



Annual Security and Fire Safety Reports

2021



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Annual Security and Fire Safety Reports, 2021

Introduction

Carroll College is required by law to compile and disclose information about campus safety policies and procedures as well as to provide data concerning certain criminal offenses in order to be in compliance with Title IV for the Higher Education Act of 1965 as amended. This report must include statements about campus law enforcement policies, campus security education and prevention programs, alcohol and drug policies, sexual assault education and the means for reporting and procedures for handling reports of sexual assault.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in 1998 further mandates that institutions of higher education publish an annual report which is made available to both current and prospective students and employees of the occurrence of specific crimes on the campus. In addition, the institution must report the number of arrests for liquor law violations, drug use/abuse violations and weapon violations.

The Campus Sexual Violence Elimination Act of 2013 requires colleges and universities to increase transparency about the scope of sexual violence on campus, enhance victim rights, support standards in institutional conduct proceedings and implement campus-wide prevention and awareness programs. Prevention and awareness programs will address sexual violence, sexual harassment, stalking, dating violence and domestic violence. Campuses must designate a Title IX Coordinator who would receive complaints of possible violations of sexual harassment and sexual violence, investigate complaints, impose interim remediation, and regularly assess effectiveness of the institution's efforts to eliminate campus sexual violence.

The Annual Security Report

1. Crime Statistics

Carroll College is required to report crime statistics each year in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Campus SaVE Act. In October of 2020, Carroll College created a new position titled Director of Campus Security and Public Safety, that is responsible for preparing the Annual Campus Security Report. This year's report reflects crime and fire statistics that were reported in the calendar years 2018, 2019, and 2020. Crime statistics for the report are compiled by the Director of Campus Security and Public Safety in consultation with the Dean of Students & Retention, other college officials, and the Helena Police.

For the crime statistics report, Carroll College uses the following Geographic definitions:

“On-Campus Property” is defined as “(i) Any building or property owned or controlled by an institution within the same reasonably contiguous geographical area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s education purposes, including residence halls; and (ii) any building or property within the same reasonably contiguous geographical area of the institution that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or retail vendor).”

“On-Campus Student Residential Facilities” 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 the campus. This definition includes the following types of housing:

- Undergraduate, graduate and married student housing.
- Single family houses that are used for student housing.
- Summer school student housing.
- Buildings that are used for student housing but also have faculty, staff or any other individuals living there. (Do not include faculty-only housing in this category).
- Buildings that are owned by a third party that has a written agreement with your institution to provide student housing. (It does not matter whether the rent is paid to the third party by the institution on behalf of the students or paid directly by the students.)
- Housing for officially and not officially recognized student groups, including fraternity or sorority houses, that are owned or controlled by your institution or are located on property that your institution owns or controls.

“Non-Campus Buildings or Property” is defined as “(i) Any building or property owned or controlled by a student organization officially recognized by the institution; (ii) or any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.”

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

There are four campus residence halls (Our Lady of Guadalupe Hall “Guad”, opened 1961; St. Charles Hall, opened 1910; Borromeo Hall “Borro”, opened 1957; and Trinity Hall, opened 2003), four campus apartments (St. Catherine of Siena, St. Matthew, St. Alfred the Great and St. John Vianney), and three college-owned houses adjacent to the campus used to house students in the Anthrozoology Program (1321 Benton Avenue, 1325 Benton Avenue and 1329 Benton Avenue). The first two campus apartments were opened in May 2014 and the second two campus apartments were opened in August 2017. The college-owned houses were converted to student housing in August 2014. We also contracted with Comfort Inn Suites- 3180 N. Washington Street, Helena, MT between the dates of October 14, 2020 – October 30, 2020 and Home 2 Suites – 3325 N. Sanders Street, Helena, MT between the dates of October 15, 2020 o October 29, 2020 to house students quarantined or isolated for COVID-19 purposes.

“Criminal offenses” are classified using the Federal Bureau of Investigation’s Uniform Crime Reporting Handbook:

- “Murder/Non-Negligent Manslaughter” is defined as “the willful (non-negligent) killing of one human being by another.”
- “Negligent Manslaughter” is defined as “the killing of another person through gross negligence.”
- “Sexual Assault” is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI (UCR) Program. A sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”
 - “Consent” is defined as “informed, freely given, and mutually understood agreement to sexual activity of any kind.
 - “Rape” is defined as “the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
 - “Fondling” is defined as “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 incapacity.” (Because there is no penetration in fondling, this offense will not convert to the SRS as Rape.)

- “Incest” is defined as “sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.”
- “Statutory Rape” is defined as “having sexual intercourse with a person who is under the statutory age of consent.”
- “Robbery” is defined as “the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.”
- “Aggravated Assault” is defined as “an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury results from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.”
- “Burglary” is defined as “the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a felony, breaking and entering with intent to commit a larceny; safecracking; and all attempts to commit any of the aforementioned.”
- “Motor Vehicle Theft” is defined as “the theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned—including joy riding).”
- “Arson” is defined as “the willful or malicious burning or attempting to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.”
- “Dating Violence” is defined as “violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.”
- “Domestic Violence” is defined as “a felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim under the domestic or family violence laws of Montana, or any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the state of Montana.”
- “Stalking” is defined as “engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.”
- “Weapon Law Violation” is defined as “the violation of laws or ordinances prohibiting the manufacture, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.”
- “Drug Abuse Violations” are defined as “violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of certain controlled substances and the equipment or devices used in their preparation or use.”
- “Liquor Law Violations” are defined as “the violation of state or local laws or ordinance prohibiting: the manufacture, sale, purchase, transporting, furnishing, possession, or use of alcoholic beverages.”

Categories of Prejudice

“Hate Crimes” are 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, religion, sexual orientation, gender, gender identity, ethnicity, national origin, 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
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- “Larceny/Theft” is defined as “the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.”
- “Destruction/Damage/Vandalism to Property” is defined as “to willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.”
- “Intimidation” is defined as “to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.”
- “Simple Assault” is defined as “an unlawful attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.”

Hate Crime Bias

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

Crime Statistics Collection

The numbers provided in the crime statistics for Carroll College reflect incidents reported to the college’s Director of Campus Security and Public Safety, Title IX Coordinator, Dean of Students, Student Conduct Administrator, Securitas officers and Helena Police. The statistics reflect incidents on campus, incidents off-campus reported to the college, and incidents involving Carroll Students that Helena Police reported to the college. The college does not have any off-campus locations officially recognized by the institution to reflect in the statistics. Helena Police does compile data for the college regarding listed crimes that occur in the immediate vicinity of campus boundaries.

The Director of Campus Security and Public Safety, who has oversight for campus security and maintains contact with Helena Police, compiles the statistics annually and posts the crime statistics to the U. S. Department of Education website as required by law. Director of Campus Security and Public Safety is responsible for the distribution of the annual report to both current and prospective students and employees. The data for the previous three calendar years is published annually in this report.

1.1 CARROLL COLLEGE CRIME STATISTICS: CLERY DATA

The following crime statistics are for selected crimes that have been reported to appropriate and corresponding campus security authorities or police agency authorities based on our Clery geography. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

Clery Crime Statistics Tables

CRIMINAL OFFENSES (Reported by Hierarchy)	YEAR	On-Campus Property			On-Campus Student Residential Facilities			Non-Campus Buildings & Property			Public Property		
		20	19	18	20	19	18	20	19	18	20	19	18
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
Rape		6	3**	1	6	3**	1	0	0	0	0	0	0
Fondling		0	1	0	0	0	0	0	0	0	0	0	0
Incest		0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape		1	0	0	0	0	0	0	0	0	0	0	0
Robbery		0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault		0	0	0	0	0	0	0	0	0	0	0	0
Burglary		1	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft		0	3	4	0	0	0	0	0	0	0	0	0
Arson		0	0	0	0	0	0	0	0	0	0	0	0

On July 28, 2021, during a review of crime statistics from 2018, 2019, and 2020, an error was found in the original 2020 Annual Security and Fire Safety Report. Originally, in calendar year 2019 under the “Rape” category showed 5 reports in both “On Campus and On Campus Student Residential Facilities geography locations. Two of the five reported “Rape” cases were actually reported in calendar year 2020, therefore, the (**) reflect the subtraction of 2 reports of “Rape” in calendar year 2019 in the On Campus and On Campus Student Residential Facilities geography sections. The correct total for calendar year 2019 now accurately reflects a total of three reports of “Rape”.

Clery Crime Statistics Tables

VAWA OFFENSES		On-Campus Property			On-Campus Student Residential Facilities			Non-Campus Buildings & Property			Public Property		
		20	19	18	20	19	18	20	19	18	20	19	18
	YEAR	20	19	18	20	19	18	20	19	18	20	19	18
Domestic Violence		0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence		0	1	0	0	0	0	0	0	0	0	0	0
Stalking		0	3	0	0	3	0	0	0	0	0	0	0
ARRESTS		On-Campus Property			On-Campus Student Residential Facilities			Non-Campus Buildings & Property			Public Property		
		20	19	18	20	19	18	20	19	18	20	19	18
	YEAR	20	19	18	20	19	18	20	19	18	20	19	18
Weapons Law Arrests		0	0	0	0	0	0	0	0	0	0	0	0
Drug Laws Arrests		1	0	0	1	0	0	0	0	0	0	0	0
Liquor Law Arrests		0	0	1	0	0	1	0	0	0	0	0	0
DISCIPLINARY REFERRALS		On-Campus Property			On-Campus Student Residential Facilities			Non-Campus Buildings & Property			Public Property		
		20	19	18	20	19	18	20	19	18	20	19	18
	YEAR	20	19	18	20	19	18	20	19	18	20	19	18
Weapons Law Violations		0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations		3	1	13	3	1	13	0	0	0	0	0	0
Liquor Law Violations		14	12	51	13	12	51	0	0	0	0	0	0

Unfounded Crimes

YEAR	DESCRIPTION
2020	(1) ZERO
2019	(1) ZERO
2018	(1) ZERO

Hate Crimes by Category and Bias

YEAR	DESCRIPTION
2020	(1) ZERO
2019	(1) ZERO
2018	(1) ZERO

2. Campus Law Enforcement

Carroll College utilizes the services of the Helena Police Department to respond to safety or security concerns, crimes, suspected criminal behavior or suspicious activity at the college. Students and employees can contact Helena Police—and other emergency services such as Helena Fire Department—by calling 911. Non-emergencies can also be reported to Helena Police by calling (406) 457-8866. Carroll College cooperates with local law enforcement regarding the investigation of alleged criminal offenses.

The college contracts with Securitas, an unarmed security vendor, to provide foot patrols on campus. Securitas provides a patrol officer on campus 24 hours a day on weekdays and from 3 p.m.–7 a.m. on weekends during the academic year. Summer hours for patrol officers are 3 p.m.–7 a.m. seven days per week. Students and employees can contact the Securitas officer by calling (406) 461-7611 during scheduled hours. Securitas officers are responsible for patrolling all campus buildings, parking lots and campus grounds. The patrol officer responds to incidents and documents the nature, time and location of the incident as well as the name, address and phone numbers of the participants and witnesses of the incident. Security personnel are expected to have a cooperative working relationship with state and local law enforcement agencies including, but not limited to, Helena Police Department, Lewis and Clark County Sheriff's Department and the Missouri River Drug Task Force. Securitas officers will defer to local law enforcement to handle arrests.

For large campus events, such as Softball Weekend, the college will contract with Helena Police to supervise the activities. For home football game days, the college contracts with the Helena Police Department to provide supervision for Nelson Stadium and the tailgate area adjacent to the PE Center. Campus lectures, special programs and dances have also necessitated the use of Helena Police or Securitas officers to support the safety of event participants. Carroll College has also benefited from the response of the Lewis and Clark County Sheriff's Office to campus emergencies and training drills. The Lewis and Clark County Sheriff's Office can be contacted by calling 911 for emergencies or by calling (406) 457-8866 for non-emergencies requiring assistance.

3. Campus Security Authorities

Carroll College has designated staff members in the following positions as “Campus Security Authorities.” Crimes reported to anyone in any of these positions are included in the college’s annual disclosure of crime statistics. It is important to note that any crime that is reported to one of these Campus Security Authorities is counted for the purpose of these crime statistics, regardless of the final disposition or outcome of the case. These Campus Security Authorities are also expected to ensure that timely warning reports are issued to Carroll College employees and students:

Title IX Coordinator: Karla Smith, O’Connell Hall 214, (406) 447-5501, klsmith@carroll.edu

Title IX Coordinator: Annette Walstad, Borromeo Hall 102, (406) 447-5434, awalstad@carroll.edu

Director of Campus Security and Public Safety; Jason Grimmis, St. Charles Hall 023, (406) 447-4404, jgrimmis@carroll.edu

Victim Advocate: Friendship Center, 1430 Sanders Street, Helena; officem@thefriendshipcenter.org; 24-Hour Crisis Line (406) 442-6800

Assistant Dean of Students and Director of Residential Life and Housing, Borromeo Hall 127, Zach Eckerdt (406) 447-5509, zeckerdt@carroll.edu

Dean of Students: Annette Walstad, Borromeo Hall 102, (406) 447-5434, awalstad@carroll.edu

Vice President for Finance and Administration: Lori Peterson, O’Connell Hall 204, (406) 447-5432, lpeterson@carroll.edu

On-Call Residential Life & Housing Senior Staff: (406) 459-0540

4. Campus Facility Security

The Facilities Department maintains the buildings and grounds at Carroll College with attention to the safety and security of the campus. The Director of Facilities, Assistant Director of Facilities, and the Custodial Supervisor are responsible to respond to issues from building users pertaining to security, safety and livability issues. Two important exterior safety issues to inspect are maintaining appropriate exterior lighting of campus walkways and roads as well as maintaining reasonable landscaping that does not endanger or risk the safety of pedestrians. Fire safety equipment in each campus building is tested on an annual basis by Facilities staff. Residential Life & Housing staff conduct fire drills in each residence hall each semester and the college’s Emergency Response Team ensures that all academic and administrative buildings conduct fire drills each semester.

The college maintains and supports two means of locking and securing interior and exterior doors on campus. The four campus residence halls and four apartment buildings maintain a card key access system for interior and exterior doors. Students are able to use the card key and a personalized pin number to access their housing. Academic, administrative and the college-owned student houses used by students in the Anthrozoology program are maintained on a key system. Keys are issued by the employment supervisor for employee offices, and Residential

Life & Housing staff issue keys for college-owned houses. Card keys are issued by Residential Life & Housing for residence halls and campus apartments while Facilities will provide employees card key access for exterior and interior doors on the employee's college ID card.

Carroll College strives to provide a safe and healthy learning and living environment for students, staff, faculty and guests. College employees and students submit work orders to the Facilities department when facility concerns are identified. The college maintains a capital improvement project list of proposed facility and grounds enhancements which is updated annually.

While instances of criminal activity are rare, the college is not immune to crime and cannot assure or guarantee a crime-free living or working environment. Therefore, Carroll College promotes a proactive approach to safety. The members of the community are expected to actively participate in making the campus safe and to act in a safety-conscious manner.

5. Crime Reporting Procedures

5.1 Prompt Reporting

The college encourages accurate and prompt reporting of all crimes to the Helena Police Department, Securitas, or to one of the designated Campus Security Authorities, such as the Title IX Coordinator, Campus Security and Public Safety Director, Victim Advocate, Student Conduct Administrator, on-call Residential Life & Housing Senior Staff, Dean of Students, or the Vice President for Finance and Administration. Both Securitas Officers and Residential Life & Housing staff file electronic incident reports to document any crime reported or confronted on campus. Incident reports are automatically sent to the Director of Campus Security and Public Safety, Student Conduct Administrator and Residential Life & Housing staff who handle crime reporting and/or student conduct matters, the Director of Facilities to be aware of facility damage or vandalism, and to the Vice President for Finance and Administration or the Dean of Students—who are responsible for risk management for the college. Reports of incidents involving possible Title IX violations are referred to the Title IX Coordinator by the Student Conduct Administrator. Both students and employees are informed by the Title IX Coordinator of campus and community resources, including but not limited to the support of the Victim Advocate resources offered by the Friendship Center, Helena's violence against women shelter, and procedures for reporting the alleged crime to local law enforcement. In addition, the Title IX Coordinator will address interim remedies available to victims, such as changes to campus housing, parking, class schedules and no contact orders.

5.2 Educating Counselors on Reporting

Both Campus Ministry and Counseling Services employees participate in annual Title IX training for all employees. These employees are informed of the benefits of informing the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. The Title IX Coordinator receives referrals of students and employees for reporting crimes from both the Campus Ministry and Counseling Services staff.

5.3 Anonymous Reporting of Crimes and Sexual Misconduct

Carroll College accepts anonymous and third-party reports of conduct alleged to violate the Equal Opportunity Policy or to report crimes for the purposes of compiling statistics of reported crimes. The individual making the report (Reporter) is encouraged to provide as much detailed information as possible to allow the appropriate College designee (Title IX Coordinator, Student Conduct Administrator, etc.) to investigate and respond as appropriate, including the date, location, and the type of incident. The Carroll designee may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Designee to conduct a meaningful and fair investigation.

The online report form is designed specifically for reporting alleged Title IX violations and only shared, through secure access to the report, with the Title IX Coordinator.

Carroll College students and employees are strongly encouraged to accurately and promptly report incidents or suspicious behaviors on campus by calling the on-call Residential Life & Housing Senior Staff at (406) 459-0540. The on-call Residential Life & Housing Senior Staff is available by phone 24 hours per day, seven days a week, throughout the year. The staff member will investigate the situation, document the incident and notify the appropriate college officials, the Helena Police Department, or both, to respond to the situation. Carroll College students have other options to report, such as, Director of Campus Security and Public Safety (406) 447-4404, or Campus Security (406-461-7611) available 24 hours a day, 7 days a week.

A bystander—someone who sees, hears, or knows about a situation— can notice actions or circumstances early enough to prevent an incident from becoming an emergency. The bystander may witness prejudicial remarks and/or behaviors; violence to others; or individuals negatively impacting their personal health or safety. Examples of behaviors that could be prevented or reported include sexual violence, hate/bias incidents, cyber bullying, hazing, high-risk drinking, gambling, depression or physical violence. Bystanders who are unsure of whom to contact—daytime or nighttime—should contact the on-call Residential Life & Housing Senior Staff at (406) 459-0540 or dial 911 if it is an emergency.

5.4 Response to Reported Crime

In order to ensure the safety and security of students and employees, the college will report to local law enforcement agencies crimes that occur on campus, in college-owned facilities, or at a college-sponsored event that occurs off-campus in compliance with amendments to the Higher Education Act. These crimes—as defined by the Federal Bureau of Investigation Uniform Crime Report System—include:

1. Murder/Non-negligent Manslaughter- The willful (non-negligent) killing of one human being by another. The local law enforcement agency will be notified immediately by a college representative.
2. Negligent Manslaughter- The killing of another person through gross negligence. The local law enforcement agency will be notified immediately by a college representative.
3. Sexual Offense- Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - Rape- the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. 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 incapacity.
 - Incest- sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory Rape- Having sexual intercourse with a person who is under the statutory age of consent.
4. Robbery—The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear. The local law enforcement agency will be notified immediately by a college representative.
5. Aggravated Assault—An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. Simple assaults are excluded. The local law enforcement agency will be notified immediately by a college representative.
6. Burglary—The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included. The local law enforcement agency will be notified immediately by a college representative.
7. Motor Vehicle Theft—The theft or attempted theft of a motor vehicle. The local law enforcement agency will be notified immediately by a college representative.
8. Arson—Any willful or malicious burning or attempting to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. The local law enforcement agency will be notified immediately by a college representative.
9. Drug Law Violations—State and/or local offenses relating to the unlawful possession, sale, growing, and manufacturing of narcotic drugs. The local law enforcement agency will be notified immediately by a college representative.
10. Illegal Gun Possessions—All violations of regulations or statutes controlling the carrying, using, possessing, furnishing, and manufacturing of deadly weapons or silencers. Attempts are included. The local law enforcement agency will be notified immediately by a college representative.
11. Hate/Bias Crimes—A hate crime, also known as a bias crime, is a criminal offense committed against a person, property or society which is motivated, in whole or in part, by the offender's bias against a person's origin, age, creed, ethnicity/national origin, race, color, gender, physical or mental disability, religion, or sexual orientation. The local law enforcement agency will be notified immediately by a college representative.

Upon being informed that one of the crimes listed above has occurred on campus, the Director of Campus Security and Public Safety, or designee, will immediately report the crime to local law enforcement and the President of the College. The Director of Campus Security and Public Safety, or designee, will then ask a member of the Student Life staff to speak with the student to counsel on seeking medical attention, psychological services, contact with law enforcement, or any other services the college can provide. If the student wishes to report the crime to local law enforcement, a member of the Student Life Staff may accompany the student. Parents must be notified if the student is under the age of 18.

In keeping with Carroll College policies, a student in any of the above-mentioned crimes, and of any other violations of the college's rules and regulations, has the right to pursue recourse through the college's disciplinary process. This procedure may be used in addition to any civil or criminal procedures stemming from the incident.

6. Campus Daily Crime and Fire Log

Carroll College maintains a combined daily crime and fire log in the Campus Security and Public Safety Office that records all crimes and fires that occur within the geographical boundaries of the campus. Crimes and fires will be recorded by their nature, date and time reported, date and time occurred, general location, and disposition of the complaint. The college will:

- Make an entry or an addition to an entry to the crime and fire log within two business days of the receipt of the information.
- Make the crime and fire log for the most recent 60-day period open to public inspection during normal business hours, and
- Make any portion of the crime and fire log older than 60-days available within two business days of a request for public inspection.

If you suspect an active fire or witness evidence of a fire (single paper on bulletin board, fire in trash can, etc.), please call the security office 406-461-7611 or for emergencies call 911. Non-Emergencies call (406) 457-8866.

Carroll College 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 contact the Director of Campus Security and Public Safety at (406) 447-4404.

Arson is the act of maliciously, voluntarily, and willfully setting fire to the building, buildings, or other property within the 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 college as well as criminal charges. Make a difference, please call and report arson. Concerned citizens can (and should) report fires and/or arson.

The combined daily crime and fire log is available online at www.carroll.edu/safety-emergency/incident-reporting-logs

7. Timely Warnings, Emergency Notification, and Public Safety Advisory

Carroll College uses three types of notification processes to warn the campus community in the event of an emergency or public safety risk. The three types of notifications are Emergency Notifications, Timely Warnings, and Public Safety Advisories.

Carroll College has Timely Warning, Emergency Notification, and Public Safety Advisories. Carroll College will issue Timely Warnings, Emergency Notifications, and/or Public Safety Advisories to the campus community on an as needed and required by Clery basis. Timely warnings are issued in the event a violent crime that represents a serious or continuing threat to the campus community has occurred. Emergency Notifications are issued during emergencies or critical incidents that pose an immediate threat to the health and safety of the campus community. A Public Safety Advisory issued to reduce the risk of being victimized by telephone/email scams, fraud, etc.

Consistent with the requirements of the Clery Act, Carroll College will “immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, unless issuing a notification will compromise efforts to contain the emergency.”

7.1 Timely Warnings Notification

In the event a crime is reported or brought to the attention of a Campus Security Authorities (including, but not limited to, Helena Police, Lewis and Clark County Sheriff’s Department, and Securitas) that occurred, within the Carroll College Clery Geography (On Campus Property, On Campus Student Residential Facilities, Non-Campus Property and Public Property), that, in the judgment of the Director of Campus Security and Public Safety and in consultation with other campus administrators (including but not limited to: Dean of Students, Legal Counsel, Director of the Office of Institutional Equity & Title IX Coordinator, and the Emergency Management Coordinator) when time permits, constitutes a serious or continuing threat, a campus wide “timely warning” notice will be issued.

Timely warnings will be distributed to the entire campus community as soon as pertinent information is available, without unnecessary delay, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences. Timely warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications: murder/non-negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, major incidents of arson, motor vehicle theft, and hate crimes. Cases 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 Helena Police Department and after consultation with the Lewis and Clark County Attorney Office. Timely warning notices may be distributed for other Clery crimes -as determined by the Director of Campus Security and Public Safety or their designee.

The Director of Campus Security and Public Safety, or designee, reviews all timely warning notifications. Timely warnings will typically include information such as a brief statement of the incident, physical description of any suspect(s), appropriate safety tips, and other relevant, available information. Timely warning notices are typically written by the Director of Campus Security and Public Safety, or designee, and are sent to the Director of Public Relation/Associate Director of Marketing and Communications (or designee) for review and distribution by that office.

The Director of Campus Security and Public Safety may notify the Lewis and Clark County Attorney Office of the intent to distribute a timely warning notice to ensure the information released does not compromise law enforcement efforts as permitted by the Clery Act.

Timely warnings will be distributed by email, on the college’s Student Life webpage, on the college’s Emergency Response webpage, and/or through the use of Regroup, the college’s emergency messaging system, and to emergency contact phone numbers as the primary method of communication. If warranted, Carroll College may also communicate a timely warning via paper postings in buildings.

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

7.2 Emergency Notification

Carroll College Emergency Notification System is a Wireless Emergency Notification System (WENS) powered by ReGroup Notification. The system is used to transmit brief, urgent messages to a large segment of the campus population as quickly as possible. Face to face communication may also be used to communicate emergency information. Carroll College will immediately notify the campus community upon

the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on campus.

If the President or Director of Campus Security and Public Safety, or designee, in conjunction with other college administrators, local first responders, Public Health Officials and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Carroll College Community. The President, Director of Campus Security and Public Safety, in conjunction with the Director of Public Relations/Associate Director of Marketing and Communications, when time permits, will determine the content of the messages.

Carroll College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The types of incidents that may cause an immediate threat to the community could include, but are not limited to, emergencies such as: an active shooter on campus, hostage/barricade situation, a riot, a suspicious package with confirmation of a device, a tornado, a fire/explosion, suspicious death, structural damage to a College owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm) and would be developed by the Incident Response Group (IRG) and would be assigned to the appropriate staff members to distribute via the systems above.

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. If there is an immediate threat to the health or safety of students or employees occurring on campus, Carroll College will follow its emergency notification procedures. Per Clery requirements, an institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, Carroll College will provide adequate follow-up information to the community as needed.

Anyone with information about a situation that may require the issuance of a timely warning or emergency notification should report the circumstances to the Director of Campus Security and Public Safety by calling 406-447-4404, or in person (023 St. Charles Hall- 1480 Hunthausen Way, Helena, MT).

All students, faculty, and staff members directly affiliated with the College are encouraged to enroll in the Emergency Notification System. Students, faculty and staff are strongly encouraged to familiarize themselves with the intent and purpose of the Emergency Notification System.

7.3 Public Safety Advisory

Public Safety Advisories are used to notify students, faculty, and staff of situations that do not pose an immediate threat to life safety, but may require awareness to reduce the risk of being victimized by telephone/email scams, fraud, etc. These notifications are sent via email.

8. Educational and Awareness Programs

To support security awareness and crime prevention programs, Carroll College has undertaken the following initiatives:

8.1 Online Trainings

As part of our campus security information and education programming, Carroll College requires all incoming students to complete an online comprehensive student Title IX/Sexual Assault Prevention Training program:

- Get Inclusive/Voices for Change Comprehensive is an 80 minute, online program educating students in the areas of Identities & Inclusion, Hazing & Bullying, Alcohol & Other Drugs, and Consent & Sexual Violence. The Consent & Sexual Violence section includes Bystander Intervention education.

Prior to Fall 2021, Carroll College required all incoming students to complete the following two online prevention courses:

- “3rd Millennium for College” is a two-hour interactive, online program designed to inform students about how alcohol affects the mind, body, perceptions and behaviors. It provides students with accurate, non-judgmental information and personalized feedback.
- “3rd Millennium- Sexual Violence Prevention” is a one-hour interactive online program created to educate students on the issues associated with sexual assault, sexual harassment, relationship violence and stalking. The program is designed to engage and empower students to create a safe, healthy campus environment.

In addition, Carroll College requires all faculty and staff to complete these online courses:

- Workplace Harassment Prevention is a 30-45 minute interactive, online program designed to inform employees about what constitutes discrimination, including sexual harassment. The course must be taken annually by college employees.
- Campus Sexual Assault Violence Elimination (SaVE) Act Learning Program is a 30-45 minutes interactive, online program designed to inform employees about reporting sexual assault, sexual harassment, stalking, dating violence and domestic violence incidents to the campus Title IX Coordinator. The course must be taken annually by college employees.
- Sexual Misconduct: How Teachers/Educators Can Protect Our Children is a 30-45 minute interactive online program designed to inform employees about working with minor children through college programs which explains the definition of child abuse, how to identify child

abuse and to whom to report it. This course must be taken annually by every employee who works directly with minors, primarily camp employees. This course must be taken every three years by all other college employees.

8.2 New Student and Employee Orientation

New Student Orientation. The Student Conduct Administrator meets with all new students during New Student Orientation to inform them of how the college interacts with Securitas and Helena Police in reporting incidents, crimes and campus emergencies. The Dean of Students meets with new students and with new parents to discuss the college's emergency plan and emergency notification system.

New Employee Orientation. The Director of Campus Security and Public Safety meets with all new employees during New Employee Orientation to inform them of how the college interacts with Securitas and Helena Police in reporting incidents, crimes and campus emergencies. In addition, the Director of Campus Security and Public Safety discusses the college's emergency plan and emergency notification system.

8.3 Campus Emergency Plan

Carroll College has developed a Campus Emergency Plan which addresses how employees should respond to 23 incidents: alarms, bomb threats/bomb explosions, earthquake, evacuation—building, evacuation—campus, evacuation—disabled individuals, fire safety, firearms discharge/active shooter, hazardous materials, heart attack—use of AED, hostage situation, lockdown—building, lockdown—campus, medical or health emergency, natural gas, physical assault, power outage, rape or sexual assault, shelter-in-place, suicide attempt, suspicious envelope or package, suspicious individual, and severe weather conditions.

To support employee readiness to execute the Campus Emergency Plan, the college will provide trainings on the following:

- Active Shooter
- Fire Drills and Building Evacuations
- First Aid, Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED)

The Campus Emergency Plan also identifies Building Action Teams for each academic, administrative and residential building on campus. Each Building Action Team will consist of a Building Coordinator, Floor Monitors for each floor in the building, and Disabled Persons Buddies to check common areas (e.g. bathrooms, break room) for individuals who have not evacuated the floor. Building Action Team members will be responsible for assisting with the evacuation or shelter-in-place of all employees and students in the building. Each building has also been assigned a designated assembly site to move to if their building has been evacuated. The assembly site will allow the Building Action Team to account for all building occupants to alert emergency responders.

8.4 Emergency Protocol Guide

Carroll College has produced an Emergency Protocol Guide, a red, spiral-bound, plastic cover guidebook with tabbed pages to flip through for information on campus emergencies. The guide provides information on 11 emergencies situations: evacuation procedures, earthquake, fire/arson, security lockdown, firearms discharge/shooter on campus, bomb threat, rape or sexual assault, physical assault, suicide attempt and health emergency. The Emergency Protocol Guide also provides office and mobile phone information for key employees and information on signing up for the college's emergency notification system, Regroup. Emergency protocol guides are located on a hook on the back of the door of campus offices, student residences and classrooms.

8.5 Student Handbook

Carroll College publishes an annual copy of the Carroll College Student Handbook which is distributed to all employees and students electronically. A hard copy of the student handbook is available upon request in the Office of Student Life in Borromeo Hall 131. The student handbook outlines the Carroll Code of Student Conduct, college policies, vehicle use and parking regulations, campus housing policies, and links to the Annual Security and Fire Safety Report and the Consumer Information Disclosure Notice.

9. Crime Prevention Programs

To support security awareness and crime prevention programs, Carroll College supports the following initiatives:

Arrive Alive Taxi Program

Students who find themselves stranded at a bar or off-campus residence without a designated driver or in an unsafe situation, can contact Capital Taxi at (406) 449-5525 to receive a free ride back to campus. Carroll students need only to show their Carroll ID to receive this service.

Bicycle Registration

Students, staff and faculty are encouraged to register their bicycles in the Office of Student Life (Borromeo Hall 131) in order to deter thefts and to help Helena Police recover and return lost or stolen property.

Bystander Training

Teaching students to intervene and/or report information on situations which may be illegal, unusual, uncomfortable or unwelcome—centers around the theme: “See something, hear something, know something, do something.” By empowering students to address behaviors in the community, students help keep the community safer by increasing the accountability level.

Core Alcohol and Drug Survey

The Core Alcohol and Drug Survey, a national assessment tool used to indicate student attitudes and behaviors regarding alcohol and drug use, will be administered each fall semester. Results of the survey are emailed to students, staff and faculty as well as posted on the college’s website.

New Student Orientation Presentation

Carroll College presents annually to all freshmen students on the subject of sexual safety. State law, definition of consent, and review of sexual intercourse without consent are highlighted topics.

Residential Life & Housing Programming

Resident Assistants (RAs) are required to offer educational programming opportunities to residents in campus housing. Security awareness and crime prevention topics can be offered as a program to enhance student awareness.

Sexual and Violent Offender Registry

The Montana’s Sexual or Violent Offender Registration Act is designed to protect the public from sexual or violent offenders by requiring offenders to register with local law enforcement agencies in the jurisdiction where they reside. Information about these offenders is then made available to the public. The Registry provides an up-to-date listing of sexual and violent offenders who are required to register their whereabouts. The registry can be found on the Montana Attorney General’s office website (<http://app.doj.mt.gov/apps/svow/>).

Social Norming

The college has an active social norming campaign to dispel myths about alcohol and tobacco use as well as sexual activity which are supported by research conducted by Carroll College and national studies. The social norming campaign combats preconceptions that “everyone else is doing (the behavior), so I should be doing (the behavior), too.”

Timely Warnings

Carroll College releases timely warnings, or security alerts to advise students of safety and security concerns. These alerts address unsafe situations or behaviors reported to the college by Helena Police, Missouri River Drug Task Force, Securitas, or college staff. Examples of situations where the college would issue a timely warning would include notifying students and employees of vandalism to vehicles parked in a certain location, identifying a person of interest in a crime or threat of a crime, or confirming that a “no trespass” warning was issued by law enforcement at the request of the college due to the perceived threat to the safety of individuals or property.

Victim Advocate Services

Carroll College provides victim advocate services for students and employees who are seeking assistance as a victim of sexual assault, sexual harassment, stalking or relationship violence. Services include assisting a victim with obtaining an order of protection and understanding campus and community resources available. Victim advocacy services are provided by staff from The Friendship Center: 1430 Sanders Street, Helena; officem@thefriendshipcenter.org; 24-Hour Crisis Line (406) 442-6800. Communication with the victim advocate is confidential and protected by Montana state law.

Voices for Change

Bystander intervention is a core theme in Get Inclusive’s Voices for Change sexual violence prevention training program. This online training program addresses critical issues like sexual assault and discrimination. Voices for Change combines the approaches of statistical information and nuanced, real dialogue that presents students with a compound consideration of each topic.

10. Off-Campus Locations of Student Organizations

Carroll College does not have off-campus locations of student organizations officially recognized by the institution nor does the college have student organizations with off-campus housing facilities. Carroll College is unable to monitor the criminal activity of students at an off-campus location through the records of the Helena Police Department as not all individuals found in violation of laws or ordinances are willing to identify themselves as students of the college.

11. Alcohol Policy

Carroll College believes that individual choices involving the use of alcohol have an impact on both the individual and the community. National studies have found alcohol use is closely linked to sexual assault, declining academic performance, violent crime and alcoholism among college students. For these reasons, the college’s alcohol policy demonstrates a strong ethic of care and establishes healthy standards for the community in relation to the responsible and legal use of alcohol.

As a residential college, Carroll students have the opportunity to learn within a group of individuals who make up their community. A part of the learning that takes place is social in nature. Responsible and legal alcohol use is a part of that educational process. Development of individual and social choices can have long-term effects on behaviors, attitudes and values. Learning to know one's limits and to care about the impact of one's actions on the community is a part of the residential experience. Students are expected to use caution in choosing to use alcohol and are responsible for their behavior at all times. Being a part of the Carroll community means individuals are also responsible for others. Taking action to care about and confront inappropriate alcohol use among one's peers makes the community stronger.

Carroll College will intervene when inappropriate behavior regarding the use or abuse of alcohol is demonstrated. Students, whether of legal age or not, will be held responsible and accountable for their actions.

11.1 College Regulations

1. All students must comply with federal and state laws, city ordinances, and Carroll College policy concerning alcohol use.
2. Drunkenness and public intoxication, regardless of age, are unacceptable behaviors.
3. Those persons not of legal age may not transport, possess, or consume alcohol or be present in a residence hall room where alcohol is being consumed. Empty alcohol containers may be considered evidence of use.
4. Attendance at an illegal alcohol gathering is in violation of college policy.
5. Carroll College prohibits any possession or use of kegs, pony kegs, multi-quart containers or alcoholic punches on the college campus. Drinking games or events (e.g. quarters, beer pong or around-the-world parties) are strictly prohibited.
6. Visitors to Carroll College must comply with applicable laws and college policy regarding use of alcohol. Responsibility to assure that a guest is of legal drinking age rests with the resident host(s).
7. Carroll College prohibits use of alcohol in any leased vans, buses, trucks and in any college-owned vehicles.
8. Students of legal drinking age may exercise the option to consume alcohol with no more than six guests of legal drinking age in a room where all guests present are of legal drinking age. Students who are 21 years or older may transport alcohol in an enclosed container to their own room or the room of another student of legal drinking age.
9. Students are required to provide identification upon request by security or college staff. Failure to comply or leaving the scene of the incident without providing identification is cause for disciplinary action.
10. Students of legal drinking age may consume alcohol in their residence hall rooms, but not in lounges, hallways, common areas, or other unauthorized public spaces (e.g. school grounds, academic buildings, and locales of off-campus Carroll functions). Any alcohol in unauthorized situations will be confiscated and the individual(s) will be subject to disciplinary action.

Students of legal drinking age may consume alcohol in the room of another student of legal drinking age.

Students of legal drinking age may transport alcohol in an enclosed container to their own room or the room of another student of legal drinking age.

Students of legal drinking age may not transport alcohol to or consume alcohol in the residence hall room of a person under legal drinking age.

11.2 Sanctions

First Violation: \$100 fine and completion of the CHOICES alcohol awareness education program as well as other educational sanctions as appropriate.

Second Violation: \$150 fine and completion of both a substance use screening and the BASICS alcohol awareness educational program as well as other educational sanctions as appropriate.

Subsequent Violations: Fines ranging from \$150-\$300 as well as a chemical dependency evaluation by a licensed addiction counselor. Review of status as a Carroll College student and any other educational sanctions as appropriate.

A student who is experiencing health issues associated with the use of alcohol may be suspended from Carroll College and required to undergo professional evaluation and treatment prior to reapplying for admission to complete their education.

Failure to complete sanctions assigned or completed on time will result in a \$200 fine posted to the student's account. In addition, the same sanctions can be reassigned and required to be completed in order to remain enrolled as a student.

Counseling Services provides both counseling and referral service to employees and students. The counseling staff will provide information and confidential referral to drug and alcohol counseling and rehabilitation programs.

11.3 Health Risks

Carroll College believes that the better informed you are about the health risks associated with the abuse of alcohol, the more likely you are to avoid these substances altogether or to seek help if you become the victim of chemical dependence. The following is a summary of the various health risks associated with alcohol abuse. This summary is not intended to be an exhaustive list of all possible consequences to your health but rather is intended to increase awareness of the grave risks involved in this kind of behavior.

Alcohol-related automobile accidents are the number one cause of death among people ages 15 through 24. Approximately 50 percent of all youthful deaths from drowning, fires, suicide, and homicide are alcohol-related. Furthermore, alcohol and other drug use is often a factor in date rape.

Repeated use of alcohol can lead to physical and psychological dependence. Dependent persons who suddenly stop drinking are likely to suffer withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents have an increased risk of becoming alcoholics themselves.

11.4 Alcohol Ordinances and Statutes

Several city ordinances and state statutes are listed below. The list is representative only and does not include every criminal statute or ordinance related to alcohol or drug use. Further information about criminal statutes and ordinances can be found on the following websites: https://codelibrary.amlegal.com/codes/helenamt/latest/helena_mt/0-0-0-1848

City of Helena Ordinances

5-1-1: Possession of intoxicating beverages

It shall be unlawful for any person to have in his possession on the streets, alleys, parks or on any other public premise in this city any beer, wine, liquor, or other intoxicating beverage in any container on which the cap, top, seal, cork or other closing device has been removed or opened or in any other container from which such a beverage can be drunk directly. Provided, however, that this section shall not apply to any individual who possesses alcohol or intoxicating beverages pursuant to the terms and provisions of section 4-2-11 of this code.

5-14-2 to 5-14-5: Social Host Ordinance

5-14-3: duty to notify law Enforcement

A social host shall immediately and by the quickest means of communication give notice to the Helena Police Department that an underage person is in possession of or is consuming an alcoholic beverage at a gathering on the host's premises.

5-14-5: Penalties

A violation of this chapter is a misdemeanor. Any person who fails to comply with the requirements of this chapter may, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) for each violation and, in addition, may be ordered to pay all costs and expenses involved with the case.

Montana Code Annotated

16-6-301: transfer, Sale, and Possession of alcohol beverages—When unlawful

- (2) Except as provided by this code, a person or the person's agents or employees may not:
 - a) Expose or keep an alcoholic beverage for sale;
 - b) Directly or indirectly or upon any pretense or upon any device, sell or offer to sell an alcoholic beverage; or
 - c) In consideration of the purchase or transfer of any property or for any other consideration or at the time of the transfer of any property, give to any other person an alcoholic beverage.

16-6-304: Providing alcoholic beverages to intoxicating Person Prohibited

- (3) No store manager, retail licensee, or any employee of a store manager or retail licensee may sell any alcoholic beverage or permit any alcoholic beverage to be sold to any person apparently under the influence of an alcoholic beverage.
- (4) No person may give an alcoholic beverage to a person apparently under the influence of alcohol.

16-6-305: Age limit for Sale or Provision of alcoholic beverages—liability of Provider

- (1)
 - a) Except in the case of an alcoholic beverage provided in a nonintoxicating quantity to a person under 21 years of age by his parent or guardian, physician or dentist for medicinal purposes, a licensed pharmacist under 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.
- (2) Any 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 the owner's employees.

- (3) It is unlawful for any person to fraudulently misrepresent his or her age to any dispenser of alcoholic beverages or to falsely procure any identification card or to alter any of the statements contained in an identification card, including a tribal identification card.
- (4) 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 tortious 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.

45-5-624. Possession of or unlawful attempt to purchase intoxicating substance -- interference with sentence or court order.

- (1) 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.
- (2) a) In addition to any disposition by the youth court under **41-5-1512**, a person under 18 years of age who is convicted under this section:
 - (i) for a first offense, shall be fined an amount not less than \$100 and not to exceed \$300 and:
 - a) shall be ordered to perform 20 hours of community service;
 - b) shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in community-based substance abuse information course that meets the requirements of subsection (8), if one is available; and
 - c) 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);
 - (ii) for a second offense, shall be fined an amount not less than \$200 and not to exceed \$600 and:
 - a) shall be ordered to perform 40 hours of community service;
 - b) 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 (8), if one is available;
 - c) 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
 - d) shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (7);
 - (iii) for a third or subsequent offense, shall be fined an amount not less than \$300 or more than \$900, shall be ordered to perform 60 hours of community service, 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 (8), if one is available, and shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (7). If the person has a driver's license, the court shall confiscate the license for 6 months, except as provided in subsection (2)(b).
- b) If the convicted person fails to complete the community-based substance abuse information course and has a driver's license, the court shall order the license suspended for 3 months for a first offense, 9 months for a second offense, and 12 months for a third or subsequent offense.
- c) The court shall retain jurisdiction for up to 1 year to order suspension of a license under subsection (2)(b).
- (3) A person 18 years of age or older who is convicted of the offense of possession of an intoxicating substance:
 - a) for a first offense:
 - (i) shall be fined an amount not less than \$100 or more than \$300;
 - (ii) shall be ordered to perform 20 hours of community service; and
 - (iii) 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 (8);
 - b) for a second offense:
 - (i) shall be fined an amount not less than \$200 or more than \$600;
 - (ii) shall be ordered to perform 40 hours of community service; and
 - (iii) shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (8), which may, in the court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both;

- c) for a third or subsequent offense:
 - (i) shall be fined an amount not less than \$300 or more than \$900;
 - (ii) shall be ordered to perform 60 hours of community service;
 - (iii) shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (8), which may, in the sentencing court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and
 - (iv) in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months.
- 4) A person under 21 years of age commits the offense of attempt to purchase an intoxicating substance if the person knowingly attempts to purchase an alcoholic beverage. 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.
- 5) A defendant who fails to comply with a sentence and is under 21 years of age and was under 18 years of age when the defendant failed to comply must be transferred to the youth court. If proceedings for failure to comply with a sentence are held in the youth court, the offender must be treated as an alleged youth in need of intervention as defined in **41-5-103**. The youth court may enter its judgment under **41-5-1512**.
- 6) A person commits the offense of interference with a sentence or court order if the person purposely or knowingly causes a child or ward to fail to comply with a sentence imposed under this section or a youth court disposition order for a youth found to have violated this section and upon conviction shall be fined \$100 or imprisoned in the county jail for 10 days, or both.
- 7) a) A person convicted of a second or subsequent offense of possession of an intoxicating substance shall be ordered to complete a chemical dependency assessment.
 - b) The assessment must be completed at a treatment program that meets the requirements of subsection (8) and must be conducted by a licensed addiction counselor. The person may attend a program of the person's choice as long as a licensed addiction counselor provides the services. If able, the person shall pay the cost of the assessment and any resulting treatment.
 - c) The assessment must describe the person's level of abuse or dependency, if any, and contain a recommendation as to the appropriate level of treatment, if treatment is indicated. A person who disagrees with the initial assessment may, at the person's expense, obtain a second assessment provided by a licensed addiction counselor or program that meets the requirements of subsection
 - d) The treatment provided must be at a level appropriate to the person's alcohol or drug problem, or both, if any, as determined by a licensed addiction counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services. Upon the determination, the court shall order the appropriate level of treatment, if any. If more than one counselor makes a determination, the court shall order an appropriate level of treatment based on the determination of one of the counselors.
 - e) Each counselor providing treatment shall, at the commencement of the course of treatment, notify the court that the person has been enrolled in a chemical dependency treatment program. If the person fails to attend the treatment program, the counselor shall notify the court of the failure.
- (8) (a) A community-based substance abuse information course required under subsection (2)(a)(i)(B), (2)(a)(ii)(B), (2)(a)(iii), or (3)(a)(iii) must be:
 - (i) approved by the department of public health and human services under **53-24-208** or by a court or provided under a contract with the department of corrections; or
 - (ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.
- b) An alcohol information course required under subsection (3)(b)(iii) or (3)(c)(iii) must be provided at an alcohol treatment program:
 - (i) approved by the department of public health and human services under **53-24-208** or by a court or provided under a contract with the department of corrections; or
 - (ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.
- c) a chemical dependency assessment required under subsection (7) must be completed at a treatment program:
 - (i) approved by the department of public health and human services under **53-24-208** or by a court or provided under a contract with the department of corrections; or

- (ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.
- (9) Information provided or statements made by a person under 21 years of age to a health care provider or law enforcement personnel regarding an alleged offense against that person under Title 45, chapter 5, part 5, may not be used in a prosecution of that person under this section. This subsection's protection also extends to a person who helps the victim obtain medical or other assistance or report the offense to law enforcement personnel.
- (10) a) 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.
- b) For the purposes of this subsection (10), the following definitions apply:
- (i) "Health care facility" means a facility or entity that is licensed, certified, or otherwise authorized by law to administer medical treatment in this state.
 - (ii) "Medical treatment" means medical treatment provided by a healthcare facility or an emergency medical service. *(See compiler's comments for contingent termination of certain text.)*

12. Drug Policy

12.1 Statement of No Tolerance for Drug Activity

Carroll College does not tolerate the illegal use of drugs or paraphernalia. The college considers the use, possession, manufacture, distribution or sale of illegal drugs or paraphernalia as detrimental to the welfare of the individual and to the health, security, and safety of the Carroll community. The college has a responsibility to maintain a safe and secure environment for students to pursue their educational goals free from the use or presence of illegal drugs. Additionally, federal and state drug abuse control laws are applicable to all members of the campus community. Violators of the college's drug policy will be encouraged to seek professional help and their enrollment at Carroll College may be terminated. "Drugs" or "illegal drugs" shall have the same meaning for purposes of this policy and shall include any substance defined by Section 37-7-101, MCA, and deemed unlawful by state or federal law, including but not limited to dangerous drugs and narcotic drugs.

Although Montana State Law changed in January of 2021, allowing for small amounts of marijuana to be possessed, State and Federal laws are still in effect making larger quantities of possession of Marijuana illegal. Carroll College campus is a drug free zone, including legal amounts of marijuana. Community members found to be smoking, possessing, selling small amounts of marijuana will be handled by the Student Conduct Officer, substance(s) and paraphernalia will be seized and disposed of by the Director of Campus Security and Public Safety.

12.2 College Regulations

All students must comply with federal, state and city laws and Carroll College policy concerning the use, possession, manufacture, distribution or sales of drugs.

Possession or use of illegal drugs are unacceptable behaviors.

Attendance at a gathering where illegal drugs are being used is a violation of college policy.

Carroll College prohibits any possession or use of drug paraphernalia such as bongs, pipes, vaporizers and other e-devices or blow tubes on the college campus.

Visitors to Carroll College must comply with applicable laws and college policy regarding the use, possession, manufacture, distribution, or sale of drugs. Responsibility for the behavior of guests rests with the resident host(s).

Carroll College prohibits use of drugs in any leased vans, buses, trucks and in any college-owned vehicles.

The smell of marijuana in campus housing is disruptive to other residents living in the community and prohibited by the college. College staff will confront rooms with the smell of marijuana and hold residents responsible.

12.3 Sanctions

A student who is distributing, selling or manufacturing illegal drugs may be subject to immediate dismissal without rebate or academic credit. Any information that comes to the attention of college authorities in regard to the trafficking of drugs will be communicated to law enforcement.

A student who uses or possesses illegal drugs or drug paraphernalia or disrupts any segment of the campus community as a result of drug use is subject to disciplinary actions as specified in the Carroll Code. Disciplinary actions include \$150 fine for first violation, chemical use education required and chemical use screening possible. Subsequent violations will result in review of status as a Carroll College student.

A student who is experiencing health issues associated with the use of drugs may be suspended from Carroll and required to undergo professional evaluation and treatment prior to reapplying for admission to complete their education.

12.4 Health Risks

Carroll College believes that the better informed you are about the health risks associated with the use of illegal drugs, the more likely you are to avoid these substances altogether or to seek help if you become the victim of chemical dependence. The following is a summary of the various health risks associated with the use of illegal drugs. This summary is not intended to be an exhaustive list of all possible consequences to your health but rather is intended to increase awareness of the grave risks involved in this kind of behavior.

Drugs interfere with the brain's ability to take in, sort, and synthesize information. They distort perception, which can lead users to harm themselves or others. Drug use also affects sensation and impairs memory. In addition to these general effects, specific health risks associated with particular types of drugs are discussed below.

Cocaine. Cocaine use is the fastest growing drug problem in the United States. One reason for this is the ready availability of cocaine in a cheap but potent form called crack or rock. Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose. Injecting cocaine with contaminated equipment can cause Acquired Immune Deficiency Syndrome (AIDS), hepatitis, and other diseases.

Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion. Cocaine can produce psychological and physical dependency, a feeling that the user cannot function without the drug. In addition, tolerance develops rapidly thus leading to higher and higher doses to produce the desired effect.

Crack or freebase rock is a purified form of cocaine that is smoked. Crack is far more addictive than heroin or barbiturates. Repeated use of crack can lead to addiction within a few days. Once addicted, many users have turned to stealing, prostitution, and drug dealing in order to support their habit. The effects of crack are felt within 10 seconds. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia, and seizures. Continued use can produce violent behavior and psychotic states similar to schizophrenia.

Cocaine in any form, but particularly in the purified form known as crack, can cause sudden death from cardiac arrest or respiratory failure.

Marijuana. Marijuana use causes a substantial increase in the heart rate, bloodshot eyes, a dry mouth and throat, increased appetite, and it may impair short-term memory and comprehension, alter sense of time, and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Research also shows that motivation and cognition may be altered, making the acquisition of new information difficult. When marijuana contains 2 percent Tetrahydrocannabinol (THC), it can cause severe psychological damage, including paranoia and psychosis. Since the early 1980s, most marijuana has contained from 4 to 6 percent THC—two or three times the amount capable of causing serious damage.

Because users often inhale the unfiltered smoke deeply and then hold it in their lungs as long as possible, marijuana is damaging to the lungs and pulmonary system. Marijuana smoke contains more cancer-causing agents than tobacco smoke.

Long-term users of marijuana may develop psychological dependence and require more of the drug to get the same effect. The drug can become the center of their lives.

Narcotics. Narcotics such as heroin, codeine, and morphine often cause drowsiness, nausea, and vomiting. Users also may experience constricted pupils, watery eyes, and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma, and possibly death. Tolerance to narcotics develops rapidly and dependence is likely. The use of contaminated syringes may result in diseases such as AIDS, endocarditis, and hepatitis. For pregnant women, addiction can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms.

Amphetamines/Other Stimulants. Amphetamines (speed, uppers) and other stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils, and decreased appetite. In addition, users may experience sweating, headache, blurred vision, dizziness, sleeplessness, and anxiety. Extremely high doses can cause a rapid or irregular heartbeat, tremors, loss of coordination, and even physical collapse. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure.

In addition to the physical effects, users report feeling restless, anxious, and moody. Higher doses intensify the effects. Persons who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions and paranoia.

Barbiturates/Other Depressants. Barbiturates (downers), methaqualone (quaaludes), tranquilizers (valium), and other depressants have many of the same effects as alcohol. Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering, and altered perception. Very large doses can cause respiratory depression, coma, and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks.

The use of depressants can cause both physical and psychological dependence. Regular use over time may result in tolerance to the drug, leading the user to increase the quantity consumed. When regular users suddenly stop taking larger doses, they may develop withdrawal symptoms ranging from restlessness, insomnia, and anxiety, to convulsions and death.

Babies born to mothers who abuse depressants during pregnancy may be physically dependent on the drugs and show withdrawal symptoms shortly after they are born. Birth defects and behavioral problems also may result.

Hallucinogens. Phencyclidine (PCP, Angel Dust) interrupts the functions of the part of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries. The effects of PCP are unpredictable and can vary, but users frequently report a sense of distance and estrangement. Time and body movements are slowed down. Muscular coordination worsens and senses are dulled. Speech is blocked and incoherent. Chronic users of PCP report persistent memory problems and speech difficulties. Mood disorders—depression, anxiety, and violent behavior—also occur. In later stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, as well as heart and lung failure.

Lysergic acid. LSD, acid, mescaline, and psilocybin (mushrooms) cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors. Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline, and psilocybin. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects or flashbacks can occur even after use has ceased.

Designer Drugs. Designer drugs are produced by underground chemists who attempt to avoid legal definitions of controlled substances by altering their molecular structure. These drugs can be several hundred times stronger than the drugs they are designed to imitate. Some of the designer drugs have been known to cause permanent brain damage with a single dose.

Many of the so-called designer drugs are related to amphetamines and have mild stimulant properties but are mostly euphorants. They can cause nausea, blurred vision, chills or sweating, and faintness. Psychological effects include anxiety, depression, and paranoia. As little as one dose can cause severe neurochemical brain damage. Narcotic designer drugs can cause symptoms such as those in Parkinson's disease: uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage.

Inhalants. The immediate negative effects of inhalants (laughing gas, whippets) include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite cause rapid pulse, headaches, and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage. Deeply inhaling the vapors, or using large amounts over a short time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing the oxygen in the lungs or by depressing the central nervous system to the point that breathing stops.

Long-term use can cause weight loss, fatigue, electrolyte imbalance, and muscle fatigue. Repeated sniffing or concentrated vapors over time can permanently damage the nervous system.

Anabolic Steroids. Steroid users subject themselves to more than 70 side effects ranging in severity from liver cancer to acne and including psychological as well as physical reactions. The liver and the cardiovascular and reproductive systems are most seriously affected by steroid use. In males, use can cause withered testicles, sterility, and impotence. In females, irreversible masculine traits can develop along with breast reduction and sterility. Physical effects in both sexes include jaundice, purple or red spots on the body, swelling of feet or lower legs, trembling, unexplained darkening of the skin, and persistent unpleasant breath odor. Psychological effects in both sexes include very aggressive behavior known as "roid rage" and depression. While some side effects appear quickly, others, such as heart attacks and strokes, may not show up for years.

[The text summarizing health risks was cited on the Wellness Education web page for Hartwick College, <http://www.hartwick.edu/campus-life/health-wellness/health-initiatives/health-risks-self-screening/>, in compliance with federally-mandated drug and alcohol abuse prevention information expected of all Federal Student Aid college and university participants.]

12.5 Montana Drug Statutes

Several state statutes are listed below. The list is representative only and does not include every Montana criminal statute related to drug use. Further information about criminal statutes can be found on the following website: http://leg.mt.gov/bills/mca_toc/.

45-9-101: Criminal Distribution of Dangerous Drugs

- (1) Except as provided in Title 16, chapter 12, or Title 50, chapter 46, a person commits the offense of criminal distribution of dangerous drugs if the person sells, barter, exchanges, gives away, or offers to sell, barter, exchange, or give away any dangerous drug, as defined in **50-32-101**.
- (2) A person convicted of criminal distribution of dangerous drugs involving giving away or sharing any dangerous drug, as defined in **50-32-101**, shall be sentenced as provided in **45-9-102**.
- (3) A person convicted of criminal distribution of dangerous drugs not otherwise provided for in subsection (1), (2), or (4) shall be imprisoned in the state prison for a term not to exceed 25 years or be fined an amount of not more than \$50,000, or both.
- (4) A person who was an adult at the time of distribution and who is convicted of criminal distribution of dangerous drugs to a minor shall be sentenced as follows:
 - a) For a first offense, the person shall be imprisoned in the state prison for a term not to exceed 40 years and may be fined not more than \$50,000.
 - b) For a second or subsequent offense, the person shall be imprisoned in the state prison for a term not to exceed life and may be fined not more than \$50,000.
- (5) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course and scope of a professional practice are exempt from this section.

45-9-102: Criminal Possession of Dangerous Drugs

- (1) Except as provided in Title 16, chapter 12, **50-32-609**, or 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**, [in an amount] greater than permitted or for which a penalty is not specified under Title 16, chapter 12.
- (2) A person convicted of criminal possession of dangerous drugs shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$5,000, or both.
- (3) A person convicted of a first violation under this section is presumed to be entitled to a deferred imposition of sentence of imprisonment.
- (4) Ultimate users and practitioners, as defined in **50-32-101**, and agents under their supervision acting in the course of a professional practice are exempt from this section.

45-9-103: Criminal Possession with Intent to Distribute

- (1) Except as provided in Title 16, chapter 12, or Title 50, chapter 46, a person commits the offense of criminal possession with intent to distribute if the person possesses with intent to distribute any dangerous drug as defined in **50-32-101** [in an amount] greater than permitted or for which a penalty is not specified under Title 16, chapter 12.
- (2) A person convicted of criminal possession with intent to distribute shall be imprisoned in the state prison for a term of not more than 20 years or be fined an amount not to exceed \$50,000, or both.
- (3) Practitioners, as defined in **50-32-101**, and agents under their supervision acting in the course of a professional practice are exempt from this section.

45-9-110: Criminal Production or Manufacture of Dangerous Drugs

- (1) Except as provided in Title 16, chapter 12, or Title 50, chapter 46, a person commits the offense of criminal production or manufacture of dangerous drugs if the person knowingly or purposely produces, manufactures, prepares, cultivates, compounds, or processes a dangerous drug, as defined in **50-32-101**.
- (2) A person convicted of criminal production or manufacture of dangerous drugs, as defined in **50-32-101**, shall be imprisoned in the state prison for a term of not more than 25 years and may be fined an amount not to exceed \$50,000.
- (3) A person convicted of production of marijuana or tetrahydrocannabinol in an amount greater than permitted or for which a penalty is not specified under Title 16, chapter 12, or Title 50, chapter 46, or manufacture without the appropriate license and endorsement pursuant to Title 16, chapter 12, or Title 50, chapter 46, shall be imprisoned in the state prison for a term of not more than 5 years and may be fined an amount not to exceed \$5,000, except that if the total weight is more than a pound or the number of plants is more than 30, the person shall be imprisoned in the state prison for a term of not more than 25 years and may be fined an amount not to exceed \$50,000. "Weight" means the weight of the dry plant and includes the leaves and stem structure but does not include the root structure.
- (4) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice are exempt from this section.

45-9-132: Operation of Unlawful Clandestine laboratory—Penalties

- (1) A person commits the offense of operation of an unlawful clandestine laboratory if the person purposely or knowingly engages in:
 - (a) the procurement, possession, or use of chemicals, precursors to dangerous drugs, supplies, equipment, or a laboratory location for the criminal production or manufacture of dangerous drugs as prohibited by **45-9-110**;
 - (b) the transportation of or arranging for the transportation of chemicals, precursors to dangerous drugs, supplies, or equipment for the criminal production or manufacture of dangerous drugs as prohibited by **45-9-110**; or
 - (c) the setting up of equipment or supplies in preparation for the criminal production or manufacture of dangerous drugs as prohibited by **45-9-110**
- (2) Except as provided in subsections (3) and (4), a person convicted of operation of an unlawful clandestine laboratory shall be fined an amount not to exceed \$25,000, be imprisoned in a state prison for a term not to exceed 40 years, or both.
- (3) A person convicted of operation of an unlawful clandestine laboratory shall be fined an amount not to exceed \$50,000, be imprisoned in a state prison for a term not to exceed 50 years, or both, if **46-1-401** is complied with and the operation of an unlawful clandestine laboratory or any phase of the operation:
 - (a) created a substantial risk of death of or serious bodily injury to another;
 - (b) took place within 500 feet of a residence, business, church, or school; or
 - (c) took place in the presence of a person less than 18 years of age.
- (4) A person convicted of operation of an unlawful clandestine laboratory shall be fined an amount not to exceed \$100,000, be imprisoned in a state prison for a term not to exceed 50 years, or both, if **46-1-401** is complied with and the operation of an unlawful clandestine laboratory or any phase of the operation involved the use of a firearm or booby trap.

45-10-101: Definitions of Drug Paraphernalia

- (1) As used in this part, the term “drug paraphernalia” means all equipment, products, and materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a dangerous drug. It includes but is not limited to:
 - (a) kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant that is a dangerous drug or from which a dangerous drug can be derived;
 - (b) kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing dangerous drugs;
 - (c) isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant that is a dangerous drug;
 - (d) testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of dangerous drugs;
 - (e) scales and balances used, intended for use, or designed for use in weighing or measuring dangerous drugs;
 - (f) diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose used, intended for use, or designed for use in cutting dangerous drugs;
 - (g) separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;
 - (h) blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding dangerous drugs;
 - (i) capsules, balloons, envelopes, and other containers used, intended for use, or designed to use in packaging small quantities of dangerous drugs;
 - (j) containers and other objects used, intended for use, or designed for use in storing or concealing dangerous drugs;
 - (k) objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, hashish oil, or other dangerous drugs as defined by 50-32-10 into the human body, such as: (i) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls; (ii) water pipes; (iii) carburetion tubes and devices; (iv) smoking and carburetion masks; (v) roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand; (vi) miniature cocaine spoons and cocaine vials; (vii) chamber pipes; (viii) carburetor pipes; (ix) electric pipes; (x) air-driven pipes; (xi) chillums; (xii) bongs; (xiii) ice pipes or chillers.
- (2) Words or phrases used in this part that are not defined by this section have the meaning given to them by the definitions contained in 50-32-101 unless the usage clearly indicates a different intent

12.6 Federal Statutes

Federal law prohibits the possession, use, distribution or manufacturing of illegal drugs. (Controlled Substances Act, 21 U.S.C. 13). There are strict penalties for drug convictions, including mandatory prison terms for many offenses. The following information provides a brief overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

Denial of Federal Benefits (21 U.S.C. 862)

A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions.

Forfeiture of Personal Property and Real Estate (21 U.S.C. 853)

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings.

Federal Drug Trafficking Penalties (21 U.S.C. 841)

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are more severe. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance may face up to a life sentence and fines ranging up to \$20 million. Persons convicted on federal charges of drug trafficking within 1,000 feet of a university (21 U.S.C. 860) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

Substance	Amount	Penalty	Amount	Penalty
Heroin	1 kg or more	Prison: 10 yrs. - life Fine: Up to \$10 million	100-999 gm	Prison: 5-40 yrs. Fine: Up to \$5 million
Cocaine	5 kg or more		500-4,999 gm	
Crack Cocaine	280 gm or more		28-279 gm	
Methamphetamine	50 gm or more		5-49 gm	
PCP	100 gm or more		10-99 gm	
LSD	10 gm or more		1-9 gm	
N-Phenyl-N-Pronamide	400 gm or more		40-399 gm	
Amphetamines	Any amount	Prison: Up to 10 yrs. Fine: Up to \$500,000		
Barbiturates	Any amount			
Marijuana	Less than 50 kg, and less than 50 plants	Prison: Up to 10 yrs. Fine: Up to \$500,000	50-99 kg	Prison: Up to 20 yrs. Fine: Up to \$1 million
Marijuana	100-999 kg or 100-999 plants	Prison: 5-40 yrs. Fine: Up to \$5 million	1,000 kg or more or 1,000 plants or more	Prison: 10 yrs. to life Fine: Up to \$10 million

Federal Drug Possession Penalties (21 U.S.C. 844)

Persons convicted on federal charges of simple possession of any controlled substance face penalties of up to one year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than fifteen days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than ninety days but not more than three years in prison and a minimum fine of \$5,000.

13. Drug and Alcohol Abuse Education

To support drug and alcohol abuse education, Carroll College supports the following initiatives:

13.1 Educational Programs

Get Inclusive/Voice for Change

As part of the Voices for Change Comprehensive online training program, the Alcohol and Other Drugs section, provides examples of real-life, impactful events. The dialogue from the bystanders in each case sounds real and captures what someone's thought process might look like as they witness gradual alcohol abuse.

Bystander Training

Teaching students to intervene and/or report information on situations which may be illegal, unusual, uncomfortable or unwelcome—centers around the theme: “See something, hear something, know something, do something.” By empowering students to address behaviors in the community—which include the use of alcohol and other drugs—students help keep the community safer by increasing the accountability level.

Choices

Students with alcohol violations are sanctioned to complete Choices, an online course educating students on alcohol abuse issues. The student meets with a counselor to discuss the incident prior to taking the online course and then meets with the counselor after completing the online course to discuss the results.

Residential Life & Housing Programming

Resident Assistants (RAs) are required to offer educational programming opportunities to residents in campus housing. Drug and alcohol abuse topics can be offered as a program to enhance student awareness.

Core Alcohol and Drug Survey

The Core Alcohol and Drug Survey, a national assessment tool used to indicate student attitudes and behaviors regarding alcohol and drug use, is administered in alternate years. Results of the survey are emailed to students, staff and faculty as well as posted on the college's website.

New Student Orientation Presentation

The college's Student Conduct Administrator presents a session, "Sex, Drugs and Alcohol," annually to all freshmen students on the subject of sexual safety, consequences of illegal drug use, and impact of alcohol abuse on educational and career goals.

Party Hosting Panel Discussion

Each spring, prior to the college's annual softball tournament weekend, one of the Public Health classes hosts a Party Hosting Panel Discussion for the campus featuring a local judge, a deputy prosecuting attorney, a law enforcement officer and a college official to address the community's and college's response to alcohol policy violations. The community's social host ordinance is highlighted in the discussion along with the legal ramifications of violating the policy.

Social Norming

Counseling Services supports a social norming campaign to dispel myths about alcohol and tobacco use as well as sexual activity which are supported by research conducted by Carroll College and national studies. The social norming campaign combats preconceptions that "everyone else is doing (the behavior), so I should be doing (the behavior), too."

14. Resources

Arrive Alive Taxi Program

The college supports a safe ride home program utilizing the services of a local transport service. Students who find themselves stranded at a bar or off-campus residence without a designated driver can contact the local transport service to receive a free ride back to campus.

Boyd Andrew Community Services—Alcohol & Other Drug Abuse

Students who present behaviors or concerns about alcohol and other drug abuse are referred to a local alcohol and drug treatment center for assessment. Boyd Andrew also offers out-patient treatment programs to support individuals addressing alcohol and other drug abuse.

Counseling Services—Chemical Use Assessment

Students who question the concerns raised by friends, family or the college concerning alcohol or drug use are able to complete a chemical use assessment with Counseling Services and meet with a counselor to discuss the results of the assessment. A student can also give permission for the counselor to share the results with others.

DUI Task Force

The Student Conduct Administrator participates with local law enforcement and community outreach agencies in a grant-funded DUI Task Force. The task force looks at local trends in violations, creates public service announcements, promotes community outreach initiatives, supports education of servers from bars and restaurants, and discusses policy enforcement.

Local Law Enforcement

Communication occurs between local law enforcement and the college regarding off-campus party houses and student plans to host parties. The Helena Police Department and Lewis and Clark County Sheriff's Office are willing to meet to discuss common concerns and the college cooperates with investigations of students involved with alcohol and/or other drug abuse.

Missouri River Drug Task Force

Members of the interagency task force have provided education programs for student housing staff, contacted the college for assistance regarding suspects and informed the college of pending arrests for drug activity so the college can hold the student(s) accountable.

15. Preventing Dating Violence, Domestic Violence, Sexual Assault and Stalking

15.1 Policy

Carroll College strongly prohibits crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. This policy encompasses all staff, faculty, and students associated with the college.

15.2 Definitions

- "Sexual Assault" is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI (UCR) Program. A Sexual

Assault (sex offense) is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.” Including attempted Sexual Assaults.

- “Consent” is defined as “informed, freely given, and mutually understood agreement to sexual activity of any kind.
- “Dating Violence” is defined as “violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.”
- “Domestic Violence” is defined as “a felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim under the domestic or family violence laws of Montana, or any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the state of Montana.”
- “Stalking” is defined as “engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.”

15.3 Prevention Programs

As part of our sexual misconduct and sexual harassment prevention programming, Carroll College requires all incoming students to complete an online comprehensive student Title IX/Sexual Assault Prevention Training program:

- Get Inclusive/Voices for Change Comprehensive is an 80 minute, online program educating students in the areas of Identities & Inclusion, Hazing & Bullying, Alcohol & Other Drugs, and Consent & Sexual Violence. The Consent & Sexual Violence section includes Bystander Intervention education.

Prior to Fall 2021, Carroll College required all incoming students to complete the following two online prevention courses:

- “3rd Millennium for College” is a two-hour interactive, online program designed to inform students about how alcohol affects the mind, body, perceptions and behaviors. It provides students with accurate, non-judgmental information and personalized feedback.

“3rd Millennium- Sexual Violence Prevention” is a one-hour interactive online program created to educate students on the issues associated with sexual assault, sexual harassment, relationship violence and stalking. The program is designed to engage and empower students to create a safe, healthy campus environment. two online prevention courses during their first semester enrolled at the college:

As part of our sexual misconduct and sexual harassment prevention programming, Carroll College expects all employees to complete two online prevention courses:

“Workplace Harassment Prevention” is a 30-45 minute, interactive, online program designed to inform employees about what constitutes discrimination, including sexual harassment. The course must be taken annually by college employees.

“Sexual Misconduct” How Teachers/Educators Can Protect Our Children” is a 30-45 minute, interactive, online program designed to inform employees about working with minor children through college programs which explains the definition of child abuse, how to identify child abuse and to whom to report it. This course must be taken every three years by college employees.

15.4 Educational Programs and Campaigns

As part of the institution’s educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault and stalking, Carroll Colleges offers:

New Student Orientation Presentation—An annual meeting is held with all new students during the first week of the academic year with the college’s Victim Advocate to address consent and state laws regarding sexual violence. Additionally, the Wellness Center educated students on what counseling services are available, alcohol policy and violation consequences, what to do in case of an emergency (including sexual assaults) and ways of preventing sexual assaults from happening.

Bystander Intervention—The Student Conduct Administrator offers bystander intervention training to all new students during New Student Orientation. In addition, bystander intervention training is offered to student housing staff, campus ministry student staff, ROTC cadets and student-athletes. Sessions open to all students are offered each semester.

Athletic Team Presentations—Through the college’s partnership with The Friendship Center, presentations are offered to teams regarding consent, sexual violence, alcohol and other drug use as well as dating and relationships.

Student Conduct Board Training—The Student Conduct Administrator offers annual training on sexual misconduct and sexual harassment to students, staff and faculty adjudicating cases involving sexual harassment or sexual misconduct.

Responsible Employee Reporting—In order to enable Carroll College to respond effectively and to stop instances of sex-based discrimination, sexual harassment and sexual misconduct, all Carroll College employees must report information they have about reported sex-based discrimination, sexual harassment, and sexual misconduct to the two Title IX Coordinators. Exceptions would include counselors, health care staff and priests within the context of the sacrament of reconciliation.

Amnesty for Alcohol or Drug Violations When Reporting. Students who report information about sex-based discrimination, sexual harassment, or sexual misconduct will not be disciplined by the college for any violation of the college’s alcohol and drug policies in which they might have engaged in connection with the reported incident.

Faculty and Staff Training. The Title IX Coordinator, in collaboration with the Dean of Students and The Friendship Center, will offer annual training for college employees to explain how to respond, to report and to support students or employees who inform them of incidents of sexual misconduct or sexual harassment. In addition, faculty and staff will be reminded to report incidents of sexual misconduct and sexual harassment to the Title IX Coordinator, promote the goals of bystander prevention, and support increasing the safety of students and employees.

Catholic Social Teaching Values posters—The Director of Marketing and Communications worked with Gender Studies faculty and members of the Eliminate Sexual Violence Partnership to develop a series of posters connecting Catholic social teaching values to the elimination of sexual violence and harassment.

Sexual Misconduct webpages—On the college’s website, students and employees can find information posted on preventing and responding to dating violence, domestic violence, sexual assault and stalking. The Sexual Misconduct webpages address: Bystander Intervention, Contacts, Definitions, Frequently Asked Questions, The Friendship Center (local domestic violence shelter), Information and Resources for Victims, Laws and Policies, Mandatory Reporting, Online Report Form, Prevention, Statistics, Title IX and Training.

“Reporting Sexual Assault and Sexual Harassment at Carroll College” handout and “What Carroll College Employees Need to Know: Title IX and Student Sexual Misconduct” handout—Both of these handouts are regularly distributed to all employees at the beginning of each academic year. These documents brief employees on how to help students who report sexual misconduct and outline campus and community resources.

Next Steps for Survivors of Sexual Misconduct

What to do if you are Sexually Assaulted:

Personal Safety Strategies

If you are sexually assaulted, resources are available on and off campus to help you. It is important to preserve evidence in case you decide to press charges. If you are raped or sexually assaulted on or off campus:

- Get to a safe place as soon as you can.
- Try to preserve all physical evidence. Do not wash, use the toilet or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper bag (not a plastic bag).
- You have the option to notify law enforcement. Call the Helena Police Department at 911 or on their non-emergency phone of (406) 442-3233. The Title IX Coordinator and/or Victim Advocate can help you report to law enforcement. Notifying the Title IX Coordinator will allow her to help you determine whether the college can provide interim measures such as changes to your living situation or academic accommodations and can start the conversation about a campus investigation.
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event that you may later wish to take legal action. St Peter’s Hospital Emergency Room will be able to assist in collecting evidence, administering medication for the prevention of sexually transmitted diseases, provide information and referrals. If you suspect being drugged, toxicology testing can be conducted.
- Talk with a Victim Advocate, Friendship Center staff member, College Counselor or Counselor serving in a professional role in which communication is privileged under Montana law (e.g. medical providers, licensed professional counselors, rape crisis counselors), who can help explain your options, give you information, and provide emotional support. The Friendship Center, which provides free and confidential services to survivors of sexual assault and domestic assault, can be contacted at (406) 442-6800. College counselors, Anna Rolando, who can be contacted through Counseling Services at (406) 447-5441.
- Report the sexual assault to either of the Title IX Co-Coordinators, Karla Smith, at (406) 447-5501, or directly emailing klsmith@carroll.edu; or at 214 O’Connell Hall, or Annette Walstad, at (406) 447-5434, directly emailing awalstad@carroll.edu, or visiting 102 Borromeo Hall. A Title IX Coordinator can help you report to law enforcement. Notifying the Title IX Coordinator will allow her to help you determine whether the college can provide interim measures such as changes to your living, academic, transportation or working situations and can start the conversation about a campus investigation.
- Report the relationship violence to the Director of Campus Security and Public Safety, Jason Grimmis, at (406) 447-4404, or directly emailing jgrimmis@carroll.edu; or 023 St. Charles Hall. The Director of Campus Security can help you report to law enforcement and connect you with one of the Title IX Coordinators.
- Contact the Wellness Center (in the lower level of Our Lady of Guadalupe Hall) at (406) 447-5441 to talk to a nurse regarding medical concerns, including pregnancy and STD testing following an assault. The Wellness Center does not collect evidence in cases of sexual assault. Wellness Center nurses and counselors in Counseling Services do not have to report sexual assaults to the Title IX Coordinator as other employees would. Talking with them does not start a campus or law enforcement investigation.

Additional information about reporting options and resources is available on the Sexual Misconduct Resources webpages on the college’s website.

What to do if you have experienced relationship violence:

Personal Safety Strategies

If you are in an abusive relationship, you have choices. Remember, no one deserves to be abused; it is not your fault. The following are recommendation to assist you:

- Seek medical attention for any injuries. Visit St. Peter’s Hospital Emergency Room, or consult a private physician, about documenting your injuries.
- Find someone you can safely talk to about the situation, such as a friend, family member or the support services at The Friendship Center at (406) 442-6800, for more information or support. Services can be provided anonymously at The Friendship Center.

- Report abuse to the Helena Police Department by calling 911 or the non-emergency phone number of (406) 442-3233.
- Report the relationship violence to either of the Title IX Co-Coordinators, Karla Smith, at (406) 447-5501, or directly emailing klsmith@carroll.edu; or at 214 O'Connell Hall, or Annette Walstad, at (406) 447-5434, directly emailing awalstad@carroll.edu, or visiting 102 Borromeo Hall. A Title IX Coordinator can help you report to law enforcement. Notifying the Title IX Coordinator will allow her to help you determine whether the college can provide interim measures such as changes to your living, academic, transportation or working situations and can start the conversation about a campus investigation.
- Report the relationship violence to the Director of Campus Security and Public Safety, Jason Grimmis, at (406) 447-4404, or directly emailing jgrimmis@carroll.edu; or 023 St. Charles Hall. The Director of Campus Security can help you report to law enforcement and connect you with one of the Title IX Coordinators.
- Obtain a Temporary Order of Protection from the courts. Contact The Friendship Center at (406) 442-6800 for assistance.
- Develop a safety plan. Utilize one of the College Counselors to assist you in developing an exit strategy.
- Speak with a College Counselor in the Wellness Center. Call (406) 447-5441 to schedule a time to meet.
- Keep the phone number of The Friendship Center's 24-Hour Crisis Line, (406) 442-6800, somewhere safe and accessible.

What to do if you have experienced stalking:

Personal Safety Strategies

You have choices. Early intervention is critical. Most stalking does not end on its own. Recognizing stalking behavior is the first step. Many people minimize the seriousness of stalking, assuming that the stalker has poor social skills or misplaced romantic notions. There are several signs that indicate stalking behavior. The following are recommendations to assist you:

- Develop a safety plan. Utilize one of the College Counselors to assist you in developing an exit strategy.
- Develop a network of support of friends and family members who are aware of the stalking behaviors.
- Clearly state to the stalker that you are not interested in the attention of the stalker and that you want the behavior to stop.
- Develop documentation of stalking incidents.
- Find someone you can safely talk to about the situation such as a friend, family member or the support services at The Friendship Center at (406) 442-6800, for more information or support. Services are provided anonymously at The Friendship Center.
- Report the behavior to Helena Police at 911 or by using the non-emergency phone number, (406) 442-3233.
- Obtain a Temporary Order of Protection from the courts. Contact The Friendship Center at (406) 442-6800 for assistance.
- Keep the phone number of The Friendship Center's 24-Hour Crisis Line, (406) 442-6800, somewhere safe and accessible.
- Report the stalking behavior to either of the Title IX Co-Coordinators, Karla Smith, at (406) 447-5501, or directly emailing klsmith@carroll.edu; or at 214 O'Connell Hall, or Annette Walstad, at (406) 447-5434, directly emailing awalstad@carroll.edu, or visiting 102 Borromeo Hall. A Title IX Coordinator can help you report to law enforcement. Notifying the Title IX Coordinator will allow her to help you determine whether the college can provide interim measures such as changes to your living, academic, transportation or working situations and can start the conversation about a campus investigation.
- Report the stalking behavior to the Director of Campus Security and Public Safety, Jason Grimmis, at (406) 447-4404, or directly emailing jgrimmis@carroll.edu; or 023 St. Charles Hall. The Director of Campus Security can help you report to law enforcement and connect you with one of the Title IX Coordinators.

15.5 Procedures for Victims

Victims need to know that they have support and resources at Carroll College and in the Helena community. All Carroll College students and employees are mandatory reporters of incidents to the Title IX Coordinator, Karla Smith, 214 O'Connell Hall, klsmith@carroll.edu, or (406) 447-5501 or Title IX Coordinator, Annette Walstad, 102 Borromeo Hall, awalstad@carroll.edu, or (406) 447-5434. Exceptions include counselors, health care staff and priests within the context of the sacrament of reconciliation. If a crime of dating violence, domestic violence, sexual assault or stalking has occurred, students and employees are encouraged to:

1. Get Help Immediately

(406) 459-0540—On-Call Residential Life & Housing Senior Staff. Provides information and support; underscores the importance of preserving evidence that may help to prove that the alleged criminal offense occurred or to obtain a protective order from the court; offers informal remedies; explains how and to whom the alleged offense should be reported (Title IX Coordinator and Helena Police); offers options about the involvement of law enforcement and campus authorities (including assistance from campus authorities in notifying law enforcement); and, where applicable, shares the rights of victims and the institution's responsibilities for orders of protection issued by the court and "no contact" orders issued by the college. Confidentiality level: Mostly confidential.

(406) 444-2150—St. Peter's Hospital Emergency Room. A Sexual Assault Nurse Examiner (SANE) provides information and support, underscores the importance of receiving medical care and the preservation and collection of forensic evidence that may help prove that the alleged criminal offense occurred or to obtain a protection order from the court; explains how and to whom the alleged offense should be reported with law enforcement; offers options about the involvement of law enforcement; and shares the rights of victims. Receiving a forensic examination does not require a person to file a police report. By completed a forensic examination, the evidence is preserved in case the person decides at a later date to file a police report. Confidentiality level: Strictly confidential.

(406) 442-6800—Victim Advocate/The Friendship Center. Provides information and support; offers informal remedies; offers options about the involvement of law enforcement and campus authorities (including assistance from campus authorities in notifying law enforcement); and,

where applicable, shares the rights of victims and the institution's responsibilities for orders of protection issued by the court and "no contact" orders issued by the college. Confidentiality level: Strictly confidential.\

911 (or 9-911 from campus phone) or (406) 442-3233—Helena Police. Provides information and support; underscores the importance of preserving evidence that may help prove that the alleged criminal offense occurred or to obtain a protection order from the court; shares the rights of victims; and offers information about orders of protection from the court. Confidential according to state law.

(406) 447-4404--- Director of Campus Security and Public Safety. Provides information and support; underscores the importance of preserving evidence that may help to prove that the alleged criminal offense occurred or to obtain a protection order from the court; offers options about the involvement of law enforcement and campus authorities (including assistance from campus authorities in notifying law enforcement); and, where applicable, shares the rights of victims and the institution's responsibilities for orders of protection issued by the court and "no contact" orders issued by the college. Will Confidentiality level: Mostly confidential.

2. Report A Crime

Calling law enforcement does not obligate you to file a police report, although you may do so if you decide to. The police can provide immediate response for your protection, help you obtain medical care, and arrange to have a meeting for you with a victim advocate. They can also provide information regarding the importance of preserving evidence that may be necessary to the proof of a sexual crime.

911 (or 9-911 from campus phone) or (406) 442-3233—Helena Police. Provides information and support; underscores the importance of preserving evidence that may help prove that the alleged criminal offense occurred or to obtain a protection order from the court; shares the rights of victims; and offers information about orders of protection from the court. Confidential according to state law.

(406) 459-0540—On-Call Residential Life & Housing Senior Staff. Provides information and support; underscores the importance of preserving evidence that may help to prove that the alleged criminal offense occurred or to obtain a protection order from the court; offers informal remedies; offers options about the involvement of law enforcement and campus authorities (including assistance from campus authorities in notifying law enforcement); and, where applicable, shares the rights of victims and the institution's responsibilities for orders of protection issued by the court and "no contact" orders issued by the college. Confidentiality level: Mostly confidential.

(406) 447-5434—Title IX Coordinator (Annette Walstad). Provides information and support; underscores the importance of preserving evidence that may help to prove that the alleged criminal offense occurred or to obtain a protection order from the court; offers informal remedies; offers options about the involvement of law enforcement and campus authorities (including assistance from campus authorities in notifying law enforcement); and, where applicable, shares the rights of victims and the institution's responsibilities for orders of protection issued by the court and "no contact" orders issued by the college. Confidentiality level: Mostly confidential.

(406) 447-5501—Title IX Coordinator (Karla Smith). Provides information and support; underscores the importance of preserving evidence that may help to prove that the alleged criminal offense occurred or to obtain a protection order from the court; offers informal remedies; offers options about the involvement of law enforcement and campus authorities (including assistance from campus authorities in notifying law enforcement); and, where applicable, shares the rights of victims and the institution's responsibilities for orders of protection issued by the court and "no contact" orders issued by the college. Confidentiality level: Mostly confidential.

(406) 447-4524—Victim Advocate: The Friendship Center. Provides information and support; offers informal remedies; offers options about the involvement of law enforcement and campus authorities (including assistance from campus authorities in notifying law enforcement); and, where applicable, shares the rights of victims and the institution's responsibilities for orders of protection issued by the court and "no contact" orders issued by the college. Confidentiality level: Strictly confidential.

(406) 447-5509— Assistant Dean of Students and Director of Residential Life and Housing. Provides information and support; underscores the importance of preserving evidence that may help to prove that the alleged criminal offense occurred or to obtain a protection order from the court; offers informal remedies; offers options about the involvement of law enforcement and campus authorities (including assistance from campus authorities in notifying law enforcement); and, where applicable, shares the rights of victims and the institution's responsibilities for orders of protection issued by the court and "no contact" orders issued by the college. Confidentiality level: Mostly confidential.

(406) 447-4404--- Director of Campus Security and Public Safety. Provides information and support; underscores the importance of preserving evidence that may help to prove that the alleged criminal offense occurred or to obtain a protection order from the court; offers options about the involvement of law enforcement and campus authorities (including assistance from campus authorities in notifying law enforcement); and, where applicable, shares the rights of victims and the institution's responsibilities for orders of protection issued by the court and "no contact" orders issued by the college. Will Confidentiality level: Mostly confidential.

3. Utilize Supporting Resources

(406) 447-5441—Counseling Services Staff (Elizabeth Demmons, LCSW-C and Rebekah Orr, MS, PCLC). Provides information and support; offers professional counseling. Confidentiality level: Strictly confidential.

(406) 447-5441—Health Services Staff (Kerri Rigsby, R.N., Denise Smigaj, F.N.P.). Provides information and support; conducts physical exams; able to check blood tests; advice on medications. Confidentiality level: Strictly confidential.

(406) 447-4524—Victim Advocate: The Friendship Center. Provides information and support; offers informal remedies; offers options about the involvement of law enforcement and campus authorities (including assistance from campus authorities in notifying law enforcement); and, where applicable, shares the rights of victims and the institution's responsibilities for orders of protection issued by the court and "no contact" orders issued by the college. Confidentiality level: Strictly confidential.

(406) 447-5509— Assistant Dean of Students and Director of Residential Life and Housing. Provides information and support; offers informal remedies; offers options about the involvement of law enforcement and campus authorities (including assistance from campus authorities in notifying law enforcement); and, where applicable, shares the rights of victims and the institution’s responsibilities for orders of protection issued by the court and “no contact” orders issued by the college. Confidentiality level: Mostly confidential.

(406) 447-4404— Director of Campus Security and Public Safety. Provides information and support; underscores the importance of preserving evidence that may help to prove that the alleged criminal offense occurred or to obtain a protection order from the court; offers options about the involvement of law enforcement and campus authorities (including assistance from campus authorities in notifying law enforcement); and, where applicable, shares the rights of victims and the institution’s responsibilities for orders of protection issued by the court and “no contact” orders issued by the college. Will Confidentiality level: Mostly confidential.

(406) 461-8492—College Chaplain (Fr. Marc Lenneman). Provides information and support; offers pastoral spiritual counseling. Confidentiality level: Mostly confidential (unless within the Sacrament of Confession which is Strictly confidential).

911 (or 9-911 from campus phone) or (406) 442-3233—Helena Police. Provides information and support; underscores the importance of preserving evidence that may help prove that the alleged criminal offense occurred or to obtain a protection order from the court; shares the rights of victims; and offers information about orders of protection from the court. Confidential according to state law.

15.6 Sanctions

Sanctions are intended to improve the students’ moral and ethical decision-making and to help them learn more about what is expected as members of our community. In determining a sanction, the Conduct Officer will rely on the Common Sanctioning Guidelines, but may also consider the student’s present and past disciplinary record, including Residence Hall disciplinary record, the nature of the offense, the severity of any damage, injury, or harm resulting from the violation, and other factors relevant to the case. Additionally, more than one sanction may be assigned upon the completion of a hearing or proposed by a conduct officer. In cases where students fail to demonstrate an understanding of established conduct standards or pose a threat to the continuing safety of the academic community, the conduct officer may determine that the student should no longer share in the privilege of being a student member of Carroll College’s academic community.

The following sanctions may be imposed upon any student found to have violated policies associated with Dating Violence, Domestic Violence, Sexual Assault, or Stalking.

Warning	Notice in writing to the student that the student is violating or has violated one of these policies.
Probation	A written reprimand or violation of specified policy violation. Probation is for a designated period of time and includes the probability of more severe discipline sanctions such as suspension or expulsion if the student is found to violate the Carroll code during the probationary period.
Loss of Privileges	Denial of specified privileges for a designated period of time.
Fines	Previously established and published fines may be imposed.
Restitution	Compensation for loss, damage, or injury. This may take the form of appropriate service and monetary or material replacement.
Educational Sanctions	Work assignments, essays, service to the College, or other educational or experimental assignments as deemed by the Dean of Students.
Residence Hall Suspension	Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
Residence Hall Expulsion	Permanent separation of the student from the residence halls.
College Suspension	Separation of the student from the college for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Suspended students are not eligible for refunds of tuition, fees, or room charges.
College Expulsion	Permanent separation of the student from the College. Expelled students are not eligible for refunds of tuition, fees, or room charges.
Revocation of Admission or Degree	Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the admission of degree, or for other serious violations committed by a student prior to graduation.
Withholding Degree	The College may withhold awarding a degree otherwise earned until the completion of the process set forth in the Carroll Code, including the completion of all sanctions imposed, if any.

Other	The College may utilize other educational sanctions, as appropriate, to address the violation.
The following sanctions/disciplinary measures may be imposed upon any employee found to have violated policies associated with Dating Violence, Domestic Violence, Sexual Assault, or Stalking.	
Corrective Counseling	Corrective counseling may be provided to an employee for job-related reasons, including dating violence, Domestic Violence, Sexual Assault, or Stalking. Corrective counseling should consist of a straightforward discussion with the employee about matters deemed to be a problem with work performance or behavior. Corrective counseling must be documented in writing, with a copy given to the employee.
Verbal Warning	A verbal warning may be given to the employee for job-related reasons, including dating violence, Domestic Violence, Sexual Assault, or Stalking. The nature of the problem will be fully explained to and discussed with the employee, and, if appropriate, the employee may be given a plan of improvement. The verbal warning must be documented in writing, with a copy given to the employee.
Written Reprimand	A written reprimand may be given to an employee for job-related reasons. A reprimand must be in writing and must contain a description of the specific conduct for which the employee is being reprimanded. The employee must be given a copy of the reprimand. If appropriate, a written reprimand may contain a plan of improvement.
Disciplinary Probation	(Not to be confused with the probationary period for newly employed staff.) A disciplinary probation may be given to an employee for job-related reasons, including Dating Violence, Domestic Violence, Sexual Assault, or Stalking. The terms of a disciplinary probation must be in writing and must contain the following: <ul style="list-style-type: none"> a. The specifics of the conduct for which the employee is being placed on probation. b. A plan of improvement the employee must follow to get off probation. c. The length of time of the probation.
Suspension	An employee may be suspended for job-related reasons, including Dating Violence, Domestic Violence, Sexual Assault, or Stalking. <p>A suspension may be with or without pay and may result in termination or reinstatement with or without back pay; however, exempt employees may be suspended without pay only for a period of one or more weeks. The purpose of a suspension may be to provide an opportunity to determine the facts of a matter.</p> <p>An employee who has been suspended is to leave work for the period specified, or in the case of an investigation, is to return to work only when he/she has been instructed to do so in writing. A suspension must be in writing, must contain a description of the specific conduct or reason for which the employee is being suspended, and a copy of the suspension must be given to the employee. If appropriate, a suspension may include a plan of improvement.</p>
Disciplinary Demotion	An employee may be given a disciplinary demotion for job-related reasons. The terms of a disciplinary demotion must be in writing, must contain a description of the specific conduct or reasons for which the employee is being demoted, and a copy of the disciplinary demotion must be given to the employee. If appropriate, a disciplinary demotion may include a plan of improvement.
Termination for Good Cause	An employee may be terminated from employment for job-related reasons. See Dismissal/Termination Policy, Section 8, Number 3. Notice of a termination must be in writing, and a copy of the notice must be given to the employee. No employee may be terminated without the approval of the appropriate Vice President or President.

15.7 College Processes

Protecting the Confidentiality of Victims and Others

Carroll College is required by law to compile and to report data concerning certain criminal offenses in order to be in compliance with Title IV for the Higher Education Act of 1965 as amended and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998. To protect the confidentiality of victims and others, the Student Conduct Administrator is tasked with compiling recordkeeping without using identifying information about the victim and others. Names and identifying information are omitted from the campus crime logs.

To produce the annual Clery report submitted to the U.S. Department of Education, the Director of Campus Security and Public Safety sends a letter of request to the Helena Police Department which provides crime statistics data for within and bordering the geographical area of the

college campus. The Director of Campus Security Public Safety reviews and analyses the third-party Campus Security Vendor’s incident logs for reportable crime data. The Director of Campus Security meets with the Assistant Dean of Students and Director of Residential Life and Housing to review crime reports received from all Campus Security Authorities. The Director of Campus Security and Public Safety meets with each Title IX Co-Coordinator to review the number of reportable crimes received from the Title IX Co-Coordinators.

Protective measures for the victims—regarding housing, parking, registration for classes, “no contact” orders, or order of protections—are shared with a limited number of individuals: Director of Campus Security and Public Safety, Title IX Coordinator; Student Conduct Administrator (who also supervises housing and parking), Registrar; the Dean of Students; and the Vice President for Finance and Administration. Protective measures are kept in separate files in each office outside of the general access of other personnel in the department.

Written Notification of Campus and Community Resources

To support students and employees who report sexual harassment or sexual misconduct, Carroll College will provide written notification from the Title IX Coordinator and the Victim Advocate about 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 college and in the community. The same information will be posted on the college’s Sexual Misconduct web pages under Information and Resources for Victims.

Carroll College will also provide written notification from the Title IX Coordinator and the Victim Advocate about options for academic, housing, parking, and working situations or protective measures. The institution will make such accommodations if the victim requests them and they are reasonably available regardless of whether the student chooses to report the crime to the college or local law enforcement. The same information will be posted on the college’s Sexual Misconduct web pages under Interim Remedies.

Carroll College will also provide written notification from the Title IX Coordinator and the Victim Advocate regarding Informal Remedies and Formal Grievances.

Informal Remedies

If an individual wishes to proceed informally in filing a complaint and the sexual harassment or sexual misconduct does not involve sexual assault, the Title IX Coordinator will conduct such fact-finding as is useful and necessary and will attempt to facilitate a resolution that is agreeable to all parties. Examples of informal remedies may include: shielding a student or employee from ongoing contact with an individual; issuing an administrative request to speak to the individual to express serious concern about a behavior; reminding the individual of policies and definitions related to sexual misconduct; offering counseling targeted to addressing sexual aggression; and reorganizing campus housing assignments so that individuals can feel safer. Informal remedies do not preclude formal discipline.

16. Equal Opportunity Grievance Procedure

This procedure may be used when a faculty, staff, or student believes there has been a violation of Carroll College’s Equal Opportunity Policy (including discrimination or harassment based on a protected class, sexual misconduct, or retaliation) or other equal opportunity laws by a faculty, staff member, student, or vendor or other non-employee. The procedure also addresses complaints or reports of retaliation against those who have opposed practices prohibited under Carroll’s Equal Opportunity Policy, those who have filed complaints or reports under this policy, and those who have testified or otherwise participated in enforcement of this policy or Carroll’s Equal Opportunity Policy.

16.1 Reporting

There are several avenues for submitting a complaint or report:

1. Equal Opportunity Officer (Director of Human Resources) (“EO”)
2. Any Vice President
3. Any Department Chair

Complaints and reports can be made through voicemail, email, written letter, or personal conversation. Complaints of sexual misconduct to include sexual harassment, sexual assault, stalking, dating & domestic violation, and sexual exploitation may be made through the secure online reporting form: (<https://www.carroll.edu/resources/sexualmisconduct/report.cc>) or through the mechanisms listed above. All such complaints or reports must be forwarded to the EO/Title IX Coordinator. If there is a complaint or report about the EO or any staff member within the Human Resources Office, the complaint should be filed with the President of the College. The President will appoint another trained individual to take the place of the EO for purposes of administering this policy. If the person who is the subject of the grievance is the Vice President who would otherwise render a decision regarding sanctions for a violation of the Equal Opportunity Policy, the President will assume the responsibilities of the Vice President as described in this policy. If the person who is the subject of the grievance is the President, the Chair of the Board of Trustees will assume the responsibilities of the Vice President as described in this policy.

16.2 Reporting to Law Enforcement

If an individual is in immediate danger or needs immediate medical attention, the first place to report is 911. The individual is also encouraged to make a report of criminal conduct to the Helena Police Department (442-3233) even if he or she is not in immediate danger. Some forms of discrimination and harassment may also be crimes, such as sexual assault, stalking, and rape. It is also important to preserve evidence that may be necessary to the proof of a sexual crime. Calling local law enforcement can help you obtain emergency and nonemergency medical care; get immediate law enforcement response for your protection; understand how to obtain assistance in a situation that may escalate to more severe criminal behavior; arrange a meeting with victim advocate services; find counseling and support; initiate a criminal investigation; obtain information regarding orders of protection; and answer questions about the criminal process. While the individual is not required to make a

criminal report, Carroll's Victim's Advocate services provided through The Friendship Center are available to assist in notifying law enforcement if the individual chooses to do so.

16.3 Role of the Equal Opportunity Officer

The Equal Opportunity Officer/Title IX Coordinator at Carroll College is Karla Smith, Director of Human Resources. This position is responsible for the development, implementation, and management of equal opportunity policies and programs at Carroll College. This position is not an advocate for either the Complainant or the individual accused of a policy violation ("Respondent"). The EO will explain to both parties the informal and formal processes and the confidentiality provisions outlined in this policy. Where appropriate, the EO will provide simultaneous written notification to both the accuser and the accused of the results of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. The EO will also provide information about options for obtaining medical and counseling services; making a criminal report; receiving advocacy services; confidentiality; how to request interim measures to address the misconduct; and helpful campus and community resources. Both parties will also receive a copy of this policy.

The EO will provide that the proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result or resolution. The EO will explain the right of the Respondent to review and respond to allegations and evidence against him or her. The EO will explain to both parties their rights to have an advisor of their choice with them during their interviews and during the hearing stage of these procedures. If an individual does not want to pursue a complaint, the EO will inform the individual that the College is limited in the actions it can take without the cooperation of the individual. The EO 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.

16.4 Interim Measures

The EO will offer to coordinate with other campus officials, when appropriate, to implement interim remedial measures such as no-contact orders, rearrangement of working arrangements, or accommodations. For students, such measures may also include arranging for changes in class schedules or living, working, or transportation arrangements, offering counseling, and modifying test schedules or other class requirements temporarily.

At any time during the grievance process, the EO may make a recommendation to the appropriate vice president regarding immediate remedial action if necessary to protect a party or maintain the status quo pending completion of the grievance process. Such measures may include offering alternative work schedules, escorts, parking, or changes in reporting relationships or work location.

16.5 Resolution

A faculty, staff, or student who believes there has been a violation of the Equal Opportunity Policy or other equal opportunity laws has two avenues for resolution of the alleged violation: formal and informal. Regardless of which avenue the individual chooses, the alleged violation should be reported as soon as possible after the incident or action occurs. Early reporting is encouraged because the college's ability to investigate an act or report diminishes with time.

A. Informal Process and Resolution

A Complainant has the option to proceed informally, when permissible. In cases involving allegations of sexual assault, informal resolution is not appropriate, even if both the Complainant and Respondent indicate a preference for informal resolution.

Except in cases involving sexual assault, if the Complainant, the Respondent and the EO all agree that an informal resolution should be pursued, the EO shall attempt to facilitate a resolution of the conflict that is agreeable to all parties as soon as feasibly possible. Under the informal process, the EO shall be required only to conduct such fact-finding as is useful to resolve the conflict and is necessary to protect the interests of the parties, the College, and the community. Typically, the informal process will be completed within thirty (30) days of receipt of the report. If there is good cause to extend the deadline, both parties will be notified in writing of a revised expected resolution time frame.

The Complainant and Respondent always have the option to request a formal investigation. The EO also always has the discretion to initiate a formal investigation. If at any point during the informal process, the Complainant, the Respondent, or the EO wishes to cease the informal process and to proceed through formal grievance procedures, the formal process will be invoked.

Any informal resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the overall intent of the College to stop, remedy and prevent policy violations. Informal actions might include, but are not limited to providing training to an individual or work unit; having an informal discussion with an individual whose conduct, if not stopped, could rise to the level of discrimination or hostile work environment; or having a confidential conversation with a student, supervisor, staff member, or faculty member.

B. Formal Process and Resolution

If the complaint is not resolved informally or if any of the parties or EO wish to move to a formal process, a grievance may be filed with the EO. The grievance should be in writing and describe the nature of the problem and the desired solution. In addition, a list of the names of the person(s) who have knowledge about the grievance and copies of any relevant documents should also be submitted.

Formal Process

Step 1: EO discusses the grievance with the individual who filed the grievance ("Complainant"), and the Respondent as appropriate, including providing information about the policy and procedures and other helpful resources. EO also considers whether immediate or interim actions or involvement of other Carroll College offices is appropriate. EO determines whether the office has jurisdiction to investigate the matter. The EO

only has jurisdiction to investigate complaints alleging discrimination, harassment, sexual misconduct, stalking, and retaliation in violation of the Equal Opportunity policy.

Option 1: If the EO determines that there is no jurisdiction, the EO will offer to assist the Complainant and, as appropriate, the Respondent, in finding appropriate campus and off-campus resources for addressing the issue of concern.

Option 2: If the EO determines that there is jurisdiction, the grievance will proceed to Step 2.

Step 2: An Investigative Team will conduct a fair and impartial investigation of the grievance. During the investigation, both the Complainant and Respondent may identify witnesses and submit documents. Respondents will have the opportunity to review and respond to evidence considered against them. Typically, an investigation will be completed within sixty (60) days of receipt of the grievance. If there is good cause to extend the deadline, both parties will be notified of a revised expected resolution time frame.

16.6 Investigation Team

The investigation will be conducted by an Investigative Team, composed of the EO, one faculty, and one staff, except two faculty will be chosen if the Respondent has raised academic freedom as a defense to the allegations at issue. The faculty and staff members of the Investigative Team will be chosen from a pool of staff and faculty who have been trained in investigating allegations of harassment, discrimination, sexual harassment, sexual violence, relationship violence, and stalking. The faculty and staff members on the Investigative Team must come from departments other than the ones in which the Complainant and Respondent are employed.

Members of the Investigative Team pool must agree to undergo training, as described below, and agree to conduct an impartial investigation as part of an Investigation Team, if assigned.

16.7 Conflict of Interest

The EO will ask the Complainant and Respondent if they feel anyone in the Investigative Team pool would have a conflict of interest if asked to serve on the Investigative Team that investigates the allegations at issue. A conflict of interest may exist when personal considerations, including without limitation a financial interest or personal relationship, may compromise or may have the appearance of compromising an individual's ability to exercise judgment in a particular matter. If the Complainant or Respondent feels a potential conflict of interest may exist with one or more members of the Investigative Team pool, he or she will identify the potential conflict in writing and submit it to the EO. The EO will determine whether there is an actual conflict of interest, as defined above. If so, the identified pool member will not be considered for service on the Investigative Team considering that particular matter.

If either the Complainant or Respondent feel that the EO has a conflict of interest, as defined above, in serving as a member of the Investigative Team, the Complainant or Respondent must identify the conflict of interest in writing and submit it to the Vice President who supervises the EO, who will determine whether there is an actual conflict of interest. If the Vice President who supervises the EO determines that an actual conflict of interest exists, the Associate Director of Residential Life & Housing will perform the functions of the EO described below.

Following the initial conflict of interest inquiry, the EO will solicit volunteers from the remaining pool to serve on the Investigative Team to consider a particular matter. The EO will then select two members from among the volunteers and provide them with preliminary information regarding the matter, including the names of the parties and the nature of the grievance. The EO will ask the two members if they believe a conflict of interest exists. If any member believes they have a conflict of interest, the member will be removed from consideration for service on the particular Investigative Team, and the EO will invite another person from the list of volunteers to serve on the Investigative Team. This process will be repeated, if necessary, until both members of the Investigative Team confirm that they do not have a conflict of interest in considering the particular matter.

If at the conclusion of the conflict of interest process, there are insufficient faculty remaining to have two faculty on an Investigative Team investigating a matter in which academic freedom has been raised as a defense to the allegations, the Investigative Team will consist of one faculty and one staff. If there are no faculty remaining in the Investigative Team pool who have not been disqualified from serving on the Investigative Team, the Investigative Team will consist of two staff members who will consult with the Faculty Dean on any issues relating to academic freedom. If the Faculty Dean has a conflict of interest or is unavailable due to a scheduling conflict, the Vice President for Academic Affairs will select a representative from the Faculty Council to fulfill the Faculty Dean's role under this provision.

Step 3: The Investigative Team determines whether there is a preponderance of the evidence to believe that an individual violated the Equal Opportunity Policy. This means that individuals are presumed not to have engaged in the alleged conduct unless a "preponderance of the evidence" supports a finding that the conduct has occurred. This "preponderance of the evidence" standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it.

In making the determination of whether harassment has created a hostile environment in violation of the Equal Opportunity Policy, the Investigative Team will consider not only whether the conduct was unwelcomed to the Complainant, but also whether a reasonable person in the Complainant's situation would have perceived the conduct as objectively offensive. The Investigative Team's findings will be in writing and will be provided to both the Complainant and to the Respondent(s). If the Investigative Team is not unanimous in its findings, a written dissent may be attached to the report. Both parties will have the opportunity to review and provide comments to the Investigative Team about the written investigation report before it is finalized. Such comments must be submitted in writing to the EO within five business days of a party's receipt of the report. The EO will disseminate the responses to the other members of the Investigative Team for review prior to finalization of the report.

Option 1: If the Investigative Team cannot determine by a preponderance of evidence that the alleged violation of the Equal Opportunity Policy occurred, the matter is documented, communicated to both the Complainant and Respondent, and closed; in this case the Complainant may appeal the finding to the Equal Opportunity Grievance Committee, as described below.

Option 2: If the Investigative Team finds that a preponderance of the evidence of a policy violation exists, the Investigative Team's written report will include recommendations for steps to take to prevent recurrence of any such violation, and as appropriate, remedies for the Complainant. The written report, including any dissent and written comments submitted by the parties prior to finalization, will be provided to the Vice President with jurisdiction over the Respondent for a determination of appropriate sanctions. The College will take prompt and effective remedial action if the Equal Opportunity Policy has been violated. The action taken must be commensurate with the severity of the offense. The Vice President's decision will also identify whether, in the event an appeal is filed, any interim measures put into place during the grievance process will continue, be modified, or withdrawn; and whether any additional interim measures are necessary, pending the outcome of any appeal. The appropriate Vice President will communicate his or her decision regarding sanctions and interim measures to the Respondent and the EO. The EO will inform the Complainant of the sanctions and interim measures as permitted by state and federal law.

Any sanctions decided by the Vice President will be held in abeyance in the event an appeal is filed, but any interim measures identified in the Vice President's decision will continue until the appeal process is completed.

16.8 Appeals to the Equal Opportunity Grievance Committee

Filing an Appeal

An appeal to the Equal Opportunity Grievance Committee must be filed within five (5) working days of the receipt of the Vice President's decision, or the Investigative Team's decision, as applicable, unless good cause can be shown for an extension of time. The appeal must be filed with the EO. If the EO has been determined to have a conflict of interest, as described above, the Associate Director of Residential Life & Housing will fulfill the role of the EO through the appeal process.

The appeal must be in writing and must describe the appellant's desired outcome; as well as describe how the appellant believes: (1) there is new information sufficient to alter a decision, but only if the new information was not known to the appellant during the investigation and could not have been discovered by the appellant if sought with reasonable diligence; (2) there is reason to believe that a procedural error so significant as to deny a fair hearing to either party occurred during the grievance process; or (3) the sanctions imposed are not appropriate for the violation which the Respondent was found to have committed.

Composition of the Committee

The Equal Opportunity Grievance Committee shall have three (3) members. Of the three members, one shall be a member of the faculty, and one shall be a member of the non-academic staff. If the Respondent raises academic freedom as a defense to the allegations, either during the investigation or as part of the appeal, the third member of the Committee shall be a faculty member. In all other cases, the two members shall choose the third member from the Equal Opportunity Grievance Committee member pool.

A previous, serious violation of the Equal Opportunity policy will be considered in determining whether an individual shall become a member of the Equal Opportunity Grievance Committee pool. In the event an individual who has committed a serious violation of the Equal Opportunity policy is invited to serve in the Equal Opportunity Grievance Committee pool, the EO will notify the Vice President who submitted the individual's name and will consult with the Vice President regarding whether the individual should become a member of the Equal Opportunity Grievance Committee pool. The Vice President will decide whether to proceed with or withdraw the individual's invitation.

Members of the Equal Opportunity Grievance Committee pool must agree to undergo training, as described above, and agree to serve on an Equal Opportunity Grievance Committee if one is convened.

Conflict of Interest

If a matter is appealed to the Equal Opportunity Grievance Committee, the EO will ask the Complainant and Respondent if they feel anyone in the Equal Opportunity Grievance Committee pool would have a conflict of interest if asked to serve on a Committee considering the matter. A conflict of interest may exist when personal considerations, including without limitation a financial interest or personal relationship, may compromise or may have the appearance of compromising an individual's ability to exercise judgment in a particular matter. If the Complainant or Respondent feels a potential conflict of interest may exist with one or more members of the Equal Opportunity Grievance Committee pool, he or she will identify the potential conflict in writing and submit it to the EO. The EO will determine whether there is an actual conflict of interest, as defined above. If so, the identified pool member will not be considered for service on the Committee considering that particular matter.

Following the initial conflict of interest inquiry, the EO will solicit volunteers from the remaining pool to serve on an Equal Opportunity Grievance Committee to consider a particular matter. The EO will then select three members from among the volunteers and provide them with preliminary information regarding the matter, including the names of the parties and the nature of the grievance. The EO will ask the three members if they believe a conflict of interest exists. If any member believes they have a conflict of interest, the member will be removed from consideration for service on the particular Equal Opportunity Grievance Committee, and the EO will invite another person from the list of volunteers to serve on the Committee. This process will be repeated, if necessary, until all three members of the Committee confirm that they do not have a conflict of interest in considering the particular matter. When that occurs, the Equal Opportunity Grievance Committee is established.

Appointment of Chair

The established Equal Opportunity Grievance Committee members shall appoint the Chair from among themselves.

Standard of Review

The Equal Opportunity Grievance Committee reviews the findings and recommendations of the Investigative Team. The committee may approve, overturn, or modify the findings and recommendations of the Investigative Team if it finds that (1) there is new information sufficient to alter a decision, but only if the new information was not known to the appellant during the Investigative Team's investigation and could not

have been discovered by the appellant if sought with reasonable diligence; (2) there is reason to believe that a procedural error so significant as to deny a fair hearing to either party occurred during the grievance process; or (3) the sanctions imposed are not appropriate for the violation which the Respondent was found to have committed.

Notice of Hearing

Within ten (10) working days of receipt of the appeal, the EO will notify the Complainant and the Respondent of the time and place of the hearing before the Equal Opportunity Grievance Committee. This process might be extended during periods between academic semesters when a quorum of the committee cannot be convened. The hearing will normally be scheduled within thirty (30) days of receipt of the written appeal.

Preparation for and Conduct of the Hearing

Written Statements on appeal

Within ten (10) working days of filing the appeal, the party appealing the decision must submit to the EO the following information:

(a) detailed statement regarding the grounds for appeal; (b) names and addresses and anticipated testimony from witnesses to be called who can testify regarding the grounds for appeal; (c) copies of any documents offered as evidence in support of the grounds for appeal; (d) additional materials the party believes the committee should obtain prior to the hearing and relating to the grounds for appeal; (e) reference to the portion of the Equal Opportunity policy alleged to be violated; (f) specific remedy(ies) requested; and (g) whether the party will be represented at the hearing by an advisor of the party's choice and the identity of the advisor.

The EO will forward the information received to the non-appealing party within three working days of receipt. The non-appealing party may also submit the information described in (a) through (g), above, within five working days after receipt of the appealing party's information. This information will be forwarded to the other party within three working days of receipt.

Representation by advisor

Both parties have a right to be represented by an advisor of their choosing. The role of a party's advisor shall be limited to consultation with their party and their party's witnesses. The EO will inform each party and the Grievance Committee of the advisor(s) should there be any.

Forwarding appeal documents

The EO will forward copies of the Investigative Team's written report, including any dissent and written comments from the parties submitted prior to the report's finalization; the Vice President's decision and any sanctions; the above-listed materials; and any additional evidence relevant to the matter to the members of the Equal Opportunity Grievance Committee at least five (5) days prior to the hearing.

Pre-hearing Conference

Prior to the date of the formal hearing the Chairperson of the Equal Opportunity Grievance Committee may call a pre-hearing conference. Topics discussed at a pre-hearing conference may include, but are not limited to: (a) whether the evidence presented is complete; (b) whether additional investigation is required; (c) whether additional witnesses should be called; and (d) time limits and order of presentation of evidence at the hearing. At the request of any party, the Committee will conduct separate meetings with the appellant and the respondent for purposes of the pre-hearing conference. Both parties must have timely and equal access to any information that will be used during the hearing.

With concurrence of a majority of the Equal Opportunity Grievance Committee, the hearing date may be postponed up to ten (10) days for additional investigation or to obtain additional witnesses or evidence.

The Hearing

The Chair of the Equal Opportunity Grievance Committee will conduct the hearing. The hearing will be a non-adversarial proceeding and strict rules of evidence will not be applied. However, the Chair of the Committee may limit or refuse to allow evidence or testimony that is not reasonably related to the grounds for appeal.

The hearing will be conducted to assure fairness. The parties and witnesses will address the members of the Committee rather than each other. The Chair will be the final arbiter of all matters of procedure. All hearings are closed to the public.

There shall be a single recording made of the hearing. Deliberations shall not be recorded. The recording shall be the property of the College.

The Decision

Within ten (10) working days of the conclusion of the hearing, the Equal Opportunity Grievance Committee will issue a written recommendation to the parties, the EO and to the Vice President with authority over the Respondent. The written recommendation will contain an analysis of whether (1) there was new information sufficient to alter a decision, but only if the new information was not known to the appellant during the Investigative Team's investigation and could not have been discovered by the appellant if sought with reasonable diligence; (2) there was reason to believe that a procedural error so significant as to deny a fair hearing to either party occurred during the grievance process; and (3) the sanctions imposed were not appropriate for the violation which the Respondent was found to have committed. The written recommendation will also contain the Equal Opportunity Grievance Committee's recommendation to approve, overturn, or modify the Investigative Team's decision. The President will then review the Investigative Team's report, including any dissent and written comments from the parties prior to the report's finalization; the vice president's decision regarding sanctions; and the Equal Opportunity Grievance Committee's recommendation.

Within ten (10) calendar days of receiving the Equal Opportunity Grievance Committee's recommendation, the President will approve the Equal Opportunity Grievance Committee's recommendation unless (1) there was new information sufficient to alter a decision, but only if the new information was not known to the appellant during the Investigative Team's investigation, (2) there was reason to believe that a procedural error

so significant as to deny a fair hearing to either party occurred during the grievance process; or (3) the sanctions imposed were not appropriate for the violation which the Respondent was found to have committed. If it is determined that one of the aforementioned factors exist, within ten (10) days of receiving the Grievance Committee's recommendation, the President will request that the Equal Opportunity Grievance Committee reevaluate their recommendation by addressing the factor(s) identified by the President. Within ten (10) calendar days of the request for reconsideration, the Grievance Committee will submit their final written recommendation to the President. The President will analyze the final recommendation on whether (1) there was new information sufficient to alter a decision, but only if the new information was not known to the appellant during the EO's investigation and could not have been discovered by the appellant if sought with reasonable diligence; (2) there was reason to believe that a procedural error so significant as to deny a fair hearing to either party occurred during the grievance process; and (3) the sanctions imposed were not appropriate for the violation which the Respondent was found to have committed. Based on these factors, within ten (10) calendar days of receiving the final recommendation, the President will render a written decision that will modify, overturn, or approve the Grievance Committee's final recommendation. The President's decision is the final step of the Equal Opportunity Grievance Procedure. The EO will communicate the final decision to the Equal Opportunity Grievance Committee, the Respondent, and the Vice President with jurisdiction over the Respondent. The EO will inform the Complainant of the sanctions as permitted by state and federal law.

Selection of Investigation Team and Equal Opportunity Grievance Committee Pool Members

Members of the Investigation Team and the Equal Opportunity Grievance Committee are selected from a pool comprised of two benefit-eligible staff members from each respective division (Enrollment, Finance & Administration, Academic Affairs, Student Life, and Institutional Advancement) and twelve full-time faculty members (the "Pool" or "Pool Members"). To the extent possible, the faculty will be evenly selected from each of the three divisions (Science, Social Science, and Humanities).

At the beginning of each fall semester, in consultation with the EO, each Vice President will review the Pool Members in his/her respective division. If a vacancy exists within the Pool membership, the Vice President will invite another employee to participate in the Pool. Each Vice President will invite Pool Members from the prior year to participate in the Pool each respective year. If a Pool Member declines, the respective Vice President will select a replacement member.

No individual may serve as a member of both the Investigative Team and the Equal Opportunity Grievance Committee in the same case.

If an individual invited to participate in the Pool was previously found to have committed a serious violation of the Equal Opportunity policy, this factor will be considered in determining whether the individual shall become a member of the Pool. In such cases, the EO will notify the Vice President who submitted the individual's name of the previous violation and will consult with the Vice President regarding whether the individual should become a Pool Member. The Vice President will decide whether to proceed with or withdraw the individual's invitation.

Training

All Carroll College employees who are involved in the equal opportunity grievance process, including the EO, Pool Members, and Vice Presidents, will have adequate training. Training will include, but is not limited to, recognizing and appropriately responding to allegations of discrimination, harassment, including hostile environment harassment, sexual misconduct, and retaliation, protecting confidentiality, recognizing the link between alcohol and drug use and sexual assault and sexual harassment, and how to conduct an investigation and grievance process that protects the safety of victims and promotes accountability.

16.9 Confidentiality

Complainant, Respondent, and witnesses have privacy rights and reasonable expectations of confidentiality in the investigation of matters subject to this procedure. In addition, the integrity of the grievance process depends on ensuring reasonable expectations of confidentiality. The EO will keep confidential the complaint, report, witness statements, accommodations provided to the Complainant (if possible), and any other information provided by the Complainant, Respondent, or witnesses, and will disclose this information only to the Complainant, Respondent, or witnesses, as necessary to give fair notice of the allegations and to conduct the investigation; to legal counsel; to law enforcement consistent with state and federal law and College policy; to other College officials as necessary for coordinating interim measures or for health, welfare, and safety reasons or for subsequent proceedings under this policy (e.g. the appropriate vice president and the President); and to government agencies who review the College's compliance with federal law. Members of the Grievance Committee and Investigative Team have the same strict obligations to keep all information they learn confidential and to disclose only as permitted by this policy. Information about complaints and reports, absent personal identifiable information, may be reported to College officials and external entities for statistical and analytical purposes pursuant to state and federal law and College policy.

16.10 Complainant Requests No Investigation

If a Complainant requests confidentiality or that the complaint not be pursued, the college will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a Complainant insists that his or her name or other identifiable information not be disclosed to the Respondent, Carroll will inform the Complainant that its ability to respond may be limited. The college will also inform the Complainant that Carroll prohibits retaliation against him or her for reporting a violation of the Equal Opportunity policy and that the college will not only take steps to prevent retaliation but will also take strong responsive action if it occurs.

Carroll College will evaluate Complainant's request that his or her name or other identifiable information not be revealed in the context of the college's responsibility to provide a safe and nondiscriminatory working environment. The EO will initiate confidential consultation with appropriate individuals to analyze the situation and assist in determining appropriate measures to take. Consultation will occur with the Dean of Students, the Vice President for Administration, the Associate Vice President for Academic Affairs, and legal counsel. This group will weigh the request for confidentiality against the seriousness of the alleged conduct, whether there have been other complaints involving the same Respondent, and concerns about continued safety of the person reportedly harmed and members of the campus community. The group will

decide whether a formal investigation should be conducted or whether the College should respond to the report in another manner, including taking informal actions such as those described in this policy.

16.11 Anonymous and Third-Party Reporting

The EO accepts anonymous and third-party reports of conduct alleged to violate the Equal Opportunity Policy for purposes of compiling statistics of reported crimes. The individual making the report (Reporter) is encouraged to provide as much detailed information as possible to allow the EO or Investigative Team to investigate and respond as appropriate, including the date, location, and the type of incident. The EO or Investigative Team may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the EO or Investigative Team to conduct a meaningful and fair investigation.

16.12 Cooperation

If an individual is not personally a victim of harassment or discrimination, but observes actions against others which the individual believes to be unlawful harassment or discrimination, the individual is required to notify the Equal Opportunity Officer/Title IX Coordinator. Exceptions to this include health care and mental health care professionals, victim advocates, and priests within the context of the sacrament of confession. As a condition of their employment, employees are expected to cooperate in investigations of complaints filed under this policy. Employees' failure to cooperate may result in discipline, up to and including termination. The college prohibits retaliation against any individual because he or she has filed a grievance under this policy, or against anyone who has testified, assisted, or participated in any manner in an investigation or a report of alleged harassment or discrimination.

16.13 External Complaints

Employees who believe that Carroll College has discriminated on the basis of race, color, national origin, sex, including sexual harassment, disability, age or retaliation may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education based in Seattle, Washington or the Educational Opportunities Section (EOS) of the Civil Rights Division of the U.S. Department of Justice, and a complaint based on religion with EOS of the U.S. Department of Justice.

Complaints based on discrimination or harassment in employment on the basis of race, color, national origin, sex, including sexual harassment, disability, religion, creed, pregnancy, marital status, or retaliation, may be filed with the Montana Human Rights Bureau: <http://erd.dli.mt.gov/human-rights>, 406-444-4356, or the U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov/employees/charge>. cfm, 800-669-4000. The filing deadlines and the date from which they run may vary, depending on the type of discrimination or harassment alleged, whether the complaint is filed under state or federal law or both, and whether the complaint is first filed under this policy. The filing deadline may be as short as 180 days, or it might be longer, in some cases up to 300 days. Due to the complexity of the varying filing deadlines and the consequences of an untimely filing, an employee who is considering filing a complaint with a public agency is encouraged to seek legal advice regarding applicable filing deadlines or to contact the Montana Human Rights Bureau, the EEOC, or the U.S. Department of Education for further information.

16.14 Sexual and Violent Offender Registry

Carroll College is required by the Campus Sex Crimes Prevention Act to notify students and employees of the location of information pertaining to individuals employed or enrolled on campus who have been convicted of violent sex offenses or criminal offenses against minors. The website address for Montana is <https://app.doj.mt.gov/apps/svow/>.

17. Emergency Response and Evacuation

Serious incidents are likely to occur on the Carroll College campus. Our goal at Carroll College is to handle such events in a responsive and responsible manner.

17.1 Emergency Notification

Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, Carroll College will alert students and employees immediately. Emergency or security alerts will be posted by email, on the college's Student Life webpage, on the college's Emergency Response webpage, and/or through the use of Regroup, the college's emergency messaging system, to emergency contact phone numbers.

The institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Immediate contact will be made with college employees closest to the incident area to obtain information from eyewitnesses. Local law enforcement will be notified. College officials will cooperate with local law enforcement to determine the severity of the emergency and provide appropriate updates to the college community.

17.2 Emergency Response

Decisions regarding whether a significant emergency exists, the determination of who to notify, the content of the notification, and whether to initiate the emergency messaging notification system will be made by the appropriate senior-level administrator, as follows:

- The Dean of Students, in consultation with the Associate Director of Residential Life & Housing, Director of Campus Security and Public Safety, and the Executive Director for Integrated Communications, will evaluate matters related to campus events and activities with students and employees.
- The Vice President for Academic Affairs, in consultation with the Associate Dean and the Registrar, will evaluate matters related to academics with students and employees.
- The President of the College and/or Vice President for Finance and Administration will evaluate matters related to facilities, campus evacuations and catastrophic circumstances (e.g. earthquakes, campus closing).

The use of technology to communicate emergency response and evacuation procedures—through Regroup, the campus emergency messaging system, will be coordinated with the Director and staff of Campus Computing and Information Technology.

17.3 Emergency Mass Communication Strategy

In the event there is an emergency on campus, Carroll College will utilize the Regroup emergency messaging system, to notify employees and students via email, cell phone or text messaging. The college will conduct an annual test of Regroup each calendar year. The tests will be documented, listing the date, time of exercise, and whether the test was announced or unannounced. Employees and students are encouraged to verify their contact information on Regroup for completeness, accuracy and notification preference(s) through the following process:

1. Login at <http://carroll.reggroup.com>
2. Use the same username and password you use to access your other Carroll College accounts.
3. Go to Preferences (upper right-hand corner of the screen).
4. Click on the Email/Phone tab.
5. From this screen, you can:
 - Add additional email addresses and phone numbers.
 - Designate a different primary email address.
 - Select text and/or voice messaging for phone numbers.

Be sure to log out when you have modified your preferences to your satisfaction. Please note: The process described above changes preferences in the Regroup system only. This will not change the information Carroll College has on record for you in its administrative software system. If you have a different cell phone or address than what the college has on record, you must fill out a change of phone/address form in the Registrar’s Office for students or in the Human Resources Office for employees.

17.4 Emergency Evacuation—Building

The four steps of evacuation are:

1. Evacuate
2. Assemble
3. Account
4. Report Ability to Assist Others

The policy of Carroll College is that all occupants will evacuate the building immediately in the event of activation of the fire alarm system or other means of notification. For other disasters, emergencies, and incidents, individuals on campus may be instructed to take alternative personal protection measures as defined by guidelines for the type of event.

Individuals will evacuate using the closest available marked exit. When an employee, student, or guest is away from their assigned work area or residence, they will evacuate the building using the same route as the employees in that location. Do not return to your work area or residence.

Important factors to remember are:

- If anything suspicious is noted, report this information immediately to an Emergency Response Team member for the building which you are evacuating;
- Do not touch or handle anything suspicious;
- Walk as fast as possible, but do not run;
- Do not return to your work area or residence to retrieve personal items;
- Help those who need assistance; and
- If the closest exit is unavailable, use the next nearest exit. All persons will proceed out of the building as directed by Emergency Response Team members. Emergency Response Team members are those employees wearing orange vests.

When exiting, individuals will stay to the inside of the stairwell if possible. Employees, students and guests must remain attentive to all traffic including emergency response vehicle activity when traveling to the assembly area. If the designated assembly area is unavailable, please use the Campus Center Main Lounge as the primary assembly area. The secondary assembly area will be located in the PE Center Lobby. All employees, students and guests are required to remain at the assembly area location until instructed otherwise.

17.5 Emergency Evacuation—Campus

Information on the campus evacuation will be communicated to employees and students by email, phone message, posting on the college's website, or monitors around campus. When the decision to evacuate is made, all persons are to immediately vacate the site in question and relocate to another part of the campus or to a designated off-campus site as directed.

17.6 Evacuation Checklist

In the case of a campus evacuation, use the following checklist to ensure that you are protected and prepared.

1. Take clothing (3 changes), toiletries, necessary medications, important papers and valuables (money, credit cards, jewelry, etc.). Supplies such as sleeping bags, a portable radio, flashlight and batteries may also be taken.
2. Keep phone lines open for emergency messages.
3. Assist other members of the campus community without transportation. If you do not have your own transportation, make plans to ride with someone who has transportation.
4. Proceed directly to the designated primary Evacuation Assembly Site in Helena at the Civic Center located on the corner of Benton Avenue and Neill Avenue—three blocks south of Founders Corner (the southwest corner of campus). If the Civic Center is not available as an assembly site, the secondary Evacuation Assembly Site in Helena is the Exhibit Hall at the Lewis and Clark County Fairgrounds—two blocks north of campus to Custer Avenue and six blocks west of campus on Custer Avenue.
5. Drive safely. Stay tuned to your Emergency Alert System radio station for further information.
6. Carroll College will post information on the college's website, if available, regarding when the campus is safe for employees, students and guests to return. Emergency messages will also be sent out via voice mail message and email using the college's emergency messaging system, Regroup.

18. Missing Student Policy

If any member of the Carroll College community has reason to believe that a student who resides in campus housing is missing, they should immediately notify the on-call Residential Life & Housing Senior Staff at 406-459-0540, the Associate Director of Residential Life & Housing at 406-447-5509, or the Dean of Students at 406-447-5434. A student is presumed missing if he/she is overdue in reaching home, campus, or other specific destination for 24 hours past his/her expected time of arrival and/or additional factors that lead college staff to believe that he/she is missing.

College staff will:

1. Conduct a health and safety check of the resident's room.
2. Attempt to contact the student via cell phone, email or other means.
3. Identify other students who may be aware of the missing student's whereabouts (i.e. roommate, friends, classmates, other residents, etc.).
4. Use the student's class schedule to contact his or her professors.
5. Contact the student's academic advisor.

If, upon investigation, it is determined that the student has been missing for more than 24 hours, the Associate Director of Residential Life & Housing will:

- Contact the student's identified emergency contact not later than 24 hours after the student was determined missing;
- Contact the parent, legal guardian, or custodian of a student who is under the age of 18 years of age, and not an emancipated individual, no later than 24 hours after the student was determined missing (in addition to any contact person designated by the student);
- Notify Helena Police Department at 406-457-8866 within 24 hours of when the student is determined to be missing (if Helena Police did not make the determination that the student is missing).

At the time of registration, all students are requested to provide the Office of the Registrar with personal emergency contact person(s) name and contact information. This information is maintained in a Personal Emergency Contact System and is designated as confidential. The confidential contact person will be notified in cases the student is determined to be missing and that only authorized campus officials including the Director of Campus Security and Public Safety, the Associate Director of Residential Life and Housing, as well as law enforcement officers in furtherance of a missing person investigation may have access to this information.

The Annual Fire Safety Report

1. Fire Safety in Student Housing

The Higher Education Act of 2008 requires Carroll College to collect and report statistics in an annual report for each on-campus student housing facility. This report requires fire statistics for the three most current calendar years, the fire safety systems installed in each student housing, number of fire drills supervised each year, policies on ignition sources (smoking, open flame, portable electrical appliances, etc.), procedures for fire evacuation, and policies on fire safety education and training.

The definition of an on-campus student housing facility is: “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 geographical area that makes up the campus is considered an on-campus student housing facility.”

There are four campus residence halls (Our Lady of Guadalupe Hall “Guad”, opened 1961; St. Charles Hall, opened 1910; Borromeo Hall “Borro”, opened 1957; and Trinity Hall, opened 2003), four campus apartments (St. Catherine of Siena, St. Matthew, St. Alfred the Great and St. John Vianney), and three college-owned houses adjacent to the campus used to house students in the Anthrozoology Program (1321 Benton Avenue, 1325 Benton Avenue and 1329 Benton Avenue). The first two campus apartments were opened in May 2014 and the second two campus apartments were opened in August 2017. The college-owned houses were converted to student housing in August 2014. We also contracted with Comfort Inn Suites- 3180 N. Washington Street, Helena, MT between the dates of October 14, 2020 – October 30, 2020 and Home 2 Suites – 3325 N. Sanders Street, Helena, MT between the dates of October 15, 2020 o October 29, 2020 to house students quarantined or isolated for COVID-19 purposes.

In 2020, we added one additional college-owned house adjacent to the campus repurposed to house students for COVID-related reasons (198 Lyndale).

2. Fire Safety Report Statistics

Residential Building	2020				2019				2018			
	Number of Fires	Number of Injuries	Number of Deaths	Value of Property Damage	Number of Fires	Number of Injuries	Number of Deaths	Value of Property Damage	Number of Fires	Number of Injuries	Number of Deaths	Value of Property Damage
Guadalupe Hall	0	0	0	0	0	0	0	0	0	0	0	0
St. Charles Hall	0	0	0	0	0	0	0	0	0	0	0	0
Borromeo Hall	0	0	0	0	0	0	0	0	0	0	0	0
Trinity Hall	0	0	0	0	0	0	0	0	0	0	0	0
St. Matthew Apts.	0	0	0	0	0	0	0	0	0	0	0	0
St. Catherine Apts.	0	0	0	0	0	0	0	0	0	0	0	0
St. Alfred Apts.	0	0	0	0	0	0	0	0	0	0	0	0
St. John Apts.	0	0	0	0	0	0	0	0	0	0	0	0
198 Lyndale House (COVID-19)	0	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used
AZ House #1 1321 Benton	0	0	0	0	0	0	0	0	0	0	0	0
AZ House #2 1325 Benton	0	0	0	0	0	0	0	0	0	0	0	0
AZ House #3 1329 Benton	0	0	0	0	0	0	0	0	0	0	0	0
Comfort Inn Suites (COVID-19)	0	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used
Home 2 Suites (COVID-19)	0	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used

3. Description of Fire Safety Systems in Student Housing

Carroll College maintains a fire and smoke detection alarm system in each campus residence hall—Our Lady of Guadalupe Hall, St. Charles Hall, Borromeo Hall and Trinity Hall—and in the four campus apartments—St. Catherine of Siena, St. Matthew, St. Alfred the Great, and St. John Vianney. The Anthrozoology Houses are equipped with smoke detection equipment. Smoke detectors are located in each resident room and in

common areas of the buildings. Fire extinguishers and fire hoses are located on each floor in the residence halls. Fire extinguishers are also provided in common areas such as the kitchen, game room, computer and lobby of the building.

Trinity Hall—which has kitchenettes in each suite—and the campus apartments, St. Catherine of Siena, St. Matthew, St. Alfred the Great, and St. John Vianney, have their fire alarm system linked to a service that notifies the Helena Fire Department of an alarm in the building. The other three campus residences—Our Lady of Guadalupe Hall, St. Charles Hall and Borromeo Hall—must notify the Helena Fire Department by phone of a fire alarm. The Helena Fire Department has an annual walkthrough of Carroll College campus residence halls to evaluate conditions. The college is required to make improvements on items identified in the walkthrough in order to maintain a safe environment for our students.

In each building, Residential Life & Housing student housing staff (Resident Assistants—“RAS”) are trained to conduct a fire drill each semester and to evacuate the building for any fire alarm in support of the response of the Helena Fire Department. Residents are informed of evacuation procedures and precautions to be taken in case of fire or other emergency annually at floor and hall meetings. Each floor in campus housing has an evacuation plan reporting to their designated assembly area.

4. Fire Drills in Student Housing

Each residence hall, campus apartment and college-owned house used for student housing has a fire drill plan. The Residential Life & Housing staff will inform all students of the appropriate procedures and precautions to be taken in case of fire or other emergency. Failure to leave the building will result in disciplinary response. Each semester a fire drill will be held in each hall, apartment building and house.

5. Fire Safety Policy

Under Campus Housing Policies in the Carroll College Student Handbook, the college outlines the Fire Safety Policy as: to safeguard the safety of students, all residence halls and campus apartments have fire and smoke detection systems. College-owned houses used for student housing have smoke detection systems. The safety of the resident communities is paramount and any behavior or negligence that puts that community at risk will be regarded in a serious manner and dealt with through the conduct process.

Any tampering with fire alarms, hoses, extinguishers, or a fire escape is prohibited by state law and college regulations. Removal of a smoke detector battery or tampering with a hard-wired smoke detector from a room in campus housing is subject to a \$50 fine for each resident. Tampering with fire alarms and firefighting equipment will result in a \$500 fine for each student involved.

All residents must maintain their room in a manner that will not constitute a fire hazard. Specifically, the following items are addressed:

- **Portable Electrical Appliances—Restricted Use.** Irons, hot pots, popcorn poppers, small microwaves, small refrigerators and coffee pots are allowed. Appliances with an open heating element such as hot plates, grills, electric woks, toaster ovens, ovens or electric fry pans, as well as private washing machines and dryers, are not allowed in student housing. Students are allowed to have refrigerators of not more than 4.5 cubic feet in their rooms.
- **Smoke-Free/Tobacco-Free Campus—Restricted Use.** The use of tobacco related products (including but not limited to lighted or unlighted cigarette, electronic cigarette, cigar, pipe, bidi, clove cigarette, smokeless or spit tobacco, dissolvable tobacco, hookah shisha, snuff or snus, kreteks, and cigarillos) by students, faculty, staff and visitors is prohibited on all property owned, leased, or used for specific events by the college or any of its components. The policy has one exception: Ceremonial use of tobacco. Ceremonial use of tobacco in or on property owned, leased, or used for specific events by Carroll College must be approved prior to the event by the appropriate Vice President.
- **Open Flames—Candles and heating elements for non-burning candles are not permitted in student housing.**
- **Incense—Incense and potpourri are not allowed to be burnt in student housing.**
- **Black Lights—Restricted Use.** These lights are not permitted in student housing because they operate at higher temperatures than standard light bulbs.
- **Chemicals and Explosives—Restricted Use.** Chemicals and explosives, including combustion engines and flammable or explosive liquids are not permitted in student housing. This includes materials and devices which by themselves, or when combined, could be explosive, toxic, flammable, or dangerous.
- **Halogen Lamps—These lamps are safe if used appropriately.** These lights are equipped with an extremely hot bulb and if any cloth, paper, or combustible items comes in contact with, or even in close proximity to the bulb, it may cause a fire. Please keep these lights in an area of the room that will allow them to be free standing and not in contact with or in close proximity to anything else,
- **Extension Cords—Restricted Use.** Only power strips with surge protection are allowed on campus.

6. Reporting Fires and Other Emergencies

In response to a fire, Carroll College students and employees should immediately activate the building fire alarm system by pulling the nearest fire alarm pull box and call 911 from a safe location. Provide 911 with the following information: address or name of campus building; location of the fire; size of the fire; any known injuries; and if evacuation is in progress or completed. The same response should be used for smoke in a building and other indications of a possible fire (e.g. heat detection, alarms in mechanical areas).

7. Fire Evacuation Guidelines

Exit the building as quickly as possible using the primary or secondary evacuation routes. Do not use the elevators. If you are in an elevator when an alarm sounds, exit the elevator at the next stop. Proceed to the nearest exit from the building.

If you encounter smoke, drop down to the floor and stay low until you reach the exit.

Attempt to extinguish the fire only if: you are trained in the use of a portable fire extinguisher; the fire can be easily extinguished using a portable fire extinguisher; and your safety and the safety of others is not at risk.

After exiting the building, immediately proceed to your pre-determined assembly area. You will be directed to a secondary location if necessary.

Once you have reached the assembly area, follow the directions of the Building Action Team members.

Building Action Team members will account for everyone's presence and report the information to a member of the Emergency Response Team or Incident Commander.

Do not leave the assembly area or return to the building until you are officially notified by a member of the Emergency Response Team or Emergency Responders.

Inform Emergency Responders if you suspect someone may be trapped inside the building.

The assembly locations for student housing are:

BUILDING	ASSEMBLY AREA
Our Lady of Guadalupe Hall	PE Center, Lobby
St. Charles Hall	Campus Center, Upper Level Lounge
Borromeo Hall	Campus Center, Upper Level Lounge
Trinity Hall	Campus Center, Upper Level Lounge
St. Matthew Apartments	Fortin Science Center, Scola Lounge
St. Catherine of Siena Apartments	Fortin Science Center, Scola Lounge
St. Alfred the Great Apartments	Fortin Science Center, Scola Lounge
St. John Vianney Apartments	Fortin Science Center, Scola Lounge
Anthrozoology Student Housing	Trinity Hall, Main Lounge

8. Fire Safety Education and Training

At the time of an incident, emergency, or disaster such as a fire, Carroll College employees and students should know what type of response is expected and what their role is in carrying out the Campus Emergency Plan. All employees and students should be familiar with evacuation, shelter-in-place and lockdown procedures in order to safeguard the safety of college employees, students and guests. All employees, students and guests are expected to leave the building immediately anytime the fire alarm sounds or they are notified in person, by phone, by email or by web posting that they are to evacuate the building. There are no exceptions.

To prepare the campus, Carroll College will conduct training and/or evacuation drills, shelter-in-place drills and lockdown drills in every building on campus at least once per year. The Helena Fire Department will be notified and asked to participate in the drills. They will help evaluate the effectiveness of our plan. The drills may be conducted without notice. Employees, students, and guests should evacuate the building in case of a fire alarm and go to the assembly location. The assemble locations for campus buildings are as following:

BUILDING	ASSEMBLY AREA
All Saints Chapel	Corette Library, Main Floor
Anthrozoology House	Trinity Hall, Main Lounge
Borromeo Hall	Campus Center, Upper Lounge
Campus Apartments	Fortin Science Center, Scola Lounge
Campus Center	Trinity Hall, Main Lounge
Campus Houses	Campus Center, Upper Lounge
Civil Engineering	Fortin Science Center, Scola Lounge
Corette Library	Guadalupe Hall, Main Lounge
Facilities House	Trinity Hall, Main Lounge
Guad Hall	PE Center, Lobby
Hunthausen Activity Center	PE Center, Lobby
Nelson Stadium	PE Center, Lobby
O'Connell Hall	Campus Center, Upper Level
PE Center	Nelson Stadium, Concessions Area
ROTC House	Trinity Hall, Main Lounge
Simperman Hall	Campus Center, Upper Level
St. Albert Hall	St. Charles Hall, Lobby
St. Charles Hall	Campus Center, Upper Level

Trinity Hall	Campus Center, Upper Level
Waterbarn	Fortin Science Center, Scola Lounge

Each freshmen class will receive information regarding fire safety during new student orientation. Additional fire safety education programs will be scheduled with student leadership groups, athletic teams, employee groups and interested students in order to increase the critical mass of responders who know the Campus Emergency Plan and how to respond in case of a fire or fire alarm. Fire safety videos will be posted on the college's website to stress the importance of evacuation when a fire alarm sounds. Employees will be sent email reminders of the addresses of campus buildings each semester (to report in case of a 911 call) as well as the list of assembly locations for the occupants of each building to gather after a building evacuation. Cold weather assembly locations will also be identified in fire safety education programs.

To support the emergency preparedness of Carroll College, each building will have a Building Action Team to assist employees, students and guests to respond to incidents, emergencies and disasters. Each team will consist of a Coordinator, Floor Leaders and Disabled Persons Buddies. Employees are expected to communicate directly with the Building Action Team Coordinator information such as potential hazards, blockages in exit routes, or other safety concerns that will hamper evacuation or rescue of building occupants.

9. Reporting a Fire

Employees and students should report a fire to the Helena Fire Department by calling 911 (or 9-911 from a campus phone). Employees and students should also report a fire to any of the following campus officials:

- On-Call: Residential Life & Housing Senior Staff (406) 459-0540
- Butch Biskupiak, Director of Facilities, (406) 594-4570
- Annette Walstad, Dean of Students, (406) 447-5434
- Lori Peterson, VP for Finance and Administration, (406) 459-1593
- Zack Echerdt, Assistant Dean of Students and Director of Residential Life and Housing, (406) 447-5509
- Jason Grimmis, Director of Campus Security and Public Safety, (406) 447-4404

10. Campus Fire Log

Carroll College keeps a combined campus crime and fire log in the Director of Campus Security and Public Safety Office that records by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. The log will include the nature, date, time and general location for each fire. The college will:

- Make an entry or an addition to an entry to the log within two business days of the receipt of the information.
- Make the fire log for the most recent 60-day period open to public inspection during normal business hours, and
- Make any portion of the log older than 60 days available within two business days of a request for public inspection.

The combined campus crime and fire log is also available online at <https://www.carroll.edu/safety-emergency/incident-reporting-logs>

11. Last Year's Improvements in Fire Safety

In last year's Fire Safety Report, Carroll College identified three areas to improve upon in our fire safety plan:

1. Install a monitoring system with a third-party vendor to supervise fire and smoke alarms on all campus housing and athletic facilities. As of the date of this report, all campus housing and athletic buildings have third party monitored early alert systems.
2. Update the fire and smoke alarm system in the PE Center, the college's athletic fieldhouse. As of this date, fire and smoke alarm systems in the P.E. Center and athletic fieldhouse has been updated.
3. Dedicate a campus phone number for employees and students to call after making a 911 emergency phone call. As of this date, we have not identified a single dedicated phone number to call, however, we have listed six phone numbers as options to call after placing the 911 call to summon the Helena Fire Department.

12. Future Improvements in Fire Safety

1. The college is still acquiring funding for the second phase of the Library however, we have moved forward with the planning phase of the library. Additionally, the study and design has been completed for the Guadalupe Hall Fire Sprinkler System Installation. We are currently in the (RFP) process for this project. The goal is to have this accomplished during calendar year 2021 or early 2022.

2. Install Fire Department Knox-Boxes on all buildings around campus which includes; the four Residence Halls, the four apartment complexes, and frequented buildings around campus.
3. Upgrade the community kitchen Guadalupe Hall, such as; all new cabinetry, ADA accessible sinks and stoves.
4. Dedicate a campus phone number for employees and students to call after making a 911 emergency phone call. As of this date, we have not identified a single dedicated phone number to call, however, we have listed six phone numbers as options to call after placing the 911 call to summon the Helena Fire Department. This improvement has been carried over from last year.
5. Continue to maintain, evaluate, and test current fire and smoke alarm systems and improve processes for fire drills, evacuation routes, assembly areas to meet the needs and demands of all emergencies or natural disasters. We do yearly tests and inspections with an outside vendor for sprinkler systems, smoke detectors, fire extinguishers, which includes the kitchen and Halon Systems.

