

MSU BILLINGS

NOTICE OF VICTIM'S RIGHTS & OPTIONS

Support for Sexual Misconduct



MONTANA
STATE UNIVERSITY
BILLINGS

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INTRODUCTION

Interpersonal violence does not discriminate. It can happen to anyone regardless of race, religion, sexual orientation, and socioeconomic status. No matter the identity, no one deserves to experience any form of interpersonal violence.

“First, we want a survivor to know that there is NOTHING he/she did to deserve being sexually assaulted. As police officers, we are here to help you tell your story; in doing so, it’s our hope to help you restore your strength and confidence and ensure the perpetrator is brought to justice and held responsible for the damage he/she has done.” – MSUB UPD

The following information will provide you a short summary of rights and options if you or someone you know has experienced sexual assault, dating violence, domestic violence or stalking.

If you would like to speak with a confidential resource to better understand your rights and options:

Students

Student Health Services
2nd Floor Petro Hall
(406) 657-2153

Staff

Human Resources
3rd Floor McMullen Hall
(406) 657-2278

WHAT TO DO IMMEDIATELY AFTER A SEXUAL ASSAULT

- Get to a safe place.
- Contact someone.
 - **Reach out to someone you trust or utilize a resource listed below.**
- Get medical attention.
 - **You may have hidden injuries and may want to explore**

options for preventing pregnancy or sexually transmitted diseases.

- Victims may opt to undergo a sexual assault medical exam, performed by a specially trained Sexual Assault Nurse Examiner (SANE). The exam is free.
- Preserve evidence.
 - **Do not:**
 - Shower
 - Eat, drink, or smoke
 - Use the bathroom, if possible
 - Brush your teeth
 - Change your clothes
 - Clean, tidy, or remove anything from the location of the assault
 - If able, secure the scene where the assault took place.
 - Preserve evidence by saving text messages and other communications, social media, images, audio files, voicemail, etc.
 - Write down everything that you remember happening, with as much detail as possible.

In Montana, evidence may be collected, including a SANE exam, even if you choose not to make a report to law enforcement. Preserving evidence can assist you in proving that the alleged offense occurred should you decide to report at a later date. It may also be helpful in obtaining an Order of Protection.

If you need immediate medical attention:
Billings Clinic (24/7 SANE Nurse Available)
2800 10th Ave. N.
(406) 238-2500

REPORTING OPTIONS

It is your choice whether you want to file a criminal or campus report. Both investigations (criminal and campus) run parallel to one another and do not cross over boundaries. If you do decide to report to law enforcement, someone from the University will be available to assist you.

A criminal investigation, unlike a Title IX investigation, is intended to determine whether a defendant violated criminal law. If, at the conclusion of the criminal investigation, the defendant is tried and

found guilty, the defendant may be sentenced to jail or prison, or subject to other criminal penalties. In addition, government officials responsible for criminal investigations (such as law enforcement, police, and prosecutors) generally have discretion as to which complaints, made by the public, they will investigate.

In contrast, Title IX cases are investigated and determined by a preponderance of evidence, a “more likely than not” determination. If you decide to file a Title IX investigation, you are not mandated to also file a police report.

Victims have the right to notify campus police or local law enforcement and will be assisted in doing so by university staff should that be requested. Victims also have the right to decline to report to law enforcement. MSUB University Police Department (UPD) can also assist with filing an Order of Protection.

IMPORTANT: Filing a police report is separate and different from filing a campus report and one does not automatically trigger the other.

Filing a police report

1. If you are in immediate danger, call 911
2. MSUB UPD:
(406) 657-2147 (non-emergency)
(406) 657-2222 (emergency)
3. Billings Police Department
(406) 657-8200 (non-emergency)
911 (emergency)
220 N. 27th St., Billings, MT, 59101

Filing a campus report

MSUB’s Title IX Coordinator
(406) 657-2117
Room 310 in McMullen Hall
discrimination@msubillings.edu

ORDERS OF PROTECTION AND NO CONTACT DIRECTIVES

An Order of Protection is a document issued by a court and signed by a judge to protect the applicant from sexual assault, domestic abuse, stalking, sexual exploitation, and for other issues related to personal safety. MSU Billings will enforce the orders as described

in the protection order. Instructions on how to obtain a protection order may be obtained by visiting the following website:

<https://dojmt.gov/victims/orders-of-protection/>

If you obtain an order of protection in Montana or any other state, provide a copy to the University Police Department and the Office of the Title IX Coordinator. This will allow the University to assist you in developing a plan to reduce risk of harm.

MSU Billings can also issue a No Contact Directive applicable on campus. You may request a No Contact Directive via the Office of the Title IX Coordinator or the University Police Department.

ACCOMMODATIONS AND SAFETY

To the extent of the victim's cooperation and consent, University offices will work cooperatively to ensure your health, physical safety, work, and academic status are protected. Accommodations and protective measures will be provided when requested and reasonably available, including changes to academic, living, or working situations in addition to providing counseling, health services, and assistance in notifying appropriate local law enforcement. Accommodations and protective measures are free and may be requested regardless of whether you choose to file a formal University complaint or report the crime to the police. To request assistance, contact the office of the Title IX Coordinator.

Personal identifiable information about you will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services. The University does not publish the name of crime victims nor house identifiable information regarding victims in the campus police department's Daily Crime Log or online. You may also request that directory information on file be removed from public sources by contacting the Admissions and Records Office, Room 107, McMullen Hall, or by visiting the FERPA webpage on the MSU Billings website:

<https://www.msubillings.edu/stuaff/ferpastudents.htm>

RESOURCES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT & STALKING

On-Campus

Student Health Services (University Campus)	2nd Floor, Petro Hall	406-657-2153	Student Support Services, Physical Health, Counseling & Mental Health
Student Health Services (City College)	Tech Building, 2nd Floor	406-247-3027	Student Support Services, Physical Health, Counseling & Mental Health
University Police	Parking Garage, 1st Floor	406-657-2147	No-Contact Orders, Police Report
Diversity Center	Student Union Building, Rooms 219-222	406-657-2387	Student Support Services
Human Resources	McMullen Hall, Room 310	406-657-2278	Employee Services
Title IX Coordinator	McMullen Hall, Room 310	406-657-2117	Accommodations, Protective Measures
United Campus Ministry	Student Union Building, Room 207	406-657-2165	Spiritual Guidance
Office of International Studies	Liberal Arts Building, Room 700	406-657-1705	International Student Support Services
Dean of Student Engagement	Student Union Building, Room 223	406-657-1660	Student Support Services, Accommodations, Withdrawals
Associate Dean of Student Engagement	Student Union Building, Room 223	406-657-2376	Student Support Services, Housing Arrangements

Billings Area

Billings Police Department	220 North 27th Street Billings, MT 59101	406-657-8460	No-Contact Orders, Police Report
St. Vincent's Hospital	1233 N 30th St Billings, MT 59101	406-657-7000	Medical
Billings Clinic	2800 Tenth Avenue North Billings, MT 59101	406-238-2500	Medical, Mental Health, SANE Kit
Community Crisis Center	704 N. 30th Street Billings, MT 59101	406-259-8800	Emergency Assistance
YWCA Advocacy Group	909 Wyoming Ave Billings, MT 59101	406-252-6303	Women & Family Support
Montana Legal Services Association	207 N. Broadway, #430 Billings, MT 59101	800-666-6899	Legal Assistance
Mental Health Center	1245 N. 29th St. Billings, MT 59101	406-252-5658	Mental Health & Addiction Services
NAMI Billings	3333 2nd Ave. N, Suite 150 Billings, MT 59101	406-256-2001	Mental Health Support
Angela's Piazza	420 Grand Avenue Billings, MT 59101	406-255-0611	Domestic Violence Support—Religious Affiliation
Billings Urban Indian Health & Wellness Center	1230 N. 30th St. Billings, MT 59101	406-534-4558	Native American Health Services
Billings City Court	220 N 27th St Billings, MT 59101	406-657-8490	Legal Assistance
Yellowstone County Justice Court	217 N. 27th St. Billings, MT 59101	406-256-2998	Legal Assistance
Billings District Court	James F. Battin Federal Courthouse 2601 2nd Ave. N. Billings, MT 59101	406-247-7000	Legal Assistance
Billings City Attorney	210 N. 27th St. Billings, MT 59101	406-657-8205	Legal Assistance
Yellowstone County Attorney	217 N. 27th St. Billings, MT 59101	406-256-2870	Legal Assistance

MSU BILLINGS RESPONSE TO RECEIVING A REPORT

Whether or not criminal charges are filed, a person may file a report alleging a violation of the University's policy on Discrimination, Harassment, and Retaliation. Reports of all domestic violence, dating violence, sexual assault, stalking, and sexual exploitation made to the University Police Department will automatically be referred to the Title IX Coordinator for investigation whether the complainant chooses to pursue criminal charges or not.

When the Title IX Coordinator receives a report, the Title IX Coordinator will provide you with options for reporting, and available services, safety measures, and accommodations. You may also file a written formal complaint that will initiate the University's disciplinary process, beginning with an investigation. The University will not initiate a grievance proceeding or informal resolution process in the absence of a written formal complaint.

FORMAL RESOLUTION

Should a formal complaint be filed, you have the following rights:

- The university disciplinary process will include a prompt, fair, and impartial response, including an investigation and resolution that is consistent with University policy and transparent to the accuser and the accused.
- The university will respond to and seek resolution of all reports promptly, based on the circumstances, and in accordance with federal regulation. You can expect the Title IX Office to set and provide advanced notice of timelines and deadlines to parties, witnesses, and advisors with adequate time to prepare. Deadlines may be extended only if there is good cause and written notice to the parties of the reason for extension or delay.
- An informal resolution will be available when the University deems it appropriate and both parties' voluntary consent to participate. Examples of informal resolution include mediation, facilitated conversation, and education.
- A formal resolution involves an investigation and resolution, and may include a hearing, sanctions, and an appeal.
- 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 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 University prohibits retaliation, including efforts to intimidate, threaten, coerce, or discriminate.
- 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 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.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- Any requisite hearing will be conducted following set Rules of Decorum and each party will be afforded an opportunity to make an opening and closing statement, personally, or through their advisor.
- Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, stalking, and sexual exploitation. They are taught how to conduct an investigation and hearing

process that protects the safety of the victim and promotes accountability. They will not have a conflict of interest or bias for or against the accuser or the accused.

- A party may request that the hearing occur with the parties located in separate rooms with technology enabling the hearing panel and parties to simultaneously see and hear the party or the witnesses answering questions.
- Following conclusion of a grievance proceeding, the hearing chair will issue a written determination which will be provided simultaneously to the complainant and the respondent.

Additional information regarding University policies and procedures for responding to interpersonal violence may be found online at:

https://www.msubillings.edu/humres/title_IX.htm.

The full copy of Complainant Rights & Options can be found at:

https://www.msubillings.edu/police/pdf/rights_and_options.pdf



Montana State University Billings Police Department

1500 University Drive
Billings, MT 59101

www.msubillings.edu/police

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