the nature, date, time and general location of each crime and disposition of the complaint, if known. Information in the log older than 60 days must be made available within two business days. Crime logs must be kept for seven years. However, as Helena College does not have uniformed and sworn police officers, or safety officers, a daily crime log is not required, but rather a log of reported incidents is maintained for the duration of the reporting year.

The reported incidents are maintained by the Assistant Dean of Student Affairs. The log includes any crime or alleged crime that is reported. The log states the nature of the crime, date and time crime occurred; general location of crime, and disposition of the crime. The log is updated with any reported incidents when received from the campus community.

#### **Required Log Elements:**

- a. The date the incident was reported;
- b. The date and time the incident occurred;
- c. The nature of the incident;
- d. The general location of the incident;
- e. Disposition of the complainant .

#### **Provide Notice of Availability of the Annual Security Report (ASR)**

To fulfill the obligations under the Clery Act, Helena College sends out a “Notice of Availability” to all students and employees that the ASR is available, where to find it, and a general overview on what information the ASR contains.

## Helena College Campus Locations and Geography

Helena College has more than one campus; each campus and instructional site must comply independently with all of the Clery Act requirements. For Clery reporting purposes, the following definitions are used to properly report criminal activity, hate crimes, and any weapon/drug/alcohol offenses at Helena College. Furthermore, these are also the titles used in the College and Campus statistical reference report used to indicate Clery crime types and locations:

**On-Campus:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any

building or property that is within or reasonably contiguous that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

**Non-Campus Building or Property:** Any building or property owned or controlled by a student organization that is officially recognized by the institution, or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. For Clery reporting criteria, the non-campus location is the Livingston Fire House, 304 E. Park St, Livingston, MT 596

**Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. No matter where the campus is located,

the Clery public property category consists solely of two limited areas:

- The first is public property within the campus. An example is a public road or public bike path that runs through the campus.
- The second area is public property that immediately borders and is accessible from the campus. In many cases this property consists of a public sidewalk that borders the campus, the public street along the sidewalk and the public sidewalk on the other side of the street (i.e., sidewalk, street, and sidewalk). Again, only the portions of the sidewalk, street and sidewalk that are adjacent to the campus are included in the public property.

### Reportable Campus and Non-Campus Locations:

Helena College, Donaldson Campus  
1115 N Roberts St  
Helena, MT

Incidents on campus are handled by Helena City Policy Department. Incidents on adjacent roads and sidewalks are in the jurisdiction of the Helena Police Department.

Helena College, Airport Campus  
2300 Airport Road  
Helena, MT

Incidents on campus are handled by Helena Police Department, as are incidents on adjacent roads and sidewalks.

1601 Townsend Avenue  
Helena, MT

Incidents on campus are handled by Helena Police Department, as are incidents on adjacent roads and sidewalks.

2850 Mercer Loop Helena Regional Airport  
Helena, MT



Incidents on campus are handled by Helena Police Department, as are incidents on adjacent roads and sidewalks.

## **SECTION B – COLLEGE ADMINISTRATIVE RESPONSIBILITIES and INFORMATION**

### **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.

#### Clery reporting

The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. Helena College published this information on the web portal and on the U.S. Department of Education website. The Annual report required by the U.S. Department of Education shall be completed every fall and shall include statistics from law enforcement agencies where Helena campuses are located to include instructional sites owned by other agencies. Hard copies of this information shall also be distributed throughout the campuses by October 1st of each year. Information is compiled on the following crimes: Homicide, Sexual Offenses, Robbery, Burglary, Motor Vehicle Theft, Arson, and Hate Crimes, as well as arrests or referrals on alcohol violations, drug violations, and weapon violations. As a result of the Violence Against Women Reauthorization Act of 2013, the college will now compile, retain, and report statistics on instances of sexual assault, domestic violence, dating violence, and stalking that are reported to campus security authorities or local police agencies.

### **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 Recourses  
 Helena College  
 406-447-6900

### **Reporting Emergencies and Criminal Activity**

All students, employees and community members are encouraged to immediately report any criminal incidents, accidents and other emergencies to either the Assistant Dean of Fiscal and Plant, 406-447-6917 or the Assistant Dean of Student Affairs, 406-447-6903. If you witness criminal activity taking place, you are encouraged to immediately call 911 for the Helena Police Department.

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

Mary Twardos	447-6900	Welcome Center Donaldson
Tammy Steckler	447-6953	Rm 119 Donaldson

Russ Filner	447-6917	Rm 102 Donaldson
Any Facility Staff	447-6935	Rm 111 Donaldson
Candy Miller	447-6921	Rm 102L Donaldson
Ann Willcockson	447-6955	Rm 119 Donaldson
Jessie Pate	447-6943	Rm 140 Donaldson
Bridgett Guerin	447-6350	Airport

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 is our licensed professional counselor, located in room 214, Donaldson building. However, any member of the college community may choose to report a crime to any college personnel.

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

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 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 or 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.

## **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, to those who have opted in to the emergency texting notification 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 Affairs and uses the following methods of communication:

- Email from [ALERT@umhelen.edu](mailto:ALERT@umhelen.edu)
- Scrolling banners located throughout both the Donaldson and Airport Campuses
- 2 TV Monitors located on the Donaldson Campus
- Emergency texting notifications
- Scrolling banner on the website: [www.umhelen.edu](http://www.umhelen.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 response 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 Emergency 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 Act compliance efforts and the information is available on the Helena College website ([www.umhelenas.edu](http://www.umhelenas.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 buildings, 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 evaluation 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 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://umhelenas.edu/campus\\_facilities/policiesprocedures/docs/102EmergencyActionPlanEmergencyProtocolPolicy.pdf](http://umhelenas.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**

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 building 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.

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

In 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. 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 [Student Handbook](#) . Employees found responsible of a policy violation are subject to procedures set forth in

the individuals Collective Bargaining agreement, if such agreement exists.

If you are a victim of 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 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 Haven, 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 Haven 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.

In 2015, 16 Montanans had been killed by their significant other. Thankfully, Helena College continues to provide a safe and welcoming educational environment for its community members.

### **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 harassment has created a hostile environment.

***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. 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**

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 College Employee as everyone is deemed a Mandatory Reporter. 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 complainant's 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 victim's request, the Assistant Dean of Student Affairs will promptly assist the victim in notifying any requested law enforcement official.

**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 (406-447-6924) 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

[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. 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 disallowed 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 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 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.

In Montana, about 62,000 adults aged 21 or older (8.6% of all adults in this age group) per year from 2010 to 2014 reported heavy alcohol use within the month prior to being surveyed.

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**

Almost 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 is the 11th lowest state use rate overall, **359 Montanans adults died from prescription drug only overdoses between 2011-2013.** [Source](#) and [source](#)

The link between prescription narcotic painkiller abuse and subsequent and/or simultaneous heroin abuse continues to grow. Now across the country **80 percent of “recent heroin initiates had previously used prescription opioids non-medically.”** [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, 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 (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 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 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 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 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.

attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

## Annual Crime Statistics - 2016

OFFENSE	On CAMPUS			Non CAMPUS			PUBLIC PROPERTY		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
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	1	0	0	0	0	0	0	0
Fondling	0	1	0	0	0	0	0	0	0
Sex Offenses Non Forcible	0	0	0	0	0	0	0	0	0
Robbery	0	0	1	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	1	1	0	0	0	1	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	No 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	1	1	0	0	2	0	0	0
Drug law violations Referred to Disciplinary Action	0	1	1	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	1	1	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	1	1	0	0	0	0	0	0	0
Dating Violence	0	1	1	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0	0

## References

<http://umhelen.edu/home/docs/Student%20Handbook.pdf>, Retrieved September 29, 2016

<https://www2.ed.gov/admins/lead/safety/handbook.pdf>, Retrieved September 29, 2016

<http://resolvemontana.org/stats/>, Retrieved September 29, 2016