

# 2023 Annual Security and Fire Safety Report



**MONTANA**  
STATE UNIVERSITY  
**BILLINGS**



The safety and security of the entire campus community is extremely important to Montana State University Billings (MSU Billings). The Annual Security and Fire Safety Report is prepared for you by the MSU Billings University Police Department. It is our pleasure to provide this year's edition of the Annual Security & Fire Safety Report (ASFSR). This publication represents the University's information and data in compliance with the provisions of the Crime Awareness and Campus Security Act of 1990 and the Jeanne Clery Act of 1998. This report includes statistics for the previous three years concerning reported crimes that occurred on campus, on property owned or controlled by MSU Billings, and on public property within or immediately adjacent to and accessible from the campus.

This report is also intended to be a resource guide, directing readers to campus safety and security services, providing crime prevention tips, and offering personal safety strategies. It includes information and policy statements regarding crime prevention, security awareness, fire safety, alcohol and substance abuse prevention, sexual misconduct, dating violence, domestic violence, stalking prevention, policies, resources and procedures for reporting a crime, emergency and evacuation policies and procedures, and missing student policies, as well as other matters of importance to the campus community.



MSU Billings is committed to providing a safe and secure educational and working environment. All members of our campus community (students, employees, and visitors) are encouraged to read and understand the security, personal safety, and other useful information contained in this report. Personal safety is the responsibility of each individual, and as such, MSU Billings encourages each student, employee, and visitor to be aware of how to most effectively protect themselves and/or report crimes and suspicious incidents.

Campus community members can also use this information to prevent and report misconduct and unsafe or illegal activity. Personal awareness, practicing personal safety, and reporting incidents of concern are the foundation of a safe community. Domestic violence, stalking prevention, policies, resources and procedures for reporting a crime, emergency and evacuation policies and procedures, and missing student policies, as well as other matters are of utmost importance to the campus community.

Each year, the Office of the Vice Chancellor for Student Access and Success sends a paper postcard notification to all enrolled students, faculty, and staff, which provides the web address for this online Annual Security Report, along with a brief description of the report and instructions for obtaining a paper copy. New Student Services provides prospective students the web address of the report, along with information about how to obtain paper copies. The Human Resources website provides information on accessing the Annual Security and Fire Safety Report for prospective faculty and staff. All prospective employees attending on campus interviews receive copies of the notice of availability. *Note: Paper copies are available at the University Police Department, in the lower level of the Parking Garage on Poly Drive.*

This publication is intended to provide you with information on educational programs, safety practices, crime statistics, and policies regarding the reporting of emergencies and campus crime rates. It is a primary objective of the University Police Department to work collaboratively with the campus community in an effort to enhance the safety of the campus environment.

**All policy statements contained in this report apply to both the University campus and City College unless otherwise indicated.**

## Table of Contents

About the University Police Department.....	<u>4</u>
Reporting Crime or Emergencies .....	<u>5</u>
Voluntary Confidential Reporting .....	<u>7</u>
Campus Security Authorities.....	<u>8</u>
Preparation of the Annual Disclosure of Crime Statistics .....	<u>9</u>
Access to and Security of Campus Facilities .....	<u>10</u>
Timely Warnings, Emergency Notifications and Public Safety Advisories .....	<u>12</u>
Campus Security Awareness Information and Education .....	<u>18</u>
Missing Student Policies and Procedures .....	<u>19</u>
Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Prevention.....	<u>20</u>
Reporting Procedures Victims Should Follow if a Crime of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, or Sexual Exploitation Occurs .....	<u>21</u>
Discrimination Grievance Procedures .....	<u>33</u>
Filing a Report under University Policy in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault, and Stalking .....	<u>33</u>
How to Be an Active Bystander .....	<u>41</u>
Risk Reduction .....	<u>41</u>
Educational Programs .....	<u>43</u>
Definitions of Sexual Crime Categories under Montana Law .....	<u>44</u>
Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking.....	<u>48</u>
Resources, Support Programs, and Services – On Campus .....	<u>50</u>
Resources, Sexual Assault Support Programs and Services – Off Campus .....	<u>53</u>
Alcohol and Substance Abuse.....	<u>53</u>
Clery Crime Definitions .....	<u>61</u>
State of Montana Laws on Alcohol and Other Illegal Drugs.....	<u>64</u>
2023 Annual Campus Fire Safety Report .....	<u>76</u>
References.....	<u>83</u>

## About the University Police Department

Under [Montana Code Annotated 20-25-321](#), the Board of Regents has empowered the Montana State University Billings (MSU Billings) Chancellor to establish a Police Department for MSU Billings.

The MSU Billings Chief of Police/Safety Director is responsible for the management of the University Police Department (UPD) and reports directly to the Vice Chancellor for Student Access and Success. However, all public safety services are closely coordinated with other

key university administrators as well as local officials.

The UPD consists of eight sworn police officers, two administrative office personnel, a part-time parking enforcement officer, and student workers. All University Police Officers have received and maintain their Public Safety Officer Standards and Training (POST) certification, enabling them to enforce Federal, State, and local laws on university properties. University Police Officers have the power to make arrests within their jurisdiction and also have the responsibility of enforcing university policies. In addition, the UPD provides other services to the university community including fire safety, parking enforcement, emergency management, building safety, security, and workplace safety training. The UPD is committed to upholding a [community oriented policing philosophy](#) by maintaining a



belief in treating people with professionalism and courtesy. University Police Officers train to assist victims of bias crimes (incidents related to race, religion, or sexual orientation), sexual violence (including acquaintance rape and stranger rape), and domestic violence. UPD officers also participate in Crisis Intervention Training, where they learn and practice techniques for de-escalating situations involving persons with mental illness or chemical dependencies.

The UPD provides 24/7, year-round law enforcement protection to the MSU Billings community. Services are provided with access to municipal fire and emergency medical services. The UPD patrols two campuses within the city of Billings: MSU Billings University Campus at 1500 University Drive and MSU Billings City College at 3803 Central Avenue.

## Working Relationships with Outside Law Enforcement Agencies

Pursuant to [MCA 20-25-321](#) and [MCA 7-32-303](#), MSU Billings maintains a Memorandum of Understanding (MOU) and Agreement with the City of Billings that extends the jurisdiction of University Police Officers throughout the city of Billings and within a 5 mile radius of city limits. Under this agreement, University Police Officers may enforce Billings Municipal Ordinances, traffic laws, and all criminal codes found within Montana Code Annotated. Under the MOU, University Police Officers are also able to issue citations within their patrol jurisdiction for parking violations as defined by State or municipal laws. It is agreed that the UPD will assume primary jurisdiction on all university-related property for events sponsored by the university. UPD provides mutual aid and support to the Billings Police Department on request, as available.

The UPD maintains a close working relationship with the Billings Police Department, Yellowstone County Sheriff's Office, Montana Highway Patrol, Federal Bureau of Investigation, State and Federal Probation and Parole, and other agencies within the local criminal justice system. The UPD maintains direct radio contact with City-County Dispatch and the Billings Police Department to ensure officer safety and effective coordination during emergency situations. Additionally, the UPD participates in the Yellowstone County DUI Taskforce and the Local Emergency Planning Committee.

Montana State University Billings does not have a Memorandum of Understanding with the Billings Police Department or any other agency regarding the investigation of criminal incidents.

## Reporting Crime or Emergencies

It is important that all crime and suspicious activity be promptly reported to the UPD. Crime is a reality, and preventing crime is everyone's responsibility. We ask you to please take preventative measures. Unreported crime is a criminal's greatest ally. If you suspect a criminal act has taken place, visit the University Police Department located in the lower level of the Parking Garage on Poly Drive or:

- Call 911
- Call the University Police Emergency Line at 406-657-2222
- Call 406-657-2147 for inquiries and non-emergency situations

Suspicion of crime does not require proof. If you suspect a crime has been committed or is being committed, immediately contact the UPD. You can make a difference by making a call.

*Please note that 911 dispatchers have the ability to contact UPD officers. Depending on the location of the reported crime or suspicious activity, City-County Dispatch may send a Billings Police Officer or a University Police Officer to respond to the situation.*

### MSU Billings General Incident and Student Behavior Report Form:

To report an incident online, click on the [Report an Incident link](#). This link is also found on the bottom of the Faculty & Staff [See Something, Say Something page](#). Students may go to the [Information for Students](#) page. Both the Faculty & Staff and Student pages can be

accessed from [the See Something, Say Something Campaign homepage \(www.msubillings.edu/seesomething/index.htm\)](http://www.msubillings.edu/seesomething/index.htm).

### **If you are a victim of or witness to a crime:**

Report the incident immediately to the UPD. If you can, gather pertinent information, such as gender; race; hair color, length, and texture; body size; clothing description; scars and other noticeable characteristics; modes of travel; and type of vehicle, color, and license information.

### **Suspicious Persons:**

If you see anyone acting suspiciously, call 406-657-2222. Do not approach the individual yourself. Report the type of suspicious behavior and the location. Relay pertinent information concerning the involved person including age, sex, dress, vehicle, and direction of travel.

### **Bomb Threats:**

If you receive a bomb threat, it is important to obtain as much information as possible from the caller. The majority of these types of threats are received over the telephone. An updated [Telephone Bomb Threat Checklist](#) is available online through the UPD website and on pages 35 and 36 of the MSU Billings Emergency Response Guide. The UPD encourages staff members to keep a copy of the Telephone Bomb Threat Checklist nearby in the event of such a threat. Things to ask are: (1) location of bomb, (2) time of planned explosion, and (3) type of bomb. Make mental notes about the caller's voice and any background noises you may hear. Call 911 immediately. Do not panic. The UPD will search the area, notify properly trained personnel, and alert necessary emergency services. The UPD, in conjunction with the Incident Management Team and administration, will determine if evacuation is necessary.

### **What to Report:**

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

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

### **Anonymous Reports:**

MSU Billings offers anonymous reporting through the [MSUB Incident Report Form](#) for anyone who has witnessed, or knows about, a crime committed on campus. Reports submitted through the MSUB Incident Report Form are disseminated to key personnel in the University Police Department and the Dean of Student Engagement's Office and are assigned for investigation as necessary. You are encouraged to provide information you feel may aid in keeping the campus safe and secure. The [MSUB Incident Report Form](#) can be found on the UPD webpage located at <https://www.msubillings.edu/police/default.htm>.



## **Voluntary Confidential Reporting**

The UPD encourages anyone who is the victim of, or witness to, any crime to promptly report the incident to the UPD. The UPD does not have a voluntary confidential reporting process because police reports are public record per Montana Code Annotated. Thus, UPD cannot hold reports of crime in confidence. Though the UPD does not have voluntary confidential reporting, reports to professional and pastoral counselors can be kept confidential. However, professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to report crimes to Campus Security Authorities (CSAs).

### **Reporting to Pastoral and Professional Counselors**

When functioning within these roles, campus Pastoral Counselors and Professional Counselors are not considered to be CSAs for Clery Act purposes. They are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of procedure, the professional counselors at MSU Billings are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes to UPD for inclusion in the annual disclosure of crime statistics. The UPD does not have a voluntary confidential reporting procedure; therefore, professional and pastoral counselors cannot notify their clients of that type of reporting option at MSU Billings.

The Director of Student Health Services, in their capacity as a CSA, can make crime reports to the UPD to ensure inclusion in the annual disclosure of crime statistics without disclosing personal identifying information. The Director of Student Health Services works closely with the UPD in order to allow them to properly assess reports for timely warning consideration and to avoid the double counting of crimes.

#### **Pastoral Counselor**

A pastoral counselor is an employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that role.

#### **Professional Counselor**

A professional counselor is a licensed or certified employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and functions within the scope of that role.

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

### **Accurate and Prompt Reporting**

All crimes should be accurately and promptly reported to the UPD or the appropriate police agency when the victim of a crime elects to make such a report or is unable to make such a report.

### **Reporting to Meet Disclosure Requirements**

Members of the community are helpful when they immediately report crimes or emergencies to the UPD, Human Resources, Vice Chancellor for Student Access and

Success, or the Dean of Student Engagement for purposes of including them in the annual statistical disclosure and assessing them for the issuance of Timely Warnings, Emergency Notifications, or Public Safety Advisories, when deemed appropriate.

## Campus Security Authorities

Under the Clery Act, MSU Billings is required to designate certain individuals and organizations as Campus Security Authorities (CSAs). A CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department of an institution
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or campus security department (e.g., an individual who is responsible for monitoring the entrance into an institutional property)
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Crimes reported to any CSA will be included in the annual crime statistics. A written request for statistical information is made at least on an annual basis to all Campus Security Authorities. CSAs are also informed through training to report crimes to the UPD in a timely manner so that those crimes can be evaluated for timely warning purposes. For CSAs who terminate their employment mid-year, a request to provide statistical information is included in the exit interview through Human Resources.

As explained above, students, employees, and visitors are encouraged to report crimes to the UPD; however, individuals may contact any CSA for appropriate assistance in reporting crimes. Confidentiality of crime reports made to CSAs cannot be promised. The Clery Act requires statistical reporting, but CSAs are also reporters under the requirements of Title IX and as such, may not be able to maintain confidentiality. There may be instances where the university must act, regardless of the wishes of the complainant or reporter. Nevertheless, in such cases MSU Billings will take care to protect identities to the extent allowed by the circumstances and law.

A CSA who has been informed of an alleged Clery-reportable crime must follow MSU Billings guidelines for submitting the incident for the annual crime statistics report. In addition, the CSA must report to the UPD and other university officials as appropriate to initiate any applicable investigation or other procedure. Other officials may include the Human Resources Office, Title IX Coordinator, Vice Chancellor for Student Access and Success, or Dean of Student Engagement. MSU Billings has designated multiple positions as CSAs, and crime reported to any persons in the stated positions will be included in the annual disclosure of crime statistics.



## Preparation of the Annual Disclosure of Crime Statistics

Under the Clery Act, MSU Billings is required to report annual crime statistics showing reported occurrences of specific types of crime for the benefit of current/prospective students and employees. These statistics are provided on pages 75-76.

The UPD is primarily responsible for preparing the Annual Security and Fire Safety Report. This responsibility is specifically designated to the Clery Compliance Officer or designee. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the university community obtained from the following sources: the Montana State University Billings Police Department, the Billings Police Department, Montana Highway Patrol, Yellowstone County Sheriff's Department, and any other agency that may have jurisdiction over locations where our students are travelling. The UPD and the Housing and Residence Life offices track drug, liquor, and weapon offense referral data. The UPD and Associate Dean of Student Engagement work together to ensure all incident reports are correctly categorized and counted in the university's Clery reportable statistics. Final report preparation is coordinated by the Clery Compliance Officer or designee with input from Human Resources (Title IX Director), Student Health Services, Housing and Residence Life, the Dean of Student Engagement/Associate Dean of Student Engagement, and the Athletic Director.

Crimes reported using the [Incident Report Form](#) are included in the annual disclosure of crime statistics. Student Health Services staff report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Student Health Services counselors will inform the persons they are counseling that they will make these confidential reports.

All statistics for alcohol, drug, and weapons violations pertain to incidents where MSU Billings students were referred to the student disciplinary process but were not charged criminally. The procedures for preparing the annual disclosure of crime statistics include requesting crime statistics from the following sources: MSU Billings Police Department; MSU Billings Title IX Office; Billings Police; Yellowstone County Sheriff's Department; Montana Highway Patrol; local law enforcement agencies in areas where MSU Billings students travel for more than one night; and non-police officials identified by federal law as Campus Security Authorities. The annual disclosure may include reports obtained from any or all of these sources. Crime statistics are recorded in the calendar year the crime was reported.

### University Police Department Response to Reported Crimes

The UPD will respond to reports of crime on all property owned, controlled, leased, or operated by MSU Billings, which includes rental properties within a one-mile radius of the university campus. Police administrative staff answer incoming calls from 8 a.m.-5 p.m. weekdays. Calls between 5:01 p.m. and 7:59 a.m. Monday through Friday, and all calls on weekends and university holidays, are forwarded from the UPD's landlines to a cell phone carried by an on-duty officer. Officers can be reached at (406) 657-2147 and (406) 657-2222, 24/7. If a call is placed to 911, the City of Billings/Yellowstone County Communication Center can contact the UPD through department-issued police radios.

All reports of criminal activity occurring within the jurisdiction of the UPD will be investigated. If the investigation confirms a violation of state or municipal criminal code, the matter will be referred to either the Yellowstone County Attorney's office or the Billings City Attorney's Office for prosecution. Reports of criminal activity received by the UPD occurring outside of its jurisdiction will be referred to the appropriate city or county law enforcement agency.

MSU Billings will make timely reports to the campus community regarding the occurrence of crime on campus.

### Daily Crime Log

A log of daily crime reports is maintained and available for review by the campus community and the public at large. The crime log is accessible at the front desk of the UPD. The UPD is located on the first level of the Poly Drive Parking Garage on the university campus at 1500 University Drive. The garage is located between the intersections of North 27<sup>th</sup> Street and North 29<sup>th</sup> Street on Poly Drive. At City College, 3803 Central Ave, the crime log is available in room A026 of the Business Office in the Tech building.



## Access to and Security of Campus Facilities

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

### Security Cameras

MSU Billings utilizes Security Cameras and Closed Circuit Television (CCTV) monitors in a variety of locations throughout the university. These cameras are intended to prevent, detect, and record events that violate university regulations and municipal, state, or federal laws. Refer to University Police [Policy 107.5](#).

### Security in Academic and Administrative (non-residence) Campus Buildings

Security in buildings is primarily maintained by the individual building manager. Access is controlled through a master key system managed by Facilities Services. All buildings are equipped with a U-Card electronic access system managed by the Facilities Services locksmith. This key system provides access with written supervisory approval. Campus buildings (non-residence) are normally open and accessible to campus community members, as well as guests and visitors, from 8:00 a.m. until 5:00 p.m. (closing times may vary) Monday through Friday. Buildings may also be open for scheduled weekend classes and special events, but they are locked at all other times.

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

1. Exterior building doors will not be propped open when the doors are locked.

2. The university reserves the right to prohibit, limit, or restrict access to its buildings, facilities, or other property.
3. The use of substantial outdoor lighting installations helps to deter criminal behavior and enhance security. Lighting is routinely patrolled to identify outages and periodically assessed to assure effectiveness.
4. University Police Officers patrol the university and City College campuses 24 hours a day.
5. MSU Billings requires background checks for all employees that work with students; potential employees with criminal backgrounds may be denied employment to protect the campus community.

### **Access and Security in Residence Halls**

The residence halls are staffed with a full-time night watch employee five days a week. The front desk in each hall is staffed regularly seven days a week. Petro Hall controls guests checking into the building after 10:00 p.m. Both halls have hand reader systems to ensure secure accessibility. The security policies and measures, including restricted access, monitored desks, guest log-in and escort requirements, check-in policies, lockdowns, and other measures are detailed within the Housing & Residence Life Student Handbook & Planner. Upon check in, all residents of the Residence Halls are made aware of the policy/planner. View it online at [2023-2024 MSU Billings Housing & Residential Life Student Handbook](#).

Residence halls are only accessible to building tenants and their authorized guests. Residents should avoid allowing unknown individuals to access the residence halls. Housing staff and the UPD monitor Rimrock and Petro Halls and encourage students to report suspicious or unusual activity.

### **Security & Building Maintenance**

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

Facilities Services provides a voluntary call-out program to provide maintenance services during after-hour, weekend, and holiday periods. Facilities Services Tradesmen employees are responsible for accessing their assigned keys if called in to assist with after-hours maintenance issues. Facilities Services contractors will be allowed access to a designated area by contacting the UPD. Upon providing proper identification and permission, access may be granted.

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

MSU Billings maintains campus facilities in a manner that minimizes hazardous conditions. The UPD works closely with Facilities Services to address issues in a timely manner. Parking lots and pathways are illuminated to enhance safety throughout campus. Facilities Services staff work diligently to replace burned out lights, repair malfunctioning door locks, and perform other maintenance that increases security. Please report damaged equipment and unsafe conditions to Facilities Services or the UPD.



## Emergency Notifications, Timely Warnings, and Public Safety Advisories

In the event a crime is reported or a situation arises within the MSU Billings Clery geography that, in the judgment of the UPD and in consultation with responsible authorities when time permits, constitutes a serious or continuing threat, a campus wide “timely warning” notice will be issued. MSU Billings Clery geography includes on campus and non-campus property, in addition to public property within or immediately adjacent to campus.

### Timely Warnings

Timely Warning Notices are usually distributed for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: murder/non-negligent manslaughter, manslaughter by negligence, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, arson, hate crimes, motor vehicle theft, domestic violence, dating violence, stalking, or arrests and referrals for liquor law, weapons law, and drug law violations. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the UPD. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to the other campus community members and a Timely Warning Notice would not be distributed. In cases involving sexual assault, the cases are often reported long after the incident occurred, thus, there is no ability to distribute a “timely” warning notice to the community. Sex offenses will be considered on a case-by-case basis, depending on when and where the incident occurred, when it was reported, and the amount of information known by the UPD. At a minimum, a timely warning will be issued for any Clery Act crime occurring within MSU Billings’ Clery Act geography that poses a serious or ongoing threat.

MSU Billings takes a collaborative approach in broadcasting Timely Warnings and Emergency Notifications. Designated personnel from University Communications & Marketing and UPD are the responsible parties for distributing Timely Warnings and Emergency Notifications.

The Chief of University Police, or designated personnel, will quickly decide whether to issue a public safety advisory or timely warning after reviewing factors such as the nature of the crime, the continuing danger to the campus community, and the risk of compromising law enforcement. Through the MSU Billings Emergency Notification System (ENS) RAVE, MSU Billings will issue a Timely Warning Notice to the campus community in the event of a Clery Act crime that represents a serious or continuing threat to the campus.

The primary method of communicating a Timely Warning Notice is via email. If deemed appropriate, posters may be placed in strategic buildings. The Timely Warning Notices will be distributed by the UPD or University Communications & Marketing.

Timely Warnings may include information such as a brief statement of the incident, physical description of the suspect, appropriate safety tips, and other relevant, available information. The Timely Warnings will be distributed as soon as pertinent information is

available, issued in a manner that withholds the name of the victim as confidential, and will aid in the prevention of similar occurrences.

The institution is not required to issue a Timely Warning with respect to crimes reported to a Pastoral or Professional Counselor.

The purpose of a Timely Warning is to maintain an informed campus. In the event anyone has information regarding crimes on campus, they should immediately notify the UPD. All efforts will be made to release additional information as it becomes available and its validity is confirmed through law enforcement channels. The university community will be informed if the incident is resolved and no longer poses a threat.

## **Emergency Notifications**

In the event of an emergency, an effective campus-wide communications process is vital in order to provide the greatest safety possible for the campus community. As part of its ENS, the university has adopted a formalized procedure for issuing immediate Emergency Notifications to the campus community.



The immediate notification capability of the ENS is designed to assist the college in immediately notifying the campus community upon confirmation of a significant emergency or dangerous situation occurring on or near the campus that involves an immediate threat to the health or safety of students and/or employees. A threat is imminent when the need for action is instant, overwhelming, and leaves no moment for deliberation. Such situations would include, but are not limited to: a hazardous materials incident requiring shelter-in-place or evacuation, an armed intruder on or near campus, an approaching tornado, or a fire actively raging in a campus building.

The university will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system to the appropriate segment or segments of the university community, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

When on-duty police officers become aware of a situation that may warrant the issuing of an immediate notification, the on-duty police officer contacts the University Chief of Police or Assistant Chief of Police. Through the on-duty police officer and/or response, investigation, or collaboration with emergency responders, the University Chief of Police or Assistant Chief of Police confirms that there is a significant emergency. If there is a significant emergency, the University Chief of Police or Assistant Chief of Police will begin the process to distribute the Emergency Notification.

The UPD may, time permitting, consult with individual members of the MSU Billings Incident Management Team (IMT, formerly the Crisis Management Team) to determine the appropriate audiences in the campus community to receive the Emergency Notification and whether the emergency information should be provided to the larger community. Considerations include:

1. What is the type of emergency?
2. Did the incident occur on or near the City College or university campus?
3. Could the incident affect students who are currently studying abroad or distance learning?
4. Is there anything else incident-specific to consider?

Depending on the responses to those questions, the IMT will determine whether the UPD or University Communications & Marketing will distribute the Emergency Notification and who will receive the notification. Designated personnel from University Communications & Marketing and UPD are the staff members who are primarily responsible for developing the content and distributing Emergency Notifications. If those staff members are unavailable, senior leaders at MSU Billings may direct the Chief Information Officer (CIO) to distribute the Emergency Notification. This process may be affected by whether the Chief of Police or Assistant Chief of Police is actively responding to the emergency. If both the Chief of Police and Assistant Chief of Police are actively engaged in responding to the emergency, the Director of Communications & Marketing and/or their designee, or the CIO and/or their designee will coordinate the development and distribution of the notification. MSU Billings will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of first responders (including, but not limited to: UPD, Billings Police, Billings Fire, and/or American Medical Response), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

As of Academic Year 2019-2020, MSU Billings transitioned to a new emergency notification system, RAVE. The IMT developed and input Emergency Notification, Timely Warning, and Public Safety Advisory templates into RAVE. This was done to expedite the distribution process. The program initiator fills the specifics of the incident into the template, then confirms its accuracy before sending it out to the campus community. Program initiators have been trained in the process of notification distribution and practice monthly. RAVE is an online system that is accessible to users through any laptop or desktop computer, on or off campus.

Emergency notifications will be distributed through various platforms of the Emergency Notification System, including text messaging, email, desktop phones, and outdoor speaker system), Facebook, Twitter, banners on MSU Billings' web pages, and door-to-door notification in student and community residences located on university property, when appropriate. Face-to-face communication and fire alarm systems may be used when deemed necessary. University officials will notify campus community members of the emergency situation, its exact location, and will most likely request community members to protect themselves by evacuating the affected area if it is safe to do so and/or by employing the "shelter-in-place" concept.

Anyone with information about a situation that may require the issuance of a Timely Warning or Emergency Notification should report the circumstances to the UPD by calling 657-2222 or 657-2147, or in-person at the UPD, located in the lower level of the Parking Garage on Poly Drive.

Follow-up information will be distributed using some or all of the identified communication



systems, excluding the fire alarm.

The local/national news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents, and other interested parties. MSU Billings' University Communications & Marketing Director would be in contact with the Local Emergency Planning Committee Public Information Officer Group in the case of an emergency. Through that group, MSU Billings would issue a media release. The larger community can also access emergency information via the MSU Billings ENS, checking the website homepage, or viewing posts on social media. Any campus visitors are required to have a parking permit to park on campus. Each daily parking permit includes information on how to enroll in the MSU Billings community ENS via email or text. Any campus visitor or outside community member who has enrolled in that system will receive a notification in case of emergency. Due to the text messaging character limit, most notifications sent via text will request the recipient to view details on the MSU Billings website homepage.

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

### **Public Safety Advisory**

An MSU Billings Public Safety Advisory is a tier below both the MSU Billings Emergency Notification and the Timely Warning. A Public Safety Advisory may be issued periodically when the nature of the issue is not immediate or life-threatening. A Public Safety Advisory may or may not be associated with a crime. It contains important information for the campus community to stay informed about a situation or incident that may be a safety or security concern. Students, faculty, and staff will receive a Public Safety Advisory via email.

### **MSU Billings Emergency Notification System (ENS)**

MSU Billings ENS is a text-message and email-based system to transmit brief, urgent messages to a large segment of the MSU Billings population as quickly as possible. Faculty, staff, and students who have added a mobile phone number in Banner are automatically enrolled each semester. Opt-out instructions are included in the initial text message. However, enrollment is strongly recommended. Faculty, staff, and students are unable to opt-out of receiving emergency notifications at their university-provided email address.

### **Emergency Response Plan**

MSU Billings has an established Emergency Response Plan. Key components of the plan are contained in the [University Police Emergency Procedures](#) page. These individual Emergency Procedures have been compiled to benefit the MSU Billings community in the event of potential life-threatening emergencies. The delineated procedures are intended to provide basic step-by-step responses to specific types of emergency or disaster situations. MSU Billings will test its emergency response and evacuation procedures on at least an annual basis through scheduled drills, exercises, and appropriate follow through activities

designed to assess and evaluate the emergency plans and capabilities. MSU Billings will test evacuation procedures in academic/office buildings, residence halls, and family student housing. The tests may be announced or unannounced. The tests will be documented, including a description of the exercise, date, time, and whether it is announced or unannounced. The university publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all the requirements of the Higher Education Opportunity Act.

## **Emergency Evacuation Procedures**

The emergency evacuation procedures are tested at least twice each year. The UPD does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, emergency response personnel on scene will communicate information to students regarding the developing situation or any evacuation status change. In addition, in the event of an evacuation, the institution would communicate to the campus community via the Emergency Notification System.

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

## **General Evacuation Procedures**

At the sound of a fire alarm or instructions to evacuate, leave your work area immediately, proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and dial 911. Please also notify the UPD at 406-657-2222.

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

## **Shelter-in-Place Procedures – What it means to “Shelter-in-Place”**

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors because leaving the area may expose you to danger. Thus, to “shelter-in-place”

means to make a shelter of the building that you are in, and with a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside.

### **Basic “Shelter-in-Place” Guidance**

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

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

A shelter-in-place notification may come from several sources: UPD, housing staff members, other university employees, Billings Police, or other authorities utilizing the university’s emergency communications tools.

### **How to “Shelter-in-Place”**

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

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



## Campus Security Awareness Information and Education

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

During the 2022 calendar year, MSU Billings offered approximately **23** crime prevention and security awareness programs. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness, and sexual assault prevention are some examples of programs offered during the academic year.

All crime prevention and security awareness programs encourage students and employees to be responsible for their own safety and the security of others. Participants in these programs are asked to be alert, security-conscious, and involved. Participants are advised to call the UPD to report suspicious behavior. For additional questions regarding crime prevention, contact the UPD directly at (406) 657-2147.

University Police Officers work with other university departments to provide safety and security education through numerous presentations to on-campus groups and other presentations upon request.

Educational programs concerning personal safety; crime prevention, including the prevention of sexual assault and date/acquaintance rape; and personal safety techniques are offered by a variety of groups and individuals on campus each year. Groups offering programs may include, but are not limited to: University Police Department, Student Health Services, Housing Department, and others. Presentations provided in 2022 were as follows:

- Resident Assistant Training (healthy relationships, consent, bystander intervention, survivor dynamics) 2 trainings
- Behind Closed Doors (misconduct scenarios for Resident Assistants) 2 trainings
- Resident Assistant Legal Issues (Title IX, Clery) 2 presentations
- Resident Assistant Emergency Procedures 2 presentations
- New Employee Orientation (risk reduction, Clery) 11 presentations
- International Student Orientation (Title IX, Clery, U.S. law) 1 presentation
- Upward Bound University Safety Presentation 1 event
- Nursing Safety Briefing 1 event
- International Student Fraud and Scam Awareness 1 event

Students living in residence halls are provided with security information at check-in. New employee orientation sessions are held on a regular basis throughout the year. Resident Assistance training occurs twice a year. Other programs are subject to change. Residence Life staff regularly address residence hall safety and security rules and precautions, and personal safety considerations with all residents at floor and hall meetings. Safety and security rules and guidance are provided in the [Housing & Residence Life Handbook](#).

## Crime Prevention Programs

The university's crime prevention/safety program stresses community awareness and interaction through the dissemination of material and presentations designed to familiarize students, faculty, and staff with their responsibility in reducing criminal opportunity. The UPD plays an active role in the Yellowstone County DUI Task Force and Enforcement of Underage Drinking Laws (EUDL). The UPD offers walking safety escorts on campus for students, staff, and visitors. University Police officers also provide education throughout the university community ranging from discussion sessions in residence halls to classroom presentations. Electronic prevention materials and brochures are also distributed to the campus community via email and in person during events such as new employee orientation. In addition, the [University Police Department website](#) provides useful safety-related information for the campus. MSU Billings promotes crime prevention as a shared responsibility. Everyone in the campus community should play an active role in making the university environment safe, secure, and free of criminal activity.

## Missing Student Policies and Procedures

**Reports of missing students must be made immediately to the UPD by calling 406-657-2222.**

MSU Billings follows the procedures established by [the MSU Billings University Police Department Policy #312](#) for reporting and responding to reports of missing students. The Clery Act requires missing student procedures to take effect within 24 hours of a person being reported missing; however, the state of Montana standards are higher. MSU Billings will adhere to Montana state statute (Montana Code Annotated 44-2-408), which are:

- a. All law enforcement authorities in the state shall accept, without delay, a report of a missing person unless there are extenuating circumstances, including:
  1. The law enforcement authority knows the location of the person reported missing;
  2. The law enforcement authority confirms the safe status of the person reported missing;
  3. The law enforcement authority confirms that another law enforcement authority has or will accept a missing person report for the person; or
  4. Other circumstances documented by the law enforcement authority.
- b. All missing person reports must be entered into the database of the National Crime Information Center (NCIC) of the United States Department of Justice within:
  - 2 hours of receipt for persons under 21 years of age; or
  - 8 hours of receipt for persons 21 years of age or older

When a student completes a housing application, each student will have the annual option to designate a confidential contact within the housing application portal. The confidential contact is to be notified by MSU Billings no later than 24 hours after the time the student is determined to be missing. Consistent with [policy section 312.3.1](#), if the missing person report (student) is confirmed, the UPD will attempt to notify the confidential contact

within two hours if the missing student is under 21 years of age and within eight hours if the missing student is over 21 years of age. This determination is made by the UPD or the local law enforcement agency in which the student went missing, using information provided during the investigation by the reporting party, university officials, and anyone else with pertinent information. Confidential contact information will be accessible ONLY to authorized campus officials and will not be disclosed, except to law enforcement officials in furtherance of a missing person investigation.

In the event a student is under 18 years of age and not emancipated, MSU Billings must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. Local law enforcement officials will also be notified immediately after the student has been deemed missing, unless the local law enforcement agency was the entity that made the determination that the student is missing. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, MSU Billings will inform the local police department (or the local law enforcement with jurisdiction) that the student is missing.

Students are encouraged to keep confidential contact information and their whereabouts up to date, as this will help considerably during an investigation. To add or change your confidential contact, please contact the MSU Billings Housing Office.

Reports of missing student residents can also be made to university housing officials or the Dean of Student Engagement.

## **Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Prevention**

### **Introduction**

Students, staff, and faculty at MSU Billings have the right to live, learn, and work in an environment that is free from all forms of sexual misconduct (including sexual assault), domestic violence, dating violence, and stalking. Montana State University's [Discrimination, Harassment, and Retaliation](#) policies apply to all MSU affiliated campuses. The MSU Billings [Student Code of Conduct](#) also prohibits such conduct. MSU Billings' guiding philosophy and procedures are to inform the campus community of our programs to address domestic violence, dating violence, sexual assault, and stalking, as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking when it is reported to a university official. These procedures will be followed regardless of whether the incident occurs on or off campus. For the purposes of this report, the terms sexual misconduct, dating violence, domestic violence, and stalking mean the same as the definition in Montana State University's [Discrimination Policy](#). Sexual misconduct is defined in Section 225.00 of the Policy to include sexual assault (including rape and other nonconsensual sexual contact), causing incapacitation for sexual purposes, and sexual exploitation.

This part of the report describes:

- How and where to report incidents of sexual misconduct (including sexual

- assault), dating violence, domestic violence, and stalking;
- How the university will respond to such reports;
- The university's educational and prevention programs;
- Procedures for considering reports of violations of the Discrimination Policy; and
- Support services for victims of such conduct.

Victims or witnesses of sexual misconduct, domestic violence, dating violence, or stalking may come forward to various offices on campus as described below. MSU Billings Student Health Services serves as the university's primary office for response and support for victims.

### **Distressed Student Guide:**

MSU Billings is committed to creating a safe and healthy learning, working, and living environment. The [Distressed Student Guide](#) provides guidance to students who may need mental health assistance and provides help coping with the stress associated with college life.

## **Reporting Procedures Victims Should Follow if a Crime of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, or Sexual Exploitation Occurs**

MSU Billings encourages accurate and prompt reporting of all crimes to UPD or other local law enforcement when the victim elects to, when there is an obligation under state law, or when there is an emergency. Although MSU Billings strongly encourages all members of its community to report violations of sexual harassment and assault to law enforcement, it is the victim's choice whether to make the report and may decline involvement at any time throughout the process.

If requested, university officials such as the Student Health Services counseling staff, the Title IX coordinator (Director of Human Resources), and the Dean of Student Engagement, are available to assist students in reporting to the UPD or other law enforcement agencies.

### **Reports to Law Enforcement**

MSU Billings' law enforcement officials are available 24 hours a day to respond to reports of sexual assault, dating or domestic violence, and stalking. MSU Billings encourages reporting to the UPD as soon as possible. If a student chooses not to report immediately, a report can be made later. At the UPD, a student can meet with an officer to learn more about their options, the process, and make an informed decision. For sexual assaults, if the victim is under the age of consent, which is 16 in Montana, the law requires them to identify themselves when making a report. Victims over the age of consent have the option to remain anonymous, though victims are encouraged to provide their information when reporting. The UPD can provide information and assistance to students related to no contact orders and information regarding restraining orders outside of the university grounds.

A police report will document the incident and is the first step toward filing criminal charges. When you contact the police to make the report, a patrol officer will meet



with you at a location that you choose and take the report. You have the right to have a support person or advocate with you during the conversation. The officer will ask you detailed questions about the incident and gather information about any witnesses and the perpetrator. The process may end here if you do not want to go further. Typically, the report goes to the police department with jurisdiction over the location where the assault occurred. An officer will be assigned to your case to continue the investigation, including collecting evidence and conducting follow-up interviews with witnesses and the alleged perpetrator.

In the event that a victim wants to file criminal charges, the prosecuting attorney assigned to their case will review the case and determine if there is enough evidence to move forward and officially charge the alleged perpetrator with a crime. The prosecuting attorney decides if there is enough evidence to prove the case “beyond a reasonable doubt.”

Although the victim will not be able to control whether the perpetrator in their case is charged, most prosecutors will not go forward without a victim’s consent. Once you report an assault to the police, you become a witness in the state’s case against the alleged perpetrator. Prosecutors typically consider various factors in determining whether to prosecute without the victim’s consent, including whether there is sufficient evidence to support a conviction without the victim’s testimony, whether the victim has been threatened into not cooperating, and whether there are other reasons for not participating. Rarely will a sexual assault victim be forced to participate as a witness in criminal proceedings against their will.

If the prosecutor does not think there is strong evidence, the case will not go forward. This does not mean that the assault did not occur. Victims still have other options; for example, they may want to consider filing a civil lawsuit.

*NOTE: In the state of Montana, employees of institutions of higher learning who suspect incidents of child abuse (including incidents of suspected child sex abuse) must report such incidents to the Montana Department of Public Health and Human Services, Child and Family Services Division Child Abuse hotline at 1-866-820-5437. Montana recognizes enrolled students under the age of 18 as “children” for purposes of this law and, as such, the university is mandated to report a criminal complaint of abuse or sexual abuse involving any student victim under the age of 18 immediately. Law enforcement authorities may notify the victim’s parents or guardians as stipulated by law.*

**MSU Billings UPD:**

406-657-2222 or 406-657-2147 (Non-emergency line)

Billings Police Department: 406-657-8200

Emergency: 911

**What to do if someone is the victim of stalking:**

- Get to a safe place.
- Contact someone you trust: police, a friend, family member, MSU Billings Student Health Services, Billings YWCA, hospital, or any resource that supports survivors.
- Maintain all digital communication between victim and suspect.
  - Do not delete text messages, emails, screenshots of social media posts, etc.

- Keep a log or record of the date, time, and location of interactions between the victim and the alleged stalker.
- Keep a record of any previous police reports related to the stalking behavior.

**What to do immediately after someone has been the victim of dating or domestic violence:**

- Get to a safe place.
- Contact someone you trust: police, a friend, family member, MSU Billings Student Health Services, Billings YWCA, hospital, or any resource that supports survivors.
- Maintain all digital communication between victim and suspect.
  - Do not delete text messages, emails, screenshots of social media posts, etc.
- Take photographs of any bruises or marks on the victim's body that were caused by the incident.
- Do not clean, repair, or remove items from the site of the incident. Preserve the scene until law enforcement arrives.
- If the victim was also sexually assaulted, follow the instructions below for obtaining a SANE exam.

**What to do immediately after someone has been sexually assaulted:**

- Get to a safe place.
- Contact someone you trust: police, a friend, family member, MSU Billings Student Health Services, Billings YWCA, hospital, or any resource that supports survivors.
- Do not:
  - Shower
  - Eat or drink
  - Use the bathroom, if possible
  - Brush your teeth
  - Douche
  - Change your clothes, no matter how dirty or violated it may make you feel.

These activities destroy important physical evidence in the event that you decide to prosecute the person who assaulted you. Preserving evidence is important. It may be helpful in obtaining a protection order or assist in proving that the alleged criminal offense occurred. However, if you cannot refrain from urinating before seeking help, urinate into a clean glass jar. If you must change your clothes before seeking help, place them (including underwear) in a brown PAPER bag. Placing clothes or all other possible pieces of evidence in a plastic bag will chemically render them useless during evidence collection procedures.

- If able, secure the scene where the assault took place.
- Do not clean, tidy, or remove anything from the location where the assault took place.
- Seek medical attention.

You may have hidden injuries and may want to explore options for preventing pregnancy or sexually transmitted diseases. The decision to undergo a sexual assault medical exam is most often performed by a specially trained Sexual Assault Nurse Examiner (SANE). The exam is free and only available at Billings Clinic, located in Billings, Montana. The decision

to complete an exam does not hinge upon the immediate reporting of the sexual assault to law enforcement. The evidence will be sealed and frozen immediately after completing the procedure and can be stored within a medical facility for up to one year after being collected. During this one-year period, it may be used as admissible evidence if a survivor feels that he/she wants to report their experience to law enforcement.

Write down everything that you remember happening, with as much detail as possible. This can help in any legal action you might decide to take. This is also helpful if a survivor decides to report immediately to law enforcement. The process of reporting will involve questions calling for distinct detail about the sexual assault. The more detail a survivor can recall about their experience, the stronger their case may become when presented to the County Attorney's office.

### **Reports to MSU Billings' Title IX Coordinator**

Individuals may also report an incident of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, or Sexual Exploitation to the institution's Title IX Coordinator or their designee. Title IX is a federal statute that requires the educational services of a university be provided without discrimination on the basis of sex. Sexual harassment, including sexual assault, dating violence, domestic violence, or stalking is prohibited by [MSU's Discrimination, Harassment, and Retaliation Policy and may also violate Title IX](#). MSU Billings has designated the Director of Human Resources as the Title IX Coordinator. The Title IX Coordinator, or their designee, is responsible for assuring compliance with Title IX and will initiate investigation of reports of discrimination, harassment, sexual misconduct, sexual exploitation, dating violence, domestic violence, and stalking. Students or employees who have been the victim of such conduct may file a complaint under the University's Discrimination Policy and Grievance Procedures with the Title IX Coordinator.

Anyone can report to the Title IX Coordinator. These reports are not confidential, but they are private, and student records are protected under federal privacy law (FERPA). Reporting to the Title IX Coordinator does not mean a person is obligated to pursue any formal action or speak with law enforcement. Those who report to the Title IX Coordinator will be made aware of their rights, options, and resources and will receive assistance as reasonable and necessary.

Reports can be made by phone, email, online, or in person.

Title IX Coordinator  
1500 University Drive  
Billings, MT 59101  
McMullen Hall Rm 310  
[titleix@msubillings.edu](mailto:titleix@msubillings.edu)  
P: 406-657-2117

To file an online report, visit <http://www.montana.edu/equity/policies/grievanceprocedures.html> and select the "File a Report" button.

**Important:** This confidential reporting link is housed on the Montana State University Bozeman website; however, your report will be routed to the correct Montana State University campus Title IX office based on information you include in the form.

Reports of all domestic violence, dating violence, sexual harassment, sexual assault, sexual exploitation, and stalking made to UPD will automatically be referred to the Title IX Coordinator. The Title IX Coordinator is not a confidential reporting entity and is required to report criminal incidents to law enforcement.

Discrimination, Harassment, and Retaliation Policy: <https://www.montana.edu/equity/policies/index.html>

Discrimination Grievance Procedures for Allegations of Violations of the Policy Above: <https://www.montana.edu/policy/discrimination/procedures>

### **Reports to the Office of the Dean of Student Engagement (DSE):**

If the accused violator is a student at MSU Billings, the incident may be reported to the Office of the Dean of Student Engagement (DSE). Although reports of discrimination, harassment, sexual assault, domestic violence, and stalking are referred to the Title IX Coordinator for investigation in accordance with Montana State University's [Discrimination Grievance Procedures](#), the DSE office will work with students and the Title IX Coordinator as necessary to take supportive measures to protect the student's health and well-being. Examples of the measures that can be taken include providing informal consultation, issuing a no-contact order to the alleged perpetrator, adjusting classes to avoid contact with the perpetrator, and providing other corrective and remedial assistance as outlined in the [Discrimination, Harassment, and Retaliation Policy](#). Students can contact the Office of the Dean of Student Engagement by calling 406-657-1696 or visiting office 223 in Student Union Building.

Usually, the decision to take action against the accused rests with the aggrieved student. However, there are certain circumstances in which the university must act if it receives a report that requires the university to protect the student and members of the university community from repetition of the offense or to eliminate risk of future harm.

A victim wishing to maintain complete confidentiality may report to a licensed mental health professional through the MSU Billings Counseling Center. Under Montana law, the counselor is authorized to maintain counselor-client confidentiality.

### **Alternate Reporting Options**

- Report and/or seek confidential support at MSU Billings Student Health Services.
- Report anonymously through the [Report an Incident](#) form.
- Do none of the above (the victim is still encouraged to seek support).

*Although MSU Billings strongly encourages all members of its community to report violations of domestic violence, dating violence, sexual assault, or stalking to the Montana State University Billings Police Department, it is the victim's choice whether or not to make such a report.*

*Furthermore, victims have the right to decline to notify law enforcement. However, the university will assist any victim with notifying law enforcement if the victim so desires. The MSU Billings Police Department may also be reached directly by calling (406) 657-2222 or (406) 657-2147 or in person at the MSU Billings Police Department located on the first floor of the Poly Drive Parking Garage at 1500 University Drive.*

Victims have the right to decline to notify law enforcement. Although it is important for the



victim to make the decision about the kind of service they desire, timing is an important factor in many of these decisions. It may be important to take action to preserve any evidence for use in a criminal case. Medical forensic evidence may be collected within 120 hours of the occurrence of sexual assault. The victim may request an exam and forensic evidence collection at no cost and without having to file a police report. The costs of the evidence collection will be covered as part of Montana's Forensic Rape Examination Payment Program. The Billings Clinic Emergency Room (406-238-2500) is the only location in Billings which conducts forensic examinations. Billings Clinic health care providers are specially trained and are sensitive to the needs of sexual assault victims.

Other evidence of a crime should also be preserved in cases where criminal charges are pursued. Evidence might include pictures of injuries, forensic examination, written and electronic communications, text messages, emails, photos, or other evidence that may show a course of conduct. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the UPD or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the university at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order. A mental health counselor or the UPD can discuss all of these options confidentially with the survivor.

### **Student Health Services:**

Student Health Services provides a safe and confidential place on campus to support survivors of interpersonal violence. This includes sexual assault, rape, domestic violence, relationship violence, and stalking. Student Health Services staff work with students to explain reporting options; this includes discussing the differences between a criminal investigation and a university investigation. Student Health Services staff will assist the victim in notifying authorities if they request assistance and will advise the victim of the importance of preserving evidence if they choose to bring criminal charges in the future. Student Health Services strives to support the survivor regardless of their decision to report.

Student Health Services is confidential and free, which is covered under the privilege afforded to communications with victim advocates under state law [[§26-1-812. Montana Code Annotated](#)].

Student Health Services staff and trained advocates from the YWCA are available 24 hours a day and can provide immediate crisis intervention, refer survivors to legal, medical, and psychological service options, and can accompany students in accessing these services.

Other services available 24 hours a day within the Billings community include the YWCA Domestic and Sexual Violence Services/Gateway House at 406-245-4472 (hotline: 406-259-8100) and a 24-hour text line at 406-702-0229. Refer to the [YWCA Billings](#) web page.

## **University Employee Requirements:**

All university employees are considered mandatory reporters with the exception of certain confidential resources.

University employees must, within 24 hours of receiving the information, report information they have about Discrimination based on sex and Sexual Harassment, as defined by the Discrimination Policy, involving students to the Title IX Coordinator. The employee must provide the Title IX Coordinator with all information they have directly related to the incident. This includes, but is not limited to, the names of people involved, as well as facts, including the date(s), time(s), and location(s). Employees should not conduct their own investigations or engage in fact-finding, but should report information they have.

Confidential Resources are those campus and community professionals who can maintain legally-protected confidentiality within the University for the individual who shared the information. Confidentiality means that information shared by an individual with a Confidential Resource cannot be revealed to any other person without express permission of the individual, or as otherwise permitted or required by law. Confidential Resources available to individuals include Student Health Services, Clergy, University Health Partners, and other licensed medical health care professionals acting in their health care capacity.

Victims who are considered mandatory reporters are not required to report to MSU Billings about their own experiences. Reports made to employees will be provided to the Human Resources/Title IX Coordinator to ensure the victim is aware of their rights, options, and resources.

University employees who are dealing with domestic/dating violence and stalking in their personal lives may seek assistance from Student Health Services, Title IX Coordinator, or the UPD.

## **University Response Following the Report of Domestic Violence, Dating Violence, Harassment, Sexual Assault, Sexual Exploitation, or Stalking**

The university has procedures in place to assist students who report harassment, sexual assault, domestic violence, dating violence, sexual exploitation, and stalking. Following receipt of a Report of Prohibited Conduct and/or a Formal Complaint, the responsible office will contact the Complainant to offer Supportive and Protective Measures, consider the Complainant's wishes with respect to Supportive and Protective Measures, inform the Complainant of the availability of Supportive and Protective Measures with or without the filing of a Formal Complaint, and invite the Complainant to meet with RO staff to assess jurisdiction and discuss potential resolution options, including the process for filing a Formal Complaint. The university will make such accommodations or protective measures, if the victim or accused party requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the UPD or Billings Police Department. Students should contact the Title IX Coordinator or Dean of Student Engagement. Employees should contact the Title IX Coordinator. If a report of domestic violence, dating violence, sexual assault or stalking is reported to the university, below are the procedures that the university will follow:

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

Incident of <u>Sexual Assault</u> Reported	Incident of <u>Stalking</u> Reported
Procedure MSU Billings Will Follow:	Procedure MSU Billings Will Follow:
<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care</li> <li>2. Institution will assess immediate safety needs of complainant</li> <li>3. Institution will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department</li> <li>4. Institution will provide complainant with referrals to on and off campus mental health providers</li> <li>5. Institution will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" directive to accused party if deemed appropriate</li> <li>8. Institution will provide instructions on how to apply for Protective Order</li> <li>9. Institution will inform the complainant regarding timeframes for inquiry, investigation and resolution</li> <li>10. Institution will inform the complainant of the outcome of the investigation, whether the accused will be administratively charged, and what the outcome of the hearing is</li> <li>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li> </ol>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department</li> <li>3. Institution will provide instructions on how to apply for Protective Order</li> <li>4. Institution will provide information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" directive to accused party if deemed appropriate</li> </ol>

The accused party will always be granted due process. MSU Billings is obligated to provide equal accommodations to the accused party upon request.

### **Expert Assistance:**

No matter where on campus a student, faculty, or staff member comes forward to report sexual misconduct, dating violence, domestic violence, or stalking, the office or department receiving the report should consult with MSU Billings experts on sexual violence located in Student Health Services and refer the student for services.

The university is responsible for coordinating Supportive and Protective Measures in response to conduct contemplated by the Discrimination policy. Supportive and Protective Measures are non-disciplinary, non-punitive individualized services and tools offered as appropriate, as reasonably available, and without fee or charge to a Complainant or Respondent before, during or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive and Protective Measures are designed to restore or preserve equal access to the University's Programs and Activities without unreasonably burdening the other party and includes measures designed to protect the safety of all parties or the University's campus environment or prevent or deter potential Prohibited Conduct.

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

The complainant may request supportive measures by contacting the Dean of Student Engagement or the Title IX Coordinator or their designee. Employees may contact the Title IX Coordinator or their designee at 406-657-2117.

Victims in Yellowstone County may also seek orders of protection (e.g. no contact orders) through the following local courts:

- Billings Municipal Court
- Yellowstone County Justice Court
- Yellowstone County District Court

The following locations can provide assistance to victims of crime such as domestic violence, stalking, and sexual assault in obtaining protection or no contact orders:

- Yellowstone County Attorney's Office-Victims Witness Coordinator, 217 N. 27<sup>th</sup> St., Billings, MT or 406-256-2870.
- Billings Municipal Court-Victims Witness Specialists, 220 N. 27<sup>th</sup> St., Billings, MT or 406-657-8205.
- YWCA Gateway House-Victim Advocates, 909 Wyoming Ave., Billings, MT or 406-245-4472.

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

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with



the university policy and procedure which outlines the prohibited conduct, university procedures, requesting supportive measures, confidentiality, and victim services.

The university is responsible for coordinating Supportive and Protective Measures in response to conduct contemplated by the Discrimination policy. Supportive and Protective Measures are non-disciplinary, non-punitive individualized services and tools offered as appropriate, as reasonably available, and without fee or charge to a Complainant or Respondent before, during or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive and Protective Measures are designed to restore or preserve equal access to the University's Programs and Activities without unreasonably burdening the other party and includes measures designed to protect the safety of all parties or the University's campus environment or prevent or deter potential Prohibited Conduct.

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

### **Rights of Victims and the Institution's Responsibilities for Orders of Protection, "No Contact" Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution**

MSU Billings complies with Montana law in recognizing orders of protection. In Montana, a reporting party can receive a temporary order quickly issued by the court and subsequently, a full order of protection, which is granted after a court hearing is held. A reporting party can petition to receive a temporary protection order by going to the Yellowstone County Courthouse, 217 N. 27th St., rooms 603/702 or at Billings Municipal Court at City Hall, 220 N. 27th St., 2nd floor. Police can also issue a temporary order at the police department after hours if necessary. The university cannot legally apply for a legal order of protection or restraining order for the reporting party in this jurisdiction. The reporting party is required to apply directly for these services. Any person who obtains an order of protection from Montana or any other state should provide a copy to the UPD. The reporting party may, if they desire, meet with the UPD, the Dean of Student Engagement, and the Title IX Coordinator to develop a plan to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to, escorts, special parking arrangements, changing classroom location, or allowing a student to complete assignments from home, etc.

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

### **University-Initiated Protective Measures**

The Title IX Coordinator, or their designee, will determine whether supportive and protective measures should be implemented, and, if so, take steps to implement those

measures as soon as possible. Examples of supportive and protective measures include, but are not limited to, a university order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Montana State University Billings.

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

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

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

To request changes to academic, living, transportation and/or working situations or protective measures, MSU Billings students and employees should contact the Title IX Office at 406-657-2117 or by visiting Human Resources in McMullen 310.

### **Confidentiality of Complaints and Reports**

There is a distinction between making a report to the University or law enforcement and seeking confidential assistance through Confidential Resources described here. Not every campus or community resource is confidential, and this section explains to whom individuals who have experienced Prohibited Conduct can talk without their disclosure being revealed to any other person without their express permission or as required by law.

Confidential Resources are those campus and community professionals who can maintain legally-protected confidentiality within the University for the individual who shared the information. Confidentiality means that information shared by an individual with a Confidential Resource cannot be revealed to any other person without express permission of the individual, or as otherwise permitted or required by law. Confidential Resources

are prohibited from disclosing confidential information unless (1) given permission by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order.

Confidential Resources available to individuals include Student Health Services, Clergy, University Health Partners, and other licensed medical health care professionals acting in their health care capacity.

The Title IX Coordinator is not a Confidential Resource. Nevertheless, the University and Title IX staff will make every effort to respect and safeguard the privacy of the individuals involved in reporting or otherwise participating in any process described by the Discrimination Policy or the Discrimination Procedures. Privacy means that reports of Prohibited Conduct will only be shared with limited individuals who need to know for the purpose of assessment, implementation of Supportive and Protective Measures, and resolution of a Formal Complaint, and to the extent required by law or court order.

The university will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide accommodation or protective measures.

The investigative Report of Findings and any written decision resulting from the appeals process will be disclosed only to the reporting party (complainant), the responding party (respondent), Title IX Coordinator or their designee, hearing officials, and Discipline Authorities subject to the protection of confidentiality as may be appropriate under the circumstances and in accordance with the requirements of FERPA. This information will also be provided to university officials as necessary to prepare for subsequent proceedings (e.g., University Chancellor, CEO, Appeals Officer, and University Legal Counsel). If otherwise required by law or legal process, the report may be provided to other entities subject to the requirements of FERPA.

Information about complaints and reports, absent personally identifiable information, may be reported to university officials and external entities for statistical and analysis purposes pursuant to federal and state law and university policy. The university does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. If a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

If the reporting party desires full confidentiality, he/she should speak to on-campus mental health counselors or health service providers or to on or off-campus victim advocate counselors who are not mandated reporters and can maintain confidentiality.

As another supportive measure action of protection, victims may request that directory information on file with the university be withheld by request to the Registrar's Office. Contact the Registrar by phone at (406) 657-2880 or in person on the first floor of the administration building.

## Discrimination Grievance Procedures

All reports and complaints of violation of MSU Billings' Discrimination, Harassment, Sexual Misconduct, Domestic Violence, and Stalking Policy are considered in accordance with MSU's [Discrimination, Harassment, and Retaliation Policy](#).

### Policy and Procedures Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault, Sexual Exploitation, and Stalking

All reports or complaints of a violation of MSU Billings' Discrimination, Harassment, and Retaliation Policy are considered in accordance with MSU's Discrimination Grievance Procedure.

Policy: <http://www.montana.edu/equity/policies/index.html>

Procedure: <http://www.montana.edu/equity/policies/grievanceprocedures.html>

Please do not wait to report conduct of concern until harassment becomes sufficiently serious (i.e. severe, pervasive, or persistent) to create a hostile environment. The Title IX Coordinator or their designee can take proactive steps to prevent harassment from continuing and perhaps escalating and to protect or otherwise assist the person harassed. The Title IX Coordinator or their designee can also provide expertise and advice to help identify conduct that might be a warning sign of, or constitute sexual harassment, or hostile environment harassment prohibited by this policy and address concerns appropriately.

## Filing a Report under University Policy in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault, and Stalking

The Montana State University system-wide Discrimination, Harassment, and Retaliation Policy is applicable to students, faculty, and staff accused of domestic violence, dating violence, sexual assault, sexual exploitation, and stalking.

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

A complaint alleging misconduct against any student or organization at the university may be filed by anyone to the Dean of Student Engagement. A complaint alleging violations of MSU Billings' policy on Discrimination, Harassment, and Retaliation Policy (<https://www.montana.edu/equity/policies/index.html>) may be filed with the Title IX Coordinator.

Students, faculty members, administrators and other employees of the university shall have concurrent authority to request the commencement of the educational proceedings provided for all in this section. A person filing a complaint shall be complainant of record.

Reports of Policy Violations under the Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking and Retaliation Policy whether by recipients of unwelcome behavior or by third-parties, should be made to the Title IX Coordinator. The Title IX Coordinator, their staff members and their designees are trained to assist in finding resources, explain all reporting options, and to respond appropriately to conduct of



concern. All instances of retaliation should be reported and will be addressed in the same manner.

### **Retaliation Prohibited**

Retaliation means any adverse action, including efforts to intimidate, threaten, coerce, or discriminate and any adverse employment or educational actions, that would discourage a reasonable person from engaging in activity protected under this policy, against any individual for the purpose of interfering with any right or privilege secured by this Policy or because the individual has made a report or complaint, responded to a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Discrimination Policy and accompanying Discrimination Grievance Procedures. It is central to the values of this university that any individual who believes they may have been the target of unlawful discrimination or harassment feel free to report their concerns for appropriate investigation and response, without fear of retaliation or retribution.

The contact information for the Title IX Coordinator is:

MSU Billings  
Director of Human Resources/Title IX Coordinator  
Human Resources Office  
McMullen Hall 310  
Montana State University Billings  
1500 University Drive  
Billings MT 59101  
Tel: (406) 657-2117  
Fax: (406) 657-2120  
Email: [titleix@msubillings.edu](mailto:titleix@msubillings.edu)

Reports should be made as soon as possible after an incident and there are several avenues available for submitting a report:

- Leave a voice message for the Title IX Coordinator or their designee
- Send an email
- Mail a letter to the MSU Billings Title IX Coordinator or their designee
- Visit the Title IX Coordinator or their designee (you may wish to make an appointment first to ensure availability); or
- Report to another trusted university official (e.g., Resident Assistant, Professor, Coach, Advisor) who will provide information to the Title IX Coordinator as required by policy.

## **2. Applying University Policy in Cases of Alleged Domestic Violence, Dating Violence, Harassment, Sexual Assault, Sexual Exploitation, and Stalking**

The Discrimination, Harassment, and Retaliation Policy prohibits discrimination and harassment of employees by the employer and between members of the university community. The Title IX Coordinator or their designee utilizes this policy and the Discrimination Grievance Procedures as guidance throughout the process.

Upon receiving a report of alleged or possible actions that could violate the Discrimination, Harassment, and Retaliation Policy, the Title IX Coordinator or their designee will evaluate the information, determine the possible violation(s), and determine what further action should be taken following the procedures described in the Discrimination Grievance Procedures. The Title IX Coordinator or their designee will take steps, either directly or through a reporting person, to provide information about the University's Discrimination Grievance Procedures, as well as available health and advocacy resources, and options for criminal reporting.

To enable the university to respond effectively and to stop instances of discrimination, harassment, violence, and retaliation proactively, all university employees must promptly (normally within 24 hours) report all known or suspected discrimination, harassment, sexual assault, dating or domestic violence, stalking, or retaliation as defined in this policy to the Title IX Coordinator or their designee. An employee is strongly encouraged, but is not required, to report if they themselves are the victim of one of these types of prohibited behavior.

Employees who are hired by the university to work under a license or statutory privilege under Montana law that provides for confidentiality are not required to report but may be required to provide de-identified statistics annually.

Off Campus Conduct: conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this policy. Allegations of off-campus sexual harassment or assault are of particular concern and should be brought to the university's attention.

### **3. Complaint Process**

The Title IX Coordinator or their designee is charged with coordinating the university's compliance with federal civil rights laws, all of which are listed at the end of these procedures. The Title IX Coordinator will explain to all parties the informal and formal processes outlined below and confidentiality provisions. The Title IX Coordinator or their designee is available to provide both parties the following information:

- options for obtaining medical and counseling services;
- making a criminal report;
- receiving advocacy services;
- options for changing academic, living, transportation, and working situations; and
- other helpful campus and community resources.

The Title IX Coordinator or their designee will describe the investigation and formal hearing process. The Title IX Coordinator or their designee will offer to coordinate with other campus officials, when appropriate, to implement interim supportive measures.

If an individual does not want to pursue a complaint (complainant), the Title IX Coordinator or their designee will inform the individual that the university is limited in the actions it can take without the cooperation of the individual. The Title IX Coordinator or their designee will also explain to parties and witnesses that retaliation for reporting alleged violations of the policy, or participating in an investigation of an alleged violation, is strictly prohibited

and that any retaliation should be immediately reported and will be promptly addressed.

The Title IX Coordinator or their designee will provide to any student or employee who reports that he/she has been a victim of sexual misconduct, dating violence, domestic violence, or stalking, whether occurring on or off campus, a written explanation of the student or employee's rights and options under this Discrimination Grievance Procedure.

The Title IX Coordinator or their designee will be responsible for collecting and maintaining investigative records. Such records shall be kept for a period of seven years.

#### **4. Decision-Making Process**

If an individual chooses to file a complaint, there are two avenues for resolution of an alleged policy violation: formal and informal resolution. The complainant has the option to proceed informally, except cases involving allegations of sexual misconduct. In cases involving allegations of sexual misconduct, informal resolution is not appropriate, even if both parties indicate a preference for informal resolution. The Title IX Coordinator or their designee is available to explain the informal and formal resolution procedures.

##### **A. Informal Process and Resolution**

If the complainant, the responding party (respondent), and the Title IX Coordinator or their designee all agree that an informal resolution should be pursued, the Title IX Coordinator or their designee shall attempt to facilitate a resolution of the conflict that is agreeable to all parties.

- At the discretion of the Title IX Coordinator, the informal resolution process is available to resolve all allegations of Prohibited Conduct except Sexual Harassment by employees against students.
- After the parties are provided with written notice of Formal Complaint, pursuant to Section III(C) of the Discrimination procedures, the Title IX Coordinator may reach out to both parties to explore whether they would like to engage in an Informal Resolution Process.
- The Title IX Coordinator is responsible for either overseeing or conducting the Informal Resolution Process. Examples of Informal Resolution include mediation, facilitated conversation, and education.
- Both parties must provide voluntary written consent to Informal Resolution, and the Title IX Coordinator must determine an Informal Resolution Process is appropriate before the Title IX Coordinator will initiate an Informal Resolution Process.
- At any time before completing a resolution, any party has the right to withdraw from the Informal Resolution Process and resume the Grievance Process with respect to the Formal Complaint. A completed resolution must contain signatures of the parties and the Title IX Coordinator. The Title IX Coordinator retains the authority to determine whether any Informal Resolution is sufficient.
- The only record resulting from the Informal Resolution Process will be a Written Agreement of Informal Resolution signed by both parties and the Title IX Coordinator. Each party will receive a copy of the written agreement and the Title IX Coordinator will maintain a copy in the Title IX Office records.

- None of the information learned solely as a result of the Informal Resolution Process may be used in the Grievance Process. The fact that the parties participated or that any party declined to participate or withdrew from the Informal Resolution Process may not be considered in a Formal Grievance Process.

## **B. Grievance Proceeding (Formal Process)**

**Burden of Proof and Standard of Evidence:** Neither a Complainant nor a Respondent has any burden to prove or disprove Prohibited Conduct. The University has the burden to prove through the Grievance Proceeding that a Respondent engaged in Prohibited Conduct. The University presumes that the Respondent has not engaged in Prohibited Conduct until it has made a final determination at the conclusion of the Grievance Proceeding. The standard of evidence for determining whether a Respondent has engaged in Prohibited Conduct is the preponderance of the evidence standard. The preponderance of the evidence standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it.

**Investigation** - The Title IX Coordinator will assign a properly trained and impartial Investigator.

The Investigator is responsible for gathering evidence sufficient to reach a determination regarding responsibility or no-responsibility based upon the preponderance of evidence. The Investigator may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to a party, unless the University obtains that party's voluntary, written consent to do so for this Grievance Process. The Investigator will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other Inculpatory and Exculpatory Evidence. The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. The Investigator will provide the parties with the same opportunities to have support persons and an Advisor of their choice present during any interview or meeting related to the investigation. The Investigator will provide written notice of the date, time, participants, and purpose of all investigative interviews and other meetings with sufficient time for a party to prepare to participate. The Investigator will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and Inculpatory or Exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. If in the course of the investigation, information becomes available that leads to the investigation of additional allegations about the Respondent or Complainant that were not included in the initial written notice, the Investigator will provide an additional written notice of the additional allegations to the parties whose identities are known. Prior to the completion of the investigation, the Investigator will provide to each party

and the party's Advisor, if any, the evidence subject to inspection and review in an electronic format, and the parties will have at least 10 working days to submit a written response, which the Investigator will consider prior to completion of the pre-hearing investigative report. The Investigator will create a pre-hearing investigative report that fairly summarizes relevant evidence. The pre-hearing investigative report will state whether there is reasonable cause to believe that Prohibited Conduct occurred based upon an objective evaluation of all relevant evidence. The objective evaluation will be based upon the presumption that the respondent(s) is not responsible for the alleged conduct and the preponderance of the relevant evidence standard. The Investigator will send to each party and the party's Advisor, if any, the pre-hearing investigative report in an electronic format or a hard copy. Upon receipt of the pre-hearing investigative report, each party has 10 days to submit a written response to the Investigator. After receipt of the parties' responses to the pre-hearing investigative report, or expiration of the time permitted for such responses, the Investigator will provide the following to the Title IX Coordinator and to the parties and their respective Advisors, if any:

- Written Notice described at Section III(C) above and any additional written notices;
- Description of the procedural steps taken from the receipt of the Formal Complaint through the final pre-hearing investigative report and receipt of any responses to the final pre-hearing investigative report, including all notifications to the parties, interviews with the parties and witnesses, site visits, and methods used to gather other evidence;
- All evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint and any additional allegations of which the parties were provided written notice, including evidence upon which the Investigator did not rely in forming an opinion, and any Inculpatory or Exculpatory evidence whether obtained from a party or other source;
- The pre-hearing investigative report; and
- All written responses and any other submissions provided by the parties and their advisors to the Investigator.

### **Appeal:**

Either or both parties may appeal a determination regarding responsibility and the University's dismissal of a formal complaint or any allegations therein. An appeal must be submitted to the Title IX Coordinator within 10 days of the date the written determination was submitted to the parties.

Grounds for appeal are:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator(s), or the Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.



Upon receipt of an appeal, the Title IX Coordinator will notify the other party in writing when an appeal is filed and will issue instructions, including reasonable deadlines for the non-appealing party to submit a written response. Once the Title IX Coordinator has received the written statements or the deadlines for submission of the written statements has expired, the EO/Title IX Coordinator will provide to the President of the University or their designee the written statements submitted by the parties and the final written decision and will make available the Hearing Officer File. The President or designee will issue a written decision describing the result of the appeal and the rationale for the result and will provide the written decision simultaneously to both parties. A decision by the President or designee is the final decision of the University and thus the conclusion of the grievance proceeding. As such, appropriate disciplinary sanctions may be immediately imposed, regardless of whether a party files an appeal under Board of Regents Policy 203.5.2. The University may also determine to impose interim measures/sanctions consistent with the final University determination, pending an appeal under the Board of Regents policy.

## **5. Sanctions and Corrective Action**

Violations of the Discrimination, Harassment, and Retaliation Policy will be forwarded to the Discipline Authority for a determination of appropriate sanctions.

- Disciplinary probation: A designated period of time during which the respondent is not in good standing with the University. The terms of disciplinary probation may involve restrictions of privileges and/or set specific behavioral expectations;
- Restriction from employment at the University: Prohibition of or limitation on University employment;
- Class/workshop/training/program attendance: Enrollment in and completion of a class, workshop, training, or program that could help the respondent or the University community;
- Educational project: Completion of a project specifically designed to help the respondent understand why certain behavior was inappropriate and to prevent its recurrence;
- University housing transfer or removal: Permanent placement in another room or housing unit or removal from University housing. Housing transfers or removals may be for a specified time (e.g., a year) or permanent depending on the circumstances;
- Removal from specific courses or activities: Suspension or transfer from courses or activities at the University for a specified period of time or permanently;
- Banning from all or specific University activities and events: The University may prohibit an individual from attending University sponsored activities either on or off-campus;
- Permanent No Contact: Restriction from entering specific University areas and/or from all forms of contact with certain persons;
- Suspension: Separation from the University for a specified period of time or until certain conditions are met;

- Expulsion or permanent separation: Termination of student status for an indefinite period for students or termination from employment for employees;
- Transcript hold: The University may prevent a student from receiving a copy of their transcript; or
- The University may delay the conferral of the degree pending the outcome of an investigation or withhold the conferral of the degree due to a finding of prohibited conduct. In extraordinary circumstances, the University may revoke the conferral of a degree.

Student Respondents may submit to the Hearing Officer a mitigation statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanctions imposed. Complainants may submit to the Hearing Officer an impact statement describing the impact of the Prohibited Conduct on the Complainant and expressing the Complainant's preferences regarding appropriate sanctions.

In determining the appropriate sanctions for students, the Hearing Officer will be guided by a number of considerations, including:

- The nature of the conduct at issue and the Prohibited Conduct for which Respondent was charged;
- The impact of the Prohibited Conduct on the Complainant;
- The impact of the Prohibited Conduct on the community or the University;
- Whether the Respondent has accepted responsibility for the Prohibited Conduct, which may be considered as a factor that may lessen, not increase, the severity of the sanctions;
- Maintenance of a safe and respectful environment conducive to learning;
- Protection of the University community;
- The necessity of any specific action in order to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects on the Complainant or other University community members; and
- Any other mitigating, aggravating, or compelling circumstances, including those set forth in the impact or mitigation statements.

**Employee Sanctions:** If the Respondent(s) is an employee, the Hearing Officer will not make a determination regarding sanctions. After any appeal or opportunity for appeal has been exhausted, the Title IX Coordinator will provide the Hearing Officer's written decision and any final decisions on appeal, to the University administrator with the authority to impose sanctions in accordance with applicable employment policies and procedures and collective bargaining agreements. The Title IX Coordinator will inform the Complainant(s) of the status of the employee sanctioning process and outcomes as they directly relate to the Complainant(s)'s participation in University Programs or Activities.

**Student-Employee Sanctions:** If the Respondent is a student-employee, the Hearing Officer will determine sanctions with respect to the Respondent's status as a student, and the Title IX Coordinator will provide the Hearing Officer's decision to the Respondent's supervisor to impose sanctions in accordance with applicable employment policies and procedures.

## How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”<sup>1</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>2</sup> of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to intervene.



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

MSU Billings typically offers Step Up Bystander Intervention training each year. The tips above are examples of what is taught during the Step Up training sessions.

## Risk Reduction

The Clery Act defines risk reduction as “options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.” MSU Billings offers the following risk reduction tips (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)):

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. **Try to avoid isolated areas.** It is more difficult to get help if no one is around.

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

2 Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

3. **Walk with purpose.** Even if you don't know where you are going, act like you do.
4. **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have money for a ride home (bus, ridesharing app).
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S., including Billings).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, get a new one.
12. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S., including Billings).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. **If you need to get out of an uncomfortable or scary situation here are some things that you can try:**
  - a. **Remember that being in this situation is not your fault.** You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
  - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your

friends or family can then come to get you or make up an excuse for you to leave.

- d. **Lie.** If you don't want to hurt the person's feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

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

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

## Educational Programs

MSU Billings discrimination policy requires primary prevention, risk reduction, and awareness training programs for all incoming students and new employees concerning sexual misconduct, domestic violence, and stalking. It further requires that the university maintain an ongoing training program for employees and students. MSU Billings accomplishes this training through the programs described below.

Student Health Services and the Title IX Coordinator provide various education programs. These programs are intended to promote awareness of cultural myths surrounding sexual violence and to prevent and reduce the risks of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking through annual campus-wide mailings, awareness campaigns, and educational presentations. Student Health Services also promotes victim advocacy services. These programs are provided to all incoming students and new employees. In addition, the Title IX Coordinator(s), Student Health Services staff, and trained peer educators are available, upon request, to provide primary prevention and risk reduction programs on sexual and relationship violence to classes, student groups, and residence halls.

New freshmen students, new transfer students, and new graduate students are required to complete an online alcohol and sexual assault awareness education program as part of the Montana University System's [Alcohol Edu for College and Sexual Assault Prevention for the Undergraduate OR the Adult Learner](#) program.

Student Health Services, in collaboration with the UPD, Office of the Dean of Student Engagement, and the Title IX Coordinator provide training to relevant campus staff on responding to sexual misconduct, dating violence, domestic violence, and stalking.



The Title IX Coordinator offers annual training on Title IX compliance to MSU Billings faculty/staff/students who participate as Campus Conduct Officers, Hearing Officers or Hearing Board Members.

The Title IX Coordinator, Department of Housing & Residence Life, and the UPD also provide additional training upon request.

### **MSU Billings HEROES (Health Educators Reaching Others & Encouraging Success):**

HEROES joins the BACCHUS initiatives of NASPA in order to provide primary prevention efforts to help alleviate the problem of alcohol misuse and abuse on campus; to promote responsible decision making about drinking within the campus community; to help educate and inform students, faculty, administrators, and staff about health issues that affect the campus community, including: alcohol use, abuse, and misuse; HIV/AIDS; tobacco awareness and cessation; fitness and nutrition; and sexual health; and to increase awareness and communication within the academic community regarding health-related matter for college students.

## **Definitions of Sexual Crime Categories under Montana Law**

The terms Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Consent are defined in the applicable jurisdiction as outlined by Montana Code Annotated (MCA) 2017, Title 45. Crimes, Chapter 5. Offenses Against the Person, Part 5. Sexual Crimes.

**Domestic Violence:** The State of Montana does not have a definition of domestic violence.

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

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

- (1) A person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault.
- (2)
  - (a) On a first conviction for sexual assault, the offender shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.
  - (b) On a second conviction for sexual assault, the offender shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.
  - (c) On a third and subsequent conviction for sexual assault, the offender shall be fined an amount not to exceed \$10,000 or be imprisoned for a term not to exceed 5 years, or both.
- (3) If the victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual assault, the offender shall be punished by

life imprisonment or by imprisonment in the State prison for a term of not less than 4 years, unless the judge makes a written finding that there is good cause to impose a term of less than 4 years and imposes a term of less than 4 years, or more than 100 years and may be fined not more than \$50,000.

- (4) An act “in the course of committing sexual assault” includes an attempt to commit the offense or flight after the attempt or commission.
- (5) (a) Subject to subsections (5)(b) and (5)(c), consent is ineffective under this section if the victim is:
  - (i) incarcerated in an adult or juvenile correctional, detention, or treatment facility or is on probation or parole and the perpetrator is an employee, contractor, or volunteer of the supervising authority and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search;
  - (ii) less than 14 years old and the offender is 3 or more years older than the victim;
  - (iii) receiving services from a youth care facility, as defined in 52-2-602, and the perpetrator:
    - (A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
    - (B) is an employee, contractor, or volunteer of the youth care facility; or
  - (iv) admitted to a mental health facility, as defined in 53-21-102, is admitted to a community-based facility or a residential facility, as those terms are defined in 53-20-102, or is receiving community-based services, as defined in 53-20-102, and the perpetrator:
    - (A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
    - (B) is an employee, contractor, or volunteer of the facility or community-based service.
- (b) Subsection (5)(a)(i) does not apply if one of the parties is on probation or parole and the other party is a probation or parole officer of the supervising authority and the parties are married to each other.
- (c) Subsections (5)(a)(iii) and (5)(a)(iv) do not apply if the individuals are married to each other and one of the individuals involved is a patient in or resident of a facility, is a recipient of community-based services, or is receiving services from a youth care facility and the other individual is an employee, contractor, or volunteer of the facility or community-based service.

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

- (1) A person commits the offense of stalking if the person purposely or

knowingly causes another person substantial emotional distress or reasonable apprehension of bodily injury or death by repeatedly:

- (a) following the stalked person; or (b) harassing, threatening, or intimidating the stalked person, in person or by mail, electronic communication, as defined in 45-8-213, or any other action, device, or method.
- (2) This section does not apply to a constitutionally protected activity.
- (3) For the first offense, a person convicted of stalking shall be imprisoned in the county jail for a term not to exceed 1 year or fined an amount not to exceed \$1,000, or both. For a second or subsequent offense or for a first offense against a victim who was under the protection of a restraining order directed at the offender, the offender shall be imprisoned in the State prison for a term not to exceed 5 years or fined an amount not to exceed \$10,000, or both. A person convicted of stalking may be sentenced to pay all medical, counseling, and other costs incurred by or on behalf of the victim as a result of the offense.
- (4) Upon presentation of credible evidence of violation of this section, an order may be granted, as set forth in Title 40, chapter 15, restraining a person from engaging in the activity described in subsection (1).
- (5) For the purpose of determining the number of convictions under this section, "conviction" means:
- (a) a conviction, as defined in 45-2-101, in this State;
  - (b) a conviction for a violation of a statute similar to this section in another State; or
  - (c) a forfeiture of bail or collateral deposited to secure the defendant's appearance in court in this State or another State for a violation of a statute similar to this section, which forfeiture has not been vacated.
- (6) Attempts by the accused person to contact or follow the stalked person after the accused person has been given actual notice that the stalked person does not want to be contacted or followed constitutes prima facie evidence that the accused person purposely or knowingly followed, harassed, threatened, or intimidated the stalked person.

**Consent:**

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

- no consent or that consent has been withdrawn;
- ii. A current or previous dating, social, or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue does not constitute consent; and
- iii. Lack of consent may be inferred based on all of the surrounding circumstances and must be considered in determining whether a person gave consent.
- iv. Subject to subsections (1)(c) and (1)(d), the victim is incapable of consent because the victim is: Mentally disordered or incapacitated;
- v. Physically helpless;
- vi. Overcome by deception, coercion, or surprise;
- vii. Less than 16 years old;
- viii. Incarcerated in an adult or juvenile correctional, detention, or treatment facility or is on probation or parole and the perpetrator is an employee, contractor, or volunteer of the supervising authority and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search;
- ix. Receiving services from a youth care facility, as defined in 52-2-602, and the perpetrator:
  - A. Has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
  - B. Is an employee, contractor, or volunteer of the youth care facility; or
- x. Admitted to a mental health facility, as defined in 53-21-102, is admitted to a community-based facility or a residential facility, as those terms are defined in 53-20-102, or is receiving community-based services, as defined in 53-20-102, and the perpetrator:
  - A. Has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
  - B. Is an employee, contractor, or volunteer of the facility or community-based service.
- b) Subsection (1)(b)(v) does not apply if the individuals are married to each other and one of the individuals involved is on probation or parole and the other individual is a probation or parole officer of a supervising authority.
- c) Subsections (1)(b)(vi) and (1)(b)(vii) do not apply if the individuals are married to each other and one of the individuals involved is a patient in or resident of a facility, is a recipient of community-based services, or is receiving services from a youth care facility and the other individual is an employee, contractor, or volunteer of the facility or community-based service.
- d) Subsections (1)(b)(vi) and (1)(b)(vii) do not apply if the individuals are married to each other and one of the individuals involved is a patient in or resident of a facility, is a recipient of community-based services, or is receiving services from a youth care facility and the other individual is an employee, contractor, or volunteer of the facility or community-based service.

## MSU Billings Definition

MSU Billings' policies and procedures mirror [Montana State University Bozeman's](#).

Consent is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, and freely and actively given. If coercion, intimidation, threats, or physical force are used, there is no consent.

There is no consent if a person is mentally or physically incapacitated so that such person cannot understand the fact of, or make a reasonable judgement as to, the nature, potential harmfulness of the conduct, or extent of the sexual situation. This includes incapacitation due to mental disability, alcohol or drug consumption, or being asleep or unconscious. A person who knows or reasonably should have known that another person is incapacitated may not engage in sexual activity with that person.

There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. In the absence of mutually understandable words or actions, it is the responsibility of the initiator, or the person who wants to engage in the specific sexual activity, to make sure that he/she has the consent from his/her partner(s). 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. Effective consent may not be given by minors less than 16 years old.

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

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

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

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

- A. Prohibits the crimes of domestic violence, dating violence, sexual assault and stalking as those terms are defined by the Clery Act;
- B. Uses definitions provided both by the Department of Education as well as State law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;



- C. Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- D. Delivers information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- E. Supplies information regarding:
  - a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
  - b. how the university will protect the confidentiality of victims and other necessary parties;
  - c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;
  - d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures; and
  - e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

**Primary Prevention and Awareness Programs**

The university offered the following **primary prevention and awareness programs** for all new employees in 2022:

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered?
New Employee Orientation	Jan. 11, Feb. 8, March 8, May 10, June 14, July 12, Aug. 9, Sept. 13, Oct. 11, Nov. 8, Dec. 13	SUB Beartooth	DoV, DaV, SA, S

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

The university offered the following **ongoing awareness and prevention programs** for **students** in 2022:

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered?
Condom Bingo	Oct. 26	Glacier Room	DoV, DaV, SA, S
Sexual Assault Prevention for the Undergraduate or Adult Learner	Self-paced	Online	DoV, DaV, SA, S
Interational Student Orientation	Sept. 1	LA 716	DoV, DaV, SA
Bandana Project	Apr. 11	Women & Gender Studies Center	SA

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

The university offered the following **ongoing awareness and prevention programs** for **employees** in 2022:

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered?
Bandana Project	Apr. 11	Women & Gender Studies Center	SA

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

The programs listed above include a variety of strategies focused on educating our new students and employees as well as our current students and employees on the issues involving sexual assault, domestic violence, dating violence and stalking. Some of these programs may involve the distribution of educational materials, inviting guest speakers to campus, providing programs to the community, programs during orientation, and addressing topics during academic classes (i.e. First Year Experience), etc.



## Resources, Support Programs, and Services – On Campus

### MSU Billings Counseling Services:

Talking with a counselor can be an important step in learning about available options as well as helping the recovery process. MSU Billings Counseling Services, 406-657-2153, offers confidential counseling to all MSU Billings students. For more information and to schedule an appointment visit [Counseling at Student Health Services](#) or visit either office at the university campus or City College.

### MSU Billings Student Health Services:

Regardless of the length of the time since an assault occurred, health care providers recommend a clinical visit to assess pregnancy risk, sexually transmitted infections, and physical injuries. Services are available to eligible MSU Billings students; there is no charge to eligible MSU Billings students for a clinical visit. Students can contact MSU Billings Student Health Services on the university campus at 406-657-2153, or City College at 406-247-3027 for information and to schedule an appointment. The Student Health Service does not perform forensic rape exams. These exams are only performed at the Billings Clinic Emergency Room. On and off campus service provider information is included in the MSU Billings' Victim's Rights form. Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking include:

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

Department of Education, Office of Civil Rights - <http://www2.ed.gov/about/offices/list/ocr/index.html>



ON CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling	Career guidance	Career and Employment Services	(406) 657-2168
Health	Medical care	Student Health Services	(406) 657-2153
Mental Health	Mental Health Counseling (short-term)	Student Health Services	(406) 657-2153
Victim Advocacy	Advocacy Services	Student Health Services	(406) 657-2153
Visa and Immigration Assistance	Assistance for International Students	International Studies	(406) 657-1705
Student Financial Aid	Grant, Scholarship and Loan information/ applications	Financial Aid	(406) 657-2188

OFF CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling	Mental Health Counseling	Billings Clinic	(406) 238-2500
Health	Medical care	Billings Clinic	(406) 255-8400
Mental Health	Mental Health Counseling	Community Crisis Center	(406) 259-8800
Victim Advocacy	Advocacy Services	YWCA	(406) 252-6303
Legal Assistance	Free legal advice	Montana Legal Services Association	<a href="https://www.mtlsa.org/apply-for-services/">https://www.mtlsa.org/apply-for-services/</a>
Visa and Immigration Assistance	Immigration assistance	US Citizenship and Immigration Services	Helena Field Office 754 River Rock Drive Helena, MT 59602
Student Financial Aid	Student loan payment assistance	Montana University System Student Loan Default Prevention Hotline	877-293-8946

## Resources, Sexual Assault Support Programs and Services – Off Campus

### YWCA Gateway:

The [GATEWAY HOUSE](#) is the domestic violence shelter in Billings, providing 24-hour crisis

support and advocacy for all domestic violence survivors. Survivors who are or have been involved in a violent relationship may receive support off-campus by contacting Gateway House at 406-245-4472.

### **Higher Education Opportunity Act – Notification to Victims of Crimes of Violence**

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

### **Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations of Recognized Student Organizations**

MSU Billings does not have officially recognized student organizations that own or control housing facilities outside of the core campus. Therefore, the Billings Police Department is not used to monitor and record criminal activity for any non-campus student organization-owned facilities.

## **Alcohol and Substance Abuse**

### **Introduction**

At MSU Billings, we value the safety, health and well-being of our students, employees and campus visitors. Because of our values, we proactively create safe environments through appropriate policies and programs that help students make healthy choices. While we enforce state and federal laws concerning alcohol and drugs, students who commit violations are supported through educational and counseling resources. In addition, we expect our students to respond promptly when a medical emergency occurs due to overconsumption of alcohol or other drugs. MSU Billings' medical amnesty policy outlined below reinforces our commitment to provide a safe environment for students.

### **Narcotics or Drugs**

The unlawful use, possession, manufacture, sale, or distribution of marijuana or any narcotic, drug, drug paraphernalia, medicine, chemical compound, or other controlled substance defined as illegal under federal, state, or local laws is prohibited on campus and at any university sponsored event. Some states, including Montana, have decriminalized marijuana. However, there are still restrictions in place. Marijuana use, possession, cultivation, manufacture, sale, and distribution may be subject to civil and/or criminal penalties. For further information, please review Montana Initiative 190:

<https://sosmt.gov/wp-content/uploads/I-190.pdf>

Although Montana state law permits the use of medical marijuana, federal laws prohibit marijuana use, possession, and/or cultivation at educational institutions and on the premises of other recipients of federal funds. As a recipient of federal funding, including financial aid and federal grants and contracts for research, the university is required to



continue to prohibit the use and possession and distribution of all federally controlled substances. Consequently, drug use, including marijuana, will remain prohibited by university policy and the MSUB Code of Student Conduct. The Montana State University Billings Police Department will continue to enforce the campus-wide prohibition of marijuana.

MSUB Code of Student Conduct prohibits the use and possession of marijuana in any form, including and without limitation: tinctures, edibles, and topicals. Marijuana use or possession is prohibited across the entire campus. This includes all open areas and buildings, the residence halls, and the dining halls. Students who use or possess marijuana are subject to discipline.

In addition to being a federal offense under the act, the use of medical marijuana in the workplace and on campus is restricted by federal laws, such as the federal Drug-Free Workplace Act and the federal Drug-Free Schools and Communities Act.

***Possession of a valid and appropriately held Medical Marijuana Permit identification card does not authorize a student to possess, use, or distribute marijuana in any university-owned property or in any public area of the university.*** The full text of MSU Billings' Campus Alcohol and Drug Policy promotes a healthy campus environment. It can be found at [http://www.msubillings.edu/studenthealth/alcohol\\_policy.htm](http://www.msubillings.edu/studenthealth/alcohol_policy.htm), and it conforms to the requirements of the Drug Free Schools and Communities Act, h[20.U.S.C. 1145g,(Title 34 CFR §86)] and the Montana Board of Regents Policy 503.1, Alcoholic Beverages.

## **Drug Free Schools and Communities Act**

In compliance with the Drug Free Schools and Communities Act, MSU Billings publishes information regarding the university's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and university policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for MSU Billings students and employees. A complete description of these topics, as provided in the university's annual notification to students and employees, is available online on the following webpages:

- [https://www.msubillings.edu/studenthealth/alcohol\\_policy.htm](https://www.msubillings.edu/studenthealth/alcohol_policy.htm)
- <https://www.msubillings.edu/studenthealth/wellness/drugs.htm>

## **Alcoholic Beverages**

Use, possession, or distribution of alcoholic beverages on university premises or at university-sponsored activities is prohibited, except as permitted by university policies. Students will be held accountable for any violation of state or local laws regarding alcohol use or possession.

The university does not allow the consumption of alcoholic beverages by persons not of legal age at functions sponsored by Montana State University Billings organizations. Organizations will be held responsible for the conduct of their members at functions sponsored by the organization and may be charged under this Code for failure to comply with Montana State laws related to alcoholic beverages.

If a student agrees with and signs a release of information form, Montana State University Billings may notify parents when their underage (under 21) student has a second or third-

time violation of campus alcohol and drug policies or state laws. Parents may be notified on first time violations if the violation includes a medical emergency; vandalism; any violence; or gross disrespect of Residence Hall staff, university officials, or law enforcement officials.

## **Standards of Conduct**

MSU Billings' policy prohibits unlawful possession, consumption, use, distribution, or sale of illicit drugs and alcohol by students and employees on campus property. The UPD has primary responsibility for the enforcement of Montana state underage drinking laws as well as the enforcement of federal and state drug laws.

These acts are prohibited by [Section 125.00 in the Student Code of Conduct](#) and MSU Billings Human Resources Policy 406.5 (please visit the Human Resources office in McMullen 310 for a copy of Policy 406.5).

## **Alcoholic Beverages**

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

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

## **Approval Process**

MSU Billings has established procedures for obtaining approval for events where alcohol will be available. See [Events and Conference Services](#). All events involving alcohol held on campus require the completion of the Alcoholic Beverage Request Form. The requirements for events with service of alcoholic beverages are found in the aforementioned Events and Conference Services link.

## **Residence Halls and Family Housing**

In accordance with section 4 B, Liquor (Alcohol) Consumption from the [Housing & Residence Life Student Handbook](#).

MSU Billings allows the possession and consumption of alcohol in the privacy of a student's room or individual family housing unit, in accordance with applicable state law (legal drinking age in Montana is 21). However, it does not allow alcoholic beverages to be consumed in public areas such as hallways and lounges. If a public area is used for an event and alcohol will be present, the event sponsor must follow the requirements as set forth in the Events & Conferences Services agreement ([Events & Conferences Services Policy](#)). This policy does not allow parties or activities in student rooms where large amounts

of alcohol are present.

Further, residence hall social funds may not be used for the purchase of alcoholic beverages. Approved residence hall and family housing-sponsored functions must adhere to state law and the policies of the university. Off-campus events organized or sponsored by the MSU Billings Residence Hall Association or Housing may serve alcohol only in accordance with the MSU Billings Personnel Procedures, [Student Code of Conduct](#), and [Campus Drug and Alcohol Policy](#) which follows the [Montana University System Board of Regents Policy 503.1](#). However, Housing and Residence Life generally does not approve events involving alcohol.

### **Fraternity/Sorority Organizations**

Currently, MSU Billings does not have Fraternity or Sorority Organizations.

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

MSU Billings' Alcohol and Drug Policy also regulates the use of alcohol at gatherings or events of ASMSUB, registered student organizations, and other organized student groups. Such groups must follow MSU Billings' policies and procedures governing the use of alcohol at events and must receive prior approval in accordance with Events & Conferences Services agreement [Events & Conferences Services Policy](#). No organization or ASMSUB funds are allowed to be used to buy alcohol.

### **Sport Facilities**

Alcohol use is not allowed in sports facilities except in certain specific locations or as authorized under [Events and Conference Services](#) or the athletics department.

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

MSU Billings' Alcohol and Drug policy also requires employee or private party events using university facilities which involve the service of alcohol to comply with the requirements of under [Events and Conference Services](#) of the Facilities Use Policy. No organizational funds of employee groups may be used to purchase alcohol.

### **Alcohol Marketing Guidelines**

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

### **Illegal Drugs**

MSU Billings' Policy also prohibits the use, possession, manufacture, sale, or distribution of any illegal drugs on university property or at university sponsored

events, including the non-medical use of prescription drugs. Refer to the [MSU Billings Student Handbook](#).

## **Prescription Drug Abuse**

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

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

## **Tobacco**

Montana State University Billings is a "tobacco-free" campus. In accordance with the MSU Billings [Student Affairs Tobacco Free Campus Policy 6501](#), tobacco use is prohibited.

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

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

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

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

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

## **Second-Hand Effects**

"Second hand" effects result from other peoples' drinking or drug use, often experienced by students who choose not to use drugs or alcohol in a high-risk manner. These problems

are typically most prominent among students living in close quarters (e.g. residence halls). Effects include disruptions of sleep or studying, having one's property damaged, feeling unsafe, having one's membership in an organized group adversely affected, and decreased enjoyment of campus activities. Non-students, i.e., community members, are also at risk of experiencing problems as a result of student drinking or drug use (e.g. intoxicated driving, vandalism, violence, sexual assault).

### **Risks Associated with Dependency or Addiction**

For some students, substance use escalates to dependency. Adverse effects of dependency can include illnesses such as liver disease, peripheral neuropathy, and cerebella degeneration. Additional health risks to students with chemical or psychological dependency include the personal problems listed above in addition to blackouts, alcoholic dependency, leading to potential dependency, acute intoxication (can include depression or euphoria, altered time perception, impairment of immediate memory, overdose, stupor, shock, coma, or death), acute withdrawal, psychosis, or aggravation of existing mental illness.

Symptoms of dependency include the following:

- A. Psychological craving: intense feeling of need for the drug which may be accompanied with antisocial behavior involved in the procurement of the substance;
- B. Physiological dependence: withdrawal symptoms are displayed when use of the substance is discontinued; and
- C. Tolerance: need to increase the dose of the substance to obtain the desired effects.

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

Because of the health and social risks of alcohol and drug abuse, MSU Billings provides alcohol and drug abuse prevention education, counseling and intervention programs designed to reach all segments of the campus community.

#### **Education-AlcoholEdu for College**

AlcoholEdu for College, a science-based, interactive online program, provides students with facts and skill-based information on alcohol and sexual assault, other consequences of alcohol abuse, including alcohol's impact on the brain, body, and behavior. All new freshmen, transfer, and graduate students are required to take [AlcoholEdu for College](#). The program matches course content to each student based on his or her behavior, attitudes, and what he or she already knows about alcohol. Whether students choose to drink or not, AlcoholEdu is designed to encourage informed decision-making about alcohol use as well as providing skills to respond to the drinking and risk behaviors of friends and peers. The program delivers information with a non-judgmental tone that supports students in making their own plan to reduce the risk of harm associated with drinking while in college.

This program is one of many efforts at MSU Billings to support better decision-making and a healthier campus environment where everyone can live, study, work, and have fun safely.



MSU Billings Student Health Services also works on campus and community education and policies to reduce risk and prevent intoxicated driving.

Details about [AlcoholEdu](#) and [Student Health Services](#) are available at 406-657-2153 or the links above.

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

MSU Billings provides a voluntary, confidential resource to assist all students who are impacted directly or indirectly by chemical abuse through Student Health Services [Student Wellness](#) program. This is an educational based program open to all MSU Billings students, either by self-referral or by referral from MSU Billings offices or departments. Student Health Services can be contacted at 406-657-2153 and is located on the second floor of Petro Hall. Student confidentiality will be respected. Student Health Services practitioners provide referrals and pre-assessment support.

### **Student and Employees – General Counseling Services**

In addition to the “Insight and Choices Program,” general counseling is available through [MSU Billings Counseling at Student Health Services](#) located on the second floor of Petro Hall, 406-657-2153.

Individual counseling for students whose lives have been affected by their own or someone else’s substance abuse is available. Persons who voluntarily avail themselves of university services shall be assured that applicable professional standards of confidentiality will be observed.

An employee needing help in dealing with drug/alcohol problems or information on insurance coverage for treatment and rehabilitation programs may also contact Human Resources 406-657-2278, or on the web at: [MSU Billings Human Resources Benefits](#).

### **Enforcement/Sanctions**

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

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

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

## Crime Statistics Report

This report includes statistics for the previous three years concerning reported crimes that occurred on campus, on non-campus property either owned or controlled by MSU Billings, and on public property within or immediately adjacent to and accessible from the campus. These statistics are found on pages 74-75.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092(f)) is a Federal law that requires colleges and universities to disclose information about crime on and around their campuses. The following pages provide crime rates and statistics for the 2022, 2021, and 2020 calendar years as required by law.

The Clery Act requires that the following “Clery crimes” be reported:

- Murder and Non-negligent Manslaughter
- Manslaughter by Negligence
- Sex Offenses
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Domestic Violence
- Dating Violence
- Stalking
- Hate Crimes
- Unfounded

*Criminal Offenses are defined as outlined by the U.S. Department of Justice, FBI National Incident-Based Reporting System*

Under the Clery Act, MSU Billings is required to report annual crime statistics showing reported occurrences of specified types of crime for the benefit of current/prospective students and employees.

Crimes reported under the Report an Incident Program are included in the annual disclosure of crime statistics. The Student Health Services staff report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Licensed counselors, and those working as counselors under their supervision, are exempt from required reporting when functioning in their role as professional counselors and must obtain the victim’s consent to make a report on their behalf.

Statistics pertaining to referrals for disciplinary action reflect those incidents of alcohol, drugs, and weapons violations that were referred to the Dean of Student Engagement, Associate Dean of Students, or Hall Directors for student disciplinary action.

Through a formal request, the Billings Police Department Crime Analyst provides the UPD statistics regarding public property and non-campus buildings or property within the

jurisdiction of each agency for Clery reportable offenses or arrests.

## Clery Crime Definitions

### Definition of Crime Categories Under Federal Law

The following definitions apply to Clery Act statistics.

Crime definitions are from the Uniform Crime Reporting Handbook.

Criminal offenses are defined as outlined by the U.S. Department of Justice, FBI National Incident-Based Reporting System:

Murder & Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. Any death caused by injuries received in a fight, argument, quarrel, assault, or commission of a crime is classified as murder and non-negligent manslaughter.

Manslaughter by Negligence: Defined as the killing of another person through gross negligence. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities, are not included in the category Negligent Manslaughter.

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

Aggravated Assault: An attack by one person upon another, in which the offender uses or displays a weapon in a threatening manner, or the victim suffers severe injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

\*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 aggrieved bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe lacerations, or loss of consciousness.

Burglary: The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

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

*Constructive Possession*: The condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.

Motor-Vehicle Theft: The theft or attempted theft of a motor vehicle. All cases where automobiles, trucks, motorcycles, and mopeds are taken by persons not having lawful access, even though the vehicles are later abandoned-including joy riding are classified as motor vehicle theft.

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

\*Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage,

deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**VAWA:**

Violence Against Women Act; Refer to the summary sheet on the [Violence Against Women Reauthorization Act of 2022](#)

Sexual Assault (Sex Offenses):

Any sexual act directed against another person, without 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. This offense includes the rape of both males and females.

Fondling:

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Incest:

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape:

Sexual intercourse with a person who is under the age of consent.

Domestic Violence:

Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that persons acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence:

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and, where the existence of such a relationship shall be determined by the victim with consideration of the following factors: (1) the length of the relationship, (2) the type of relationship, (3) the frequency of the interaction between the persons involved in the relationship.

Stalking:

A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

*Course of Conduct* means two or more acts, including, but not limited to, acts which

the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

*Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

*Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

\*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.

Liquor-Law Violations:

The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor, maintaining unlawful drinking places, bootlegging, operating a still, furnishing liquor to a minor or intemperate person, underage possession, using a vehicle for illegal transportation of liquor, drinking on a train or public conveyance, and all attempts to commit any of the aforementioned offenses. Drunkenness and driving under the influence are not included in this definition.

Drug-Law Violations:

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

Weapons Law Violations:

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

Hate Crime:

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, national origin, sexual orientation, gender identity, ethnicity or disability. For Clery Act reporting purposes, hate crimes include any offense in the following list that is motivated by bias:

- Murder and Non-negligent Manslaughter
- Sex Offenses
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Destruction/Damage/Vandalism to Property



- Intimidation
- Larceny/Theft
- Simple Assault

*\*Destruction/Damage/Vandalism to Property, Intimidation, Larceny/Theft, and Simple Assault are crimes that are only included in the Clery reported statistics when they are committed as a hate crime.*

Hate Crime Bias:

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

**Montana State Law Definitions**

As used in 45-5-502 and this section, the following definitions apply:

- a) “Parole” means:
  - i. In the case of an adult offender, has the meaning provided in 46-1-202; and
  - ii. In the case of a juvenile offender, means supervision of a youth released from a State youth correctional facility, as defined in 41-5-103, to the supervision of the department of corrections.
- b) “Probation” means:
  - i. In the case of an adult offender, release without imprisonment of a defendant found guilty of a crime and subject to the supervision of a supervising authority; and
  - ii. In the case of a juvenile offender, supervision of the juvenile by a youth court pursuant to Title 45, chapter 5.
- c) “Supervising authority” includes a court, including a youth court, a county, or the department of corrections.

**State of Montana Laws on Alcohol and Other Illegal Drugs**

**Montana’s Underage Consumption of Alcohol Law 45-5-624 (Possession of or unlawful attempt to purchase intoxicating substance)**

A person under 21 years of age commits the offense of possession of an intoxicating substance if the person knowingly consumes or has in the person’s possession an intoxicating substance. A person may not be arrested for or charged with the offense solely because the person was at a place where other persons were possessing or consuming alcoholic beverages. A person does not commit the offense if the person consumes or gains possession of an alcoholic beverage because it was lawfully supplied to the person under 16-6-305 or when in the course of employment it is necessary to possess alcoholic beverages.

Relevant Age	Offense Level	Penalty
Under 18 years of age	<b>1st Offense</b>	<p>Shall be fined an amount not less than \$100 and not to exceed \$300 and:</p> <ul style="list-style-type: none"> <li>• shall be ordered to perform 20 hours of community service;</li> <li>• shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a</li> <li>• community-based substance abuse information course that meets the requirements of subsection (9), if one is available; and</li> <li>• if the person has a driver's license, must have the license confiscated by the court for 30 days, except as provided in subsection (2)(b).</li> </ul>
	<b>2nd Offense</b>	<p>Shall be fined an amount not less than \$200 and not to exceed \$600 and:</p> <ul style="list-style-type: none"> <li>• shall be ordered to perform 40 hours of community service;</li> <li>• shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a</li> <li>• community-based substance abuse information course that meets the requirements of subsection (9), if one is available;</li> <li>• if the person has a driver's license, must have the license confiscated by the court for 6 months, except as provided in subsection (2)(b); and</li> <li>• shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8).</li> </ul>
	<b>3rd or Subsequent Offense</b>	<p>Shall be fined an amount not less than \$300 or more than \$900 and:</p> <ul style="list-style-type: none"> <li>• shall be ordered to perform 60 hours of community service,</li> <li>• shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available, and</li> <li>• shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8).</li> <li>• If the person has a driver's license, the court shall confiscate the license for 6 months, except as provided in subsection (2)(b).</li> </ul>



<b>18 Years of age or older</b>	<b>1st Offense</b>	Shall be fined an amount not less than \$100 or more than \$300 and: <ul style="list-style-type: none"> <li>• shall be ordered to perform 20 hours of community service; and</li> <li>• shall be ordered to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9).</li> </ul>
	<b>2nd Offense</b>	Shall be fined an amount not less than \$200 or more than \$600 and: <ul style="list-style-type: none"> <li>• shall be ordered to perform 40 hours of community service; and</li> <li>• shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (9), which may, in the court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both.</li> </ul>
	<b>3rd or Subsequent Offense</b>	Shall be fined an amount not less than \$300 or more than \$900, and: <ul style="list-style-type: none"> <li>• shall be ordered to perform 60 hours of community service;</li> <li>• shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (9), which may, in the sentencing court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and</li> <li>• in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months</li> </ul>
<b>Attempts to purchase an intoxicating substance by a person under 21 years of age</b>		A person convicted of attempt to purchase an intoxicating substance shall be fined an amount not to exceed \$150 if the person was under 21 years of age at the time that the offense was committed and may be ordered to perform community service.

### Montana's Medical Amnesty Law 45-5-624

A person under 21 years of age may not be charged or prosecuted under subsection (1) if:

- i. The person has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment;
- ii. The person accompanies another person under 21 years of age who has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment for the other person; or
- iii. The person requires medical treatment as a result of consuming an intoxicating substance and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.

## **Montana's Carrying False Identification Law**

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

It is a misdemeanor for a person to:

- 1) Display or cause or permit to be displayed or have in the person's possession a cancelled, revoked, suspended, fictitious, or altered driver's license, identification card, or tribal identification card;
- 2) Lend the person's driver's license, identification card, or tribal identification card to any other person or knowingly permit its use by another;
- 3) Display or represent as one's own any driver's license, identification card, or tribal identification card not issued to the person;
- 4) Fail or refuse to surrender to the department upon its lawful demand a driver's license or identification card that has been suspended, revoked, or canceled;
- 5) Use a false or fictitious name in an application for a driver's license or identification card or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in an application; or
- 6) Permit any unlawful use of a driver's license, identification card, or tribal identification card issued to the person.

## **Montana's Public Drunkenness Law**

### **61-8-508. Intoxicated pedestrian.**

Except in an authorized crosswalk, a person who is under the influence of alcohol or any drug may walk or stand in the public right-of-way, as defined in 60-1-103, but not on a roadway or a shoulder as is otherwise permissible under 61-8-506(2).

## **Montana's Driving Under Influence Law**

### **61-8-1002. Driving under influence.**

1. A person commits the offense of driving under the influence if the person drives or is in actual physical control of:
  - a. a vehicle or a commercial motor vehicle upon the ways of this state open to the public while under the influence of alcohol, any drug, or a combination of alcohol and any drug;
  - b. a noncommercial vehicle upon the ways of this state open to the public while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.08 or more;
  - c. a commercial motor vehicle within this state while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.04 or more;
  - d. a noncommercial vehicle or commercial motor vehicle within this state while the person's delta-9-tetrahydrocannabinol level, excluding inactive metabolites, as shown by analysis of the person's blood or other bodily substance, is 5 ng/ml or more; or



- e. a vehicle within this state when the person is under 21 years of age at the time of the offense while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.02 or more.
2. Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person driving or in actual physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person at the time of a test, as shown by analysis of a sample of the person's blood, breath, or other bodily substance drawn or taken within a reasonable time after the alleged act, gives rise to the following inferences:
  - a. if there was at that time an alcohol concentration of 0.04 or less, it may be inferred that the person was not under the influence of alcohol;
  - b. if there was at that time an alcohol concentration in excess of 0.04 but less than 0.08, that fact may not give rise to any inference that the person was or was not under the influence of alcohol, but the fact may be considered with other competent evidence in determining the guilt or innocence of the person; and
  - c. if there was at that time an alcohol concentration of 0.08 or more, it may be inferred that the person was under the influence of alcohol. The inference is rebuttable.
3. The provisions of subsection (2) do not limit the introduction of any other competent evidence bearing on the issue of whether the person was under the influence of alcohol, drugs, or a combination of alcohol and drugs.
4. Each municipality in this state is given authority to enact this section, with the word "state" changed to read "municipality", as an ordinance and is given jurisdiction of the enforcement of the ordinance and the imposition of the fines and penalties provided in the ordinance.
5. Absolute liability, as provided in 45-2-104, is imposed for a violation of this section.
6. When the same acts may establish the commission of an offense under subsection (1), a person charged with the conduct may be prosecuted for a violation of another relevant subsection under subsection (1). However, the person may be convicted of only one offense under this section or of a similar offense under previous laws of this state.





Offense Level	Penalty
<b>1st Offense</b>	<ul style="list-style-type: none"> <li>a) Shall be punished by imprisonment for not less than 24 consecutive hours or more than 6 months and by a fine of not less than \$600 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours or more than 1 year and by a fine of not less than \$1,200 or more than \$2,000.</li> <li>b) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.</li> <li>c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending successful completion of court-ordered chemical dependency assessment, education, or treatment by the person.</li> </ul>
<b>2nd Offense</b>	<ul style="list-style-type: none"> <li>a) Except as provided in subsection (4) or (5), a person convicted of a second violation of 61-8-401 shall be punished by a fine of not less than \$1,200 or more than \$2,000 and by imprisonment for not less than 7 days or more than 1 year, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by a fine of not less than \$2,400 or more than \$4,000 and by imprisonment for not less than 14 days or more than 1 year.</li> <li>b) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.</li> <li>c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.</li> </ul>
<b>3rd Offense</b>	<ul style="list-style-type: none"> <li>a) Except as provided in subsection (4) or (5), a person convicted of a third violation of 61-8-401 shall be punished by imprisonment for a term of not less than 30 days or more than 1 year and by a fine of not less than \$2,500 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for a term of not less than 60 days or more than 1 year and by a fine of not less than \$5,000 or more than \$10,000.</li> <li>b) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.</li> <li>c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.</li> </ul>
<b>4th Offense -Felony</b>	<ul style="list-style-type: none"> <li>a) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive alcohol concentration, driving under the influence of delta-9-tetrahydrocannabinol, or aggravated driving under the influence.</li> <li>b) If the person has a prior conviction or pending charge for a violation of 61-8-465, the person shall be punished as provided in 61-8-465.</li> </ul>

**Montana’s Law on Selling or Furnishing Alcohol to Minors**  
**16-6-305. Age limit for sale or provision of alcoholic beverages.**

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

**Unlawful Possession of Open Alcoholic Beverage Container in Motor Vehicle on Highway**

**61-8-1026. Unlawful possession of open alcoholic beverage container in motor vehicle on highway.**

1. Except as provided in subsection (2), a person commits the offense of unlawful possession of an open alcoholic beverage container in or on a motor vehicle if the person knowingly possesses an open alcoholic beverage container within the passenger area of a motor vehicle on a highway.
2. This section does not apply to an open alcoholic beverage container:
  - a. in a locked glove compartment or storage compartment;

- b. in a motor vehicle trunk or luggage compartment or rack, or in a truck bed or cargo compartment;
  - c. behind the last upright seat of a motor vehicle that is not equipped with a trunk;
  - d. in a closed container in the area of a motor vehicle that is not equipped with a trunk and that is not normally occupied by the driver or a passenger; or
  - e. in the immediate possession of a passenger:
    - i. of a bus, taxi, or limousine that is used for the transportation of persons for compensation and that includes the provision of a hired driver; or
    - ii. in the living quarters of a camper, travel trailer, or motor home.
3. a. A person convicted of the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle shall be fined an amount not to exceed \$100.
- b. A violation of this section is not a criminal offense within the meaning of 3-1-317, 3-1-318, 45-2-101, 46-18-236, 61-8-104, and 61-8-711 and may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of this section against the insured or increase premiums because of the violation. The surcharges provided for in 3-1-317, 3-1-318, and 46-18-236 may not be imposed for a violation of this section.

### **Unlawful Possession of Marijuana, Marijuana Products, or Marijuana Paraphernalia in Motor Vehicle on Highway**

#### **61-8-1027. Unlawful possession of marijuana, marijuana products, or marijuana paraphernalia in motor vehicle on highway.**

1. Except as provided in subsection (2), a person commits the offense of unlawful possession of marijuana, marijuana products, or marijuana paraphernalia in a motor vehicle if the person knowingly possesses marijuana, marijuana products, or marijuana paraphernalia, as those terms are defined in 16-12-102, within the passenger area of a motor vehicle on a highway.
2. This section does not apply to marijuana, marijuana products, or marijuana paraphernalia:
  - a. purchased from a dispensary and that remains in its unopened, original packaging;
  - b. in a locked glove compartment or storage compartment;
  - c. in a motor vehicle trunk or luggage compartment or in a truck bed or cargo compartment;
  - d. behind the last upright seat of a motor vehicle that is not equipped with a trunk; or
  - e. in a closed container in the area of a motor vehicle that is not equipped with a trunk and that is not normally occupied by the driver or a passenger.
3. a. A person convicted of the offense of unlawful possession of marijuana, marijuana products, or marijuana paraphernalia in a motor vehicle shall be fined an amount not to exceed \$100.
- b. A violation of this section is not a criminal offense within the meaning of 3-1-317, 3-1-318, 45-2-101, 46-18-236, 61-8-104, or 61-8-711 and may not be

recorded or charged against a driver's record, and an insurance company may not hold a violation of this section against the insured or increase premiums because of the violation. The surcharges provided for in 3-1-317, 3-1-318, and 46-18-236 may not be imposed for a violation of this section.

### City of Billings Open Container Law

#### Sec. 3-202. - Prohibited acts.

Public drinking and public display and exhibitionism of alcoholic beverages as defined in section 3-201 is prohibited and it is unlawful for any person to engage in public drinking as defined in section 3-201 within the limits of the city, and it is unlawful for any person to engage in public display or exhibitionism of alcoholic beverages as defined in section 3-201 within the city limits.

### City of Billings' Public Urination or Defecation Laws

#### Sec. 18-103. - Public urination and defecation prohibited.

It is unlawful for any person to urinate or defecate in any street, alley or public place except in a facility provided for that purpose.

### Possession of Dangerous Drugs (PODD)

Drug Type	Level of Offense	Penalty
Anabolic steroid as listed in 50-32-226	1st Offense	Guilty of a misdemeanor and shall be punished by a fine of not less than \$100 or more than \$500 or by imprisonment in the county jail for not more than 6 months, or both
Opiate, as defined in 50-32-101-Felony	1st Offense	Shall be imprisoned in the State prison for a term of not less than 2 years or more than 5 years and may be fined not more than \$50,000, except as provided in 46-18-222
Methamphetamine	2nd or Subsequent Offense	Shall be punished by: 1) imprisonment for a term not to exceed 5 years or by a fine not to exceed \$50,000, or both; or 2) commitment to the department of corrections for placement in an appropriate correctional facility or program for a term of not less than 3 years or more than 5 years. If the person successfully completes a residential methamphetamine treatment program operated or approved by the department of corrections during the first 3 years of a term, the remainder of the term must be suspended. The court may also impose a fine not to exceed \$50,000.
Other		A person convicted of criminal possession of dangerous drugs not otherwise provided for in subsections (2) through (5) shall be imprisoned in the State prison for a term not to exceed 5 years or be fined an amount not to exceed \$50,000, or both.

## 45-9-102. Criminal Possession of Dangerous Drugs.

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

## Montana State University Billings Clery Reportable Geography

**Definitions:** The following definitions apply to Clery Act statistics.

On-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 other retail vendor).”

*\*On-Campus Subset: On-Campus Student Housing* is defined as “any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up campus.”

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 the institution if the facility is used by the institution 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 manner related to the institution’s educational purposes.”



## Crime Statistics for the University Campus



	ON-CAMPUS			*ON-CAMPUS Student HOUSING			NON-CAMPUS			PUBLIC PROPERTY		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
<b>CRIMINAL OFFENSES (PRIMARY CRIMES)</b>												
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses	Fondling	1	0	0	0	0	0	0	1	0	0	0
	Incest	0	0	0	0	0	0	0	0	0	0	0
	Rape	0	0	4	0	0	4	0	1	0	0	0
	Statutory Rape	0	1	1	0	0	1	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	1	0	0	0	0
Arson	1	1	0	1	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	4	2	0	0	0	0	1	0	0	0	0
Motor Vehicle Theft	1	1	1	0	0	0	0	1	1	0	0	0
<b>TOTAL</b>	<b>3</b>	<b>7</b>	<b>8</b>	<b>1</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>VAWA OFFENSES</b>												
Domestic Violence	0	0	2	0	0	2	0	1	0	2	1	1
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	2	0	0	1	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>1</b>
<b>ALCOHOL, DRUGS, WEAPONS ARRESTS</b>												
Liquor Law Violations**	4	0	0	2	0	0	0	0	0	1	0	0
Drug Law Violations	3	0	3	2	0	0	0	0	0	3	0	0
Weapons Law Arrests	0	0	0	0	0	0	0	0	0	0	0	1
<b>TOTAL</b>	<b>7</b>	<b>0</b>	<b>3</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>1</b>
<b>ALCOHOL, DRUGS, WEAPONS DISCIPLINARY ACTIONS / REFERRALS</b>												
Liquor Law Violations**	61	54	27	48	52	27	0	0	0	0	0	0
Drug Law Violations	1	0	4	1	0	4	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>62</b>	<b>54</b>	<b>31</b>	<b>49</b>	<b>52</b>	<b>31</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Statistics provided by the MSU Billings University Police Department; the Billings Police Department Crime Analyst; the Yellowstone County Sheriff's Office; Montana Highway Patrol; and the City of Ontario, California Police Department.

Additionally, one unfounded crime was reported on the University Campus in 2020.

**Hate Crimes:** There were no Hate Crimes reported for 2020, 2021, or 2022.

\*Crimes reported in the "On-Campus Student Housing" columns are accounted for in the "On-Campus" columns.

\*\*Liquor, Drug, & Weapons referrals were calculated according to guidance from the 2016 Department of Education Handbook.

**Correction note: On 10/25/22, MSUB corrected a typographical error in the 2021 on-campus statistics. The correct number of 2021 drug law violations is "3," not "13." Additionally, one non-campus motor vehicle theft was added to the University Campus's 2021 statistics after receiving a report from a law enforcement agency with jurisdiction over non-campus property.**

## Crime Statistics for the City College



		ON-CAMPUS			*ON-CAMPUS STUDENT HOUSING			NON-CAMPUS			PUBLIC PROPERTY		
		2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
<b>CRIMINAL OFFENSES (PRIMARY CRIMES)</b>													
Murder/Non-negligent Manslaughter		0	0	0	*	*	*	0	0	0	0	0	0
Manslaughter by Negligence		0	0	0	*	*	*	0	0	0	0	0	0
Sex Offenses	Fondling	0	0	0	*	*	*	0	0	0	0	0	0
	Incest	0	0	0	*	*	*	0	0	0	0	0	0
	Rape	0	0	0	*	*	*	0	0	0	0	0	0
	Statutory Rape	0	0	0	*	*	*	0	0	0	0	0	0
Aggravated Assault		0	0	0	*	*	*	0	0	0	0	0	0
Arson		0	0	0	*	*	*	0	0	0	0	0	0
Robbery		0	0	0	*	*	*	0	0	0	0	0	0
Burglary		0	0	0	*	*	*	0	0	0	0	0	0
Motor Vehicle Theft		0	0	1	*	*	*	0	0	0	0	0	0
<b>TOTAL</b>		<b>0</b>	<b>0</b>	<b>1</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>VAWA OFFENSES</b>													
Domestic Violence		0	0	0	*	*	*	0	0	0	0	0	0
Dating Violence		0	0	0	*	*	*	0	0	0	0	0	0
Stalking		0	0	0	*	*	*	0	0	0	0	0	0
<b>TOTAL</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ALCOHOL, DRUGS, WEAPONS ARRESTS (Reported by Hierarchy)</b>													
Liquor Law Violations**		0	0	0	*	*	*	0	0	0	0	0	0
Drug Law Violations		0	0	0	*	*	*	0	0	0	0	0	0
Weapons Law Arrests		0	0	0	*	*	*	0	0	0	0	0	0
<b>TOTAL</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ALCOHOL, DRUGS, WEAPONS DISCIPLINARY ACTIONS / REFERRALS (Reported by Hierarchy)</b>													
Liquor Law Violations**		0	0	0	*	*	*	0	0	0	0	0	0
Drug Law Violations		0	0	0	*	*	*	0	0	0	0	0	0
Weapons Law Violations		0	0	0	*	*	*	0	0	0	0	0	0
<b>TOTAL</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Statistics provided by the MSU Billings University Police Department; the Billings Police Department Crime Analyst; the Yellowstone County Sheriff's Office; and Montana Highway Patrol.

There were no unfounded reports at City College for 2020, 2021, or 2022.

**Hate Crimes:** There were no Hate Crimes reported at City College for 2020, 2021, or 2022.

\*City College does not have student housing.

\*\*Liquor, Drug, & Weapons referrals were calculated according to guidance from the 2016 Department of Education Handbook.

# 2023 Annual Campus Fire Safety Report

## Introduction

Fire Safety is essential in protecting a campus community from injuries, deaths, business interruption, and property damage resulting from fires.

In an effort to standardize the information an institution publishes on fire safety, the U.S. Department of Education requires all universities that maintain on-campus student housing facilities and receive U.S. Department of Education funding to publish an annual fire safety report, maintain a fire log, and report fire statistics to the Secretary of Education. These reports are also posted on the Montana State University Billings [Housing & Residence Life](#) webpage and the [University Police Department](#) webpage. Paper copies of the full report are available upon request at the UPD, located on the first floor of the parking garage on Poly Drive, during business hours.

## Fire Safety Policies

### Use of Electrical Appliances:

Within the residence halls, refrigerators 4 cubic feet and less, coffee pots, and toaster ovens are permitted. Other appliances may be allowed, provided there are no exposed heating elements. Due to the wiring within the Resident Housing Buildings, microwaves are only allowed in the form of a refrigerator/microwave combination called the microchill unit. These units can be purchased or rented from Housing and Residence Life. Within Family Student Housing, standard household electrical appliances are allowed.

### Smoking:

MSU Billings became a “tobacco-free” campus, effective August 15, 2013. Smoking is prohibited within the residence halls, public areas, and student rooms. Smoking is prohibited in all Family Student Housing and grounds. Refer to MSU Billings [Student Affairs Tobacco Free Campus Policy 6501](#).

### Open Flames:

Within the residence halls system, any type of open flame is prohibited. Within Family Student Housing, open flames are allowed when operated under safe conditions. Refer to the [Student Code of Conduct Handbook](#).

## Policies Applicable to Residence Halls

### Open Flames:

Burning of incense, scented candles, cigars, or any other substance such as sweet grass or sage, creating noxious odor in the halls is prohibited. Students living in the Residence Halls can submit a request for a “Ceremonial Burning of Incendiaries” for those who wish to engage in burning cedar, sweet grass, or sage for the sake of ceremonial practice. Candles are prohibited in University buildings and in the Residence Halls due to fire hazard. ([2022-2023 Housing and Residence Life Student Handbook](#), Pg. 36, Section 4 - Residence Hall Rules and Regulations, sub-section J - Burning of Incendiaries/Candles).

## **Cooking in Rooms:**

Minimal cooking is allowed in student rooms. Designated kitchen areas are provided within the Residence Halls. Microwave ovens are specifically prohibited. ([2023-2024 Housing and Residence Life Student Handbook](#), Pg. 22, Section 2- General Residence Hall Policies, sub-section F - Cooking).

## **Family Student Housing Fire Safety Rules:**

Gasoline, kerosene, burning fluid, or other combustible or explosive materials are prohibited. Any condition that creates a fire hazard is prohibited and must be eliminated upon request of University staff.

## **Prohibited Acts**

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

- a. Misuse of any fire equipment, including extinguishers, pipes, pull stations, smoke/heat detectors, hoses, exit signs, emergency lights, horns, alarms, bells, and doors;
- b. Starting fires;
- c. Setting off false alarms;
- d. Failing to evacuate and/or hindering in the evacuation of others; and
- e. The use of fire escapes during a “non-emergency.”

## **University Response to Arson**

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

## **Fire Safety Report Log**

Two fires were reported for the years of 2022, 2021, & 2020. The following table includes the fire statistics for Petro Hall, Rimrock Hall, Family Student Housing, and rental homes leased to individuals who were MSU Billings or City College students during the associated calendar year.

Note: BFD Response = Billings Fire Department Response.

## **Fire Drills**

The Higher Education Act (HEA) defines a fire drill as “a supervised practice of a mandatory evacuation of a building for a fire.”

Residence Life: Within the residence halls, fire drills are conducted in each building during the academic period. Fire drills are unannounced and assist in the educational process for students and staff alike.

Family Student Housing: Tenants are instructed to follow the Exit Drills in the Home (E.D.I.T.H.) procedure, which is endorsed by the National Fire Protection Association (NFPA). Information is distributed to each tenant during their individual orientation meeting, then revisited annually with each household during the week of welcome (1<sup>st</sup> week in September).

2022						
Residential Facilities (Name and Address)	Total Number of Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire (in USD)
Petro Hall 1500 University Drive	0	0	N/A	0	0	N/A
Rimrock Hall 1500 University Drive	0	0	N/A	0	0	N/A
Family Housing Unit #1 32 Mountain View Blvd	0	0	N/A	0	0	N/A
Family Housing Unit #2 32 Mountain View Blvd	0	0	N/A	0	0	N/A
Family Housing Unit #3 32 Mountain View Blvd	0	0	N/A	0	0	N/A
425 Marbara	0	0	N/A	0	0	N/A
2608 Normal Ave	0	0	N/A	0	0	N/A
243 North Rim #1	0	0	N/A	0	0	N/A
327 ½ North Rim	0	0	N/A	0	0	N/A
410 Silver	0	0	N/A	0	0	N/A
417 Silver	0	0	N/A	0	0	N/A

2021						
Residential Facilities (Name and Address)	Total Number of Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire (in USD)
Petro Hall 1500 University Drive	0	0	N/A	0	0	N/A
Rimrock Hall 1500 University Drive	0	0	N/A	0	0	N/A
Family Housing Unit #1 32 Mountainview Blvd	0	0	N/A	0	0	N/A
Family Housing Unit #2 32 Mountainview Blvd	0	0	N/A	0	0	N/A
Family Housing Unit #3 32 Mountainview Blvd	0	0	N/A	0	0	N/A
425 Marbara	0	0	N/A	0	0	N/A
2608 Normal Avenue	0	0	N/A	0	0	N/A
2622 Normal Avenue	0	0	N/A	0	0	N/A



2021						
243 #1 North Rim Road	0	0	N/A	0	0	N/A
245 North Rim Road	0	0	N/A	0	0	N/A
327 ½ North Rim Road	0	0	N/A	0	0	N/A
420 Rimrock Road	0	0	N/A	0	0	N/A
410 Silver Lane	1	1	Electrical failure in bathroom exhaust fan	0	0	\$100-\$999
2517 Virginia Lane	0	0	N/A	0	0	N/A
3009 ½ Yucca	0	0	N/A	0	0	N/A

2020						
Residential Facilities (Name and Address)	Total Number of Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire (in USD)
Petro Hall 1500 University Drive	1	1	Soldering iron used to burn chemicals in sink	0	0	\$0-\$99
Rimrock Hall 1500 University Drive	0	0	N/A	0	0	N/A
Family Housing Unit #1 32 Mountain View Blvd	0	0	N/A	0	0	N/A
Family Housing Unit #2 32 Mountain View Blvd	0	0	N/A	0	0	N/A
Family Housing Unit #3 32 Mountain View Blvd	0	0	N/A	0	0	N/A
420 Rimrock Road	0	0	N/A	0	0	N/A
2718 Normal Ave	0	0	N/A	0	0	N/A
243 North Rim #1	0	0	N/A	0	0	N/A
245 North Rim	0	0	N/A	0	0	N/A
339 North Rim	0	0	N/A	0	0	N/A
2517 Virginia Ln	0	0	N/A	0	0	N/A
410 Silver	0	0	N/A	0	0	N/A
3009 Yucca St.	0	0	N/A	0	0	N/A
3009 ½ Yucca St.	0	0	N/A	0	0	N/A

Fire Safety Systems - Below is a list of on campus buildings and their current fire/life safety status (Data collected from Facilities Services)

Building Name	Fire Alarm System	Fire Sprinkler System	Standpipes	# of Fire Drills per Year
Apsaruke Hall				2
Art Annex	X			2
Physical Education Building	X	X	X	2
Cisel Hall	X			2
College of Education	X	X	X	2
Family Housing (Residence Hall)	X	X	X	2
Foundation House				2
Health Science Building (CC)	X	X	X	2
Liberal Arts Building	X	X	X	2
Library	X	X	X	2
McDonald Hall (COB)	X			2
McMullen Hall	X	X	X	2
Parking Garage	X			2
Petro Hall (Residence Hall)	X	X	X	2
Rimrock Hall (Residence Hall)	X	X	X	2
Science Building	X	X	X	2
Student Union Building	X	X	X	2
Tech Building (CC)	X	X	X	2
Native American Achievement Center	X	X	X	2
Yellowstone Public Radio				2
410 Silver Lane				0
327 1/2 North Rim Road				0
425 Marbara Lane				0
2608 Normal Avenue				0
243 North Rim #1				0
2517 Virginia Lane				0
3009 ½ Yucca St.				0
420 Rimrock Road				0

## Fire Evacuation Procedures for Student Housing

Residence Life: Resident Assistants explain the evacuation procedures during floor meetings with residents. Evacuation plans are posted in each residence hall room and evacuation plans and maps are posted in public areas on each floor in the residence halls, such as lobbies and restrooms. Residents are directed to exit through the nearest safe exit route/stairwell and are informed of the exterior hall meeting location for students.

Students are required to evacuate any residence hall immediately upon the sound of an alarm and may not reenter until authorized by University personnel.

Assuming there are no visible smoke or flames during an evacuation, Resident Assistants will conduct a facility sweep of the floor, checking all common areas, knocking on doors, and announcing the evacuation to ensure that the resident evacuation is complete.

During the alarm, front desk personnel document the fire alarm and evacuation progress. University Police Officers facilitate the fire panel and direct residence life staff during the alarm.

Residents are not permitted to reenter until Residence Life staff, fire department personnel, and/or University Police give authorization.

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

MSU Billings publishes specific evacuation plans for all buildings, including Rimrock and Petro Halls, to its website. Please visit [https://www.msubillings.edu/facilityservices/emergency\\_evacuation\\_routes/index.htm](https://www.msubillings.edu/facilityservices/emergency_evacuation_routes/index.htm) to view the evacuation plan for your location.

## Fire Safety Education and Training

### Residence Halls

All residence halls are equipped with portable fire extinguishers and Resident Assistants and professional live-in staff attend and complete live fire extinguisher training and a fire evacuation simulation each academic year.

Students in the residence halls are provided with the housing requirements set forth in the [Housing & Residence Life Handbook](#) and instructed on evacuation procedures as noted in the fire safety section.

### Family Student Housing

Check-In Appointment – Tenants are required to attend a check-in appointment within one week of moving into their apartment. During this meeting, tenants are given the following instructions:

- If an alarm is audible, vacate the building immediately in a safe manner
- If smoke or flames are visible, call 911 immediately
- Tenants are encouraged and instructed to practice E.D.I.T.H.

Check-in appointments are ongoing throughout the year, dependent on when the tenant(s) obtains housing.

## **Fire Log**

The MSU Billings Fire Log for the past three years is available for viewing during normal business hours at the UPD, located on the first floor of the Poly Drive parking garage on the University campus, 1500 University Drive.

## **Procedures Students and Employees Should Follow in Case of a Fire**

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 911 and the UPD. Students and/or staff are informed of where to relocate by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, University policy is that all occupants must evacuate from the building, closing doors as they leave. Although training is provided to some students and employees in firefighting, this is inherently dangerous, and each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

## **Reporting Fires**

Fire Emergency:

Report a fire emergency by calling 911.

Non-Emergency:

MSU Billings is required to annually disclose statistical data on all fires that occur in on-campus housing facilities. To report a non-emergency fire which has already been extinguished in on-campus housing, call the UPD at 406-657-2147.

## **Fire Safety Improvement Plans**

The University continues to assess and upgrade fire safety equipment as an ongoing process, to ensure that all equipment meets National Fire Safety standards. Future improvements will be made as needed as part of the ongoing assessment, budget, and strategic planning process.

Residence Life:

University Housing will continue its current practices and will periodically reassess the success of its current policies in promoting fire safety.

Family Student Housing:

Staff will conduct additional programming on fire safety when the annual fire extinguisher inspections are conducted. An additional brochure is now being distributed in the housing unit that promotes Exit Drill in the Home (E.D.I.T.H.).

## **Fire Prevention**

Fire prevention is the responsibility of all members of the MSU Billings college community. College residence halls are particularly susceptible to fires, and students residing in the halls must carefully adhere to fire safety regulations.

## References

### Sexual or Violent Offender List

For information on sexual or violent offenders in Montana, click on or visit Montana Department of Justice Sexual or Violent Offender Registry at <https://app.doj.mt.gov/apps/svow/default.aspx>

For a list of persons registered with the Montana Department of Justice as sexual or violent offenders go to <https://app.doj.mt.gov/apps/svow/search.aspx>.

For a list of persons registered with the Yellowstone County Sexual or Violent Offender list go to <http://www.co.yellowstone.mt.gov/Sheriff/offender/newoffender.asp>.

### Local Resources

Below are links to local resources:

MSU Billings Residence Life & Housing Handbook

<https://www.msubillings.edu/reslife/pdf/Student%20Handbook.pdf>

MSU Billings Student Policies & Procedures Handbook (Code of Conduct)

<http://www.msubillings.edu/vcsa/pdf/StudentHandbook.pdf>

MSU Billings Police Department

<http://www.msubillings.edu/police/>

City of Billings Police Department

<http://ci.billings.mt.us/index.aspx?NID=101>

City of Billings Fire Department

<http://ci.billings.mt.us/index.aspx?nid=110>





**MONTANA**  
STATE UNIVERSITY  
**BILLINGS**

1500 University Drive | Billings, MT | 59101  
[www.msubillings.edu](http://www.msubillings.edu)