Miles Community College
2026 Annual Security and Fire Safety Report

Campus Security Report and Annual Fire Safety Report and
Emergency Procedures for Calendar Year 2025

Compiled by the Vice President of Student Engagement and Auxiliary Services
Miles Community College

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Campus Crime and Security

Miles Community College Policy (500.8 Campus Crime and Security) identifies that the College shall comply fully with the Jeanne Clery Campus Safety Act, formerly known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics, and shall take all necessary precautions and action.

The College shall prepare, publish, and distribute statistical reports in accordance with the Jeanne Clery Campus Safety Act, formerly known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. These Annual Security Reports (ASR) are published on the college website annually. Additionally, information on where to access the report shall be distributed to all students and employees (including prospective students and employees), and all administrators annually.

About the Report

How the crime statistics in this report are compiled:

The crime statistics in this report have been compiled by the Vice President of Student Engagement. This report is prepared to comply with the Jeanne Clery Campus Safety Act, which was signed into law in 1990 and renamed in 2024. The statistics include all crimes reported to MCC officials. College officials have made a true-faith effort in contacting the local dispatch center for Custer County, which includes all reports from the Miles City Police Department and Custer County Sheriff's Department and has included all relevant crime statistics. The reported information in this annual security report includes crimes reported which have occurred on campus (Centra, Lucas Hall, Pioneer Village, Vo Tech, Workforce Readiness Center, and the main campus buildings and property); at non-campus properties owned, controlled, or utilized through written agreement by the College and used for educational purposes (Ag Advancement Center, Bender Park, Denton Field, Park Place Training Facility, and Tedesco

Field); and on public property such as streets and sidewalks immediately adjacent to the main Miles Community College campus at 2715 Dickinson Street. Miles Community College does not have any off-campus student organizations.

The Clery Act requires that the following "Clery crimes" be reported:

- Criminal Offenses: Murder and non-negligent manslaughter; negligent manslaughter; sexual assault, including rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson.
- Hate Crimes: Any of the criminal offenses listed above and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias.
- Violence Against Women's Act Offenses: Domestic violence, dating violence, and stalking.
- Arrests and Referrals for Disciplinary Action: Weapons law violations (carrying, possessing, etc.), drug abuse violations, and liquor law violations.
- Hazing: Hazing incidents reported to a campus security authority or local police agency. (Collection of hazing statistics required beginning January 1, 2025).

How the crime report is disseminated:

The Clery Act stipulates that Miles Community College notifies all current and prospective students, faculty, and staff of the availability of this report no later than October 1, 2026. The report can be retrieved from Miles Community College's website under the Safety Reports tab at the bottom of the page at https://www.milescc.edu/AboutUs/CampusSafety/No later than September 30, 2026, an e-mail notification providing the URL address for the report will be sent to all current students, faculty, and staff at Miles Community College. Printed copies of the report are available upon request from the Vice President of Student Engagement and Auxiliary Services in the Student Services Office or by calling 406.874.6226. Prospective students can access the report through the "Safety" link on the Future Students "Visit MCC" webpage. Prospective employees may contact the Vice President of Administrative Services for a copy of the report at 406.874.6100 or visit Miles Community College's website to access the report online. Information is also provided in all new student orientation events and in recruitment materials for MCC employees.

Definition of Crime Categories Under Federal Law

Institutions of higher education must include five distinct categories of crimes in the Annual Security Report crime data:

Criminal Offenses--(murder and non-negligent manslaughter; manslaughter by negligence; sexual assault—rape, fondling, incest, statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson)

Hate Crimes--(any of the previous mentioned offenses above, plus larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property when motivated by bias)

Violence Against Women's Act (VAWA) Offenses--(domestic violence, dating violence, and stalking)

Arrests and Referrals for Disciplinary Action--(weapons-law violations, drug abuse violations, and liquor-law violations)

Hazing—(any intentional, knowing, or reckless act committed against a person, regardless of that person's willingness to participate, in connection with initiation into, affiliation with, or continued membership in a student organization or team, when the act causes or creates a risk of physical or psychological injury beyond the reasonable risks associated with participation in the institution or organization)

Criminal Offenses are defined in accordance with the Federal Bureau of Investigation's (FBI) Uniform Crime reporting (UCR) Program, as applicable under the Clery Act. For purposes of complying with the requirements of 34 CFR § 668.46, an incident meeting the applicable definition is considered a crime for Clery Act reporting purposes.

1. Murder & Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. Any death caused by injuries received in a fight, argument, quarrel, assault, or commission of a crime is classified as murder and non-negligent manslaughter.
2. Manslaughter by Negligence: The killing of another person through gross negligence. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities are not included in the category Manslaughter by Negligence.
3. Sexual Assault: 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."

   a) 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.
   b) Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
   c) Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
   d) Statutory Rape: 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 putting the victim in fear.
5. Aggravated Assault: Aggravated assault is 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.
6. Burglary: The unlawful entry of a building or structure to commit a felony or a theft. For reporting purposes, this includes unlawful entry with intent to commit a larceny or felony, breaking and entering with the intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of these offenses. Attempted forcible entry is included.

7. Motor-Vehicle Theft: The theft or attempted theft of a motor vehicle, including automobiles, trucks, motorcycles, and mopeds. This includes cases in which automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.
8. Arson: The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, or aircraft, personal property of another, etc. Only fires determined through investigation to have been willfully or maliciously set are classified as arson. Arson is therefore the only Clery Act offense that must be investigated before it can be disclosed. If other Clery Act offenses were committed during the arson incident, the most serious is counted in addition to the arson.
9. Domestic Violence: Includes 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 cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
10. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration to the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. For purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
11. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or to suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.* Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.* Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
12. Liquor-Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transportation, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned offenses.* Drunkenness and driving under the influence are not included in this definition.
13. Drug-Law Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

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

Categories of Prejudice

A Hate Crime is a criminal offense committed against a person or property that 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, disability, sexual orientation, ethnicity, national origin, gender, or gender identity.

For Clery Act reporting purposes, hate crimes include any of the following offenses when motivated by bias:

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

Hate Crime Bias

- *Race*

  A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., skin color, eye color, hair color, or facial features, genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, Blacks or African Americans, Whites).
- *Gender*

  A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender (e.g., male or female).
- *Religion*

  A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- *National Origin*

  A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain

customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

- *Sexual Orientation*

  A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

- *Gender Identity*

  A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-conforming individuals). Gender non-conforming describes a person who does not conform to the gender-based expectations of society (e.g., a woman dressed in traditionally male clothing or a man wearing makeup). A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

- *Ethnicity*

  A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

- *Disability*

  A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

**Hate crime bias information was provided by the CLERY Center at the following: https://clery.memberclicks.net/assets/docs/Explaining-Hate-Crimes_101223.pdf*

Campus Hazing

The "Stop Campus Hazing Act" (SCHA) was enacted on December 23, 2024, and amended the Clery Act to increase transparency and require hazing prevention efforts. The act requires institutions of higher education (IHEs) that participate in federal student aid programs to report hazing incidents. It also renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics as the Jeanne Clery Campus Safety Act.

Specifically, the act requires each IHE to disclose hazing incidents reported to campus security authorities or local police agencies in its annual security report. Hazing is defined as any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that (1) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student

organization (e.g. a club, athletic team, fraternity, or sorority); and (2) causes or creates a risk, above the reasonable risk encountered in the course of participation in the IHE or the organization, of physical or psychological injury.

Additionally, each IHE must include in its annual security report (1) a statement of current policies relating to hazing, how to report hazing incidents, the process used to investigate hazing incidents, and information on applicable laws on hazing; and (2) a statement of policy regarding prevention and awareness programs relating to hazing that includes a description of prevention programs.

Further, an IHE must maintain a Campus Hazing Transparency Report summarizing findings concerning any student organization found to be in violation of the IHE's standards of conduct relating to hazing. An IHE is not required to develop or update this report unless the IHE has a finding of a hazing violation.

The institution began collecting hazing statistics on January 1, 2025. Hazing statistics are included in this Annual Security Report, which includes crime statistics for calendar year 2025.

Incidents of hazing may be reported to the Vice President of Student Engagement at (406)874-6226 or submitted via the online reporting form at https://cm.maxient.com/reportingform.php?MilesCC&layout_id=26.

Reports of hazing received by a Campus Security Authority will be documented and included in the College's Clery Act reporting process, as required by law. Additionally, emergency situations should be reported by calling 911.

While the state of Montana does not have a specific anti-hazing statute, Miles Community College prohibits hazing in any form. Allegations of hazing are investigated in accordance with College policies and procedures, and individuals or student organizations found responsible for hazing may be subject to disciplinary sanctions, up to and including suspension, expulsion, loss of organizational recognition, or referral to law enforcement authorities when appropriate. Students found responsible for hazing may also be subject to sanctions under the Student Code of Conduct.

Definition of Crime Categories Under Montana Law

The terms Domestic Violence, Dating Violence, Sexual Assault, Stalking and Consent are defined in the applicable jurisdiction as outlined by Montana Code Annotated (MCA) 2025, Title 45, Crimes, Chapter 5. Offenses Against the Person, Part 5. Sexual Crimes. References in this report are based on the 2025 Montana Code Annotated.

1. Domestic Violence: The state of Montana identifies partner or family member assault in Montana Code Annotated (MCA) 45-5-206 (Part 2. Assault and related offenses).

2. Dating Violence: The state of Montana includes partners in MCA 45-5-206 (Part 2. Assault and related offenses) and defined as spouses, former spouses, persons having a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship.

3. Sexual Assault: The state of Montana defines sexual assault as follows: MCA 40- 15-116. Definitions: As used in 40-15-115 through 40-15-121, the following definitions apply: (5) "Sexual assault" means sexual assault as defined in 45-5-502, sexual intercourse without consent as defined in 45-5-503, incest as defined in 45-5-507, or sexual abuse of children as defined in 45-5- 625.

45-5-502. Sexual assault

1. A person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault.

a. On a first conviction for sexual assault, the offender shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

b. On a second conviction for sexual assault, the offender shall be fined an amount not to exceed $5,000 or be imprisoned in the county jail for a term not to exceed 5 years, or both.

c. On a third and subsequent conviction for sexual assault, the offender shall be fined an amount not to exceed $10,000 or be imprisoned for a term not to exceed 10 years, or both.

2. If the victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual assault, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years, unless the judge makes a written finding that there is good cause to impose a term of less than 4 years and imposes a term of less than 4 years, or more than 100 years and may be fined not more than $50,000.

3. An act "in the course of committing sexual assault" includes an attempt to commit the offense or flight after the attempt or commission.

a. Subject to subsections (6)(b) and (6)(f), consent is ineffective under this section if the victim is:

i. incarcerated in an adult or juvenile correctional, detention, or treatment facility or is on probation, conditional release, or parole and the perpetrator is an employee, contractor, or volunteer of the supervising authority and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search;

ii. less than 14 years old and the offender is 3 or more years older than the victim;

iii. receiving services from a youth care facility, as defined in 52-2-602, and the perpetrator:

A. has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and

B. is an employee, contractor, or volunteer of the youth care facility; or

iv. admitted to a mental health facility, as defined in 53-21-102, is admitted to a community-based facility or a residential facility, as those terms are defined in 53- 20-102, or is receiving community-based services, as defined in 53-20-102, and the perpetrator:

A. has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and

B. is an employee, contractor, or volunteer of the facility or community-based service.

v. a program participant, as defined in 52-2-802, in a private alternative adolescent residential or outdoor program, pursuant to Title 52, chapter 2, part 8, and the perpetrator is a person associated with the program, as defined in 52-2-802;

vi. the victim is a client receiving psychotherapy services and the perpetrator:

A. is providing or purporting to provide psychotherapy services to the victim; or

B. is an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the victim and the perpetrator has supervisory or disciplinary authority over the victim; or

vii. a student of an elementary, middle, junior high, or high school, whether public or nonpublic, and the perpetrator is not a student of an elementary, middle, junior high, or high school and is an employee, contractor, or volunteer of any school who has ever had instructional, supervisory, disciplinary, or other authority over the student in a school setting.

Subsection (6)(a)(i) does not apply if one of the parties is on probation, conditional release, or parole and the other party is a probation or parole officer of the supervising authority and the parties are married to each other.

Subsections (6)(a)(iii) and (6)(a)(iv) do not apply if the individuals are married to each other and one of the individuals involved is a patient in or resident of a facility, is a recipient of community-based services, or is receiving services from a youth care facility and the other individual is an employee, contractor, or volunteer of the facility or community-based service.

Subsection (6)(a)(v) does not apply if the individuals are married to each other and one of the individuals involved is a program participant and the other individual is a person associated with the program.

Subsection (6)(a)(vi) does not apply if the individuals are married to each other and one of the individuals involved is a psychotherapy client and the other individual is a psychotherapist or an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the client.

Subsection (6)(a)(vii) does not apply if the individuals are married to each other.

45-5-220 Stalking – exemption – penalty

1. A person commits the offense of stalking if the person purposely or knowingly engages in a course of conduct directed at a specific person and knows or should know that the course of conduct would cause a reasonable person to: a. fear for the person's own safety or the safety of a third person; or b. suffer other substantial emotional distress.

2. For the purposes of this section, the following definitions apply:

a. "Course of conduct" means two or more acts, including but not limited to acts in which the offender directly or indirectly, by any action, method, communication, or physical or electronic devices or means, follows, monitors, observes, surveils, threatens, harasses, or intimidates a person or interferes with a person's property.

b. "Monitors" includes the use of any electronic, digital, or global position device or similar technological means.

c. “Reasonable person” means a reasonable person under similar circumstances as the victim. This is an objective standard.

d. “Substantial emotional distress” means significant mental suffering or distress that may but does not necessarily require medical or other professional treatment or counseling.

3. This section does not apply to a constitutionally protected activity.

4. Except as provided in subsection (4)(b), for the first offense, a person convicted of stalking shall be imprisoned in the county jail for a term not to exceed 1 year or fined an amount not to exceed $1,000, or both.

a. For a second or subsequent offense within 20 years or for a first offense when the offender violated any order of protection, when the offender used force or a weapon or threatened to use force or a weapon, or when the victim is a minor and the offender is at least 5 years older than the victim, the offender shall be imprisoned in the state prison for a term not to exceed 5 years or fined an amount not to exceed $10,000, or both.

b. A person convicted of stalking may be sentenced to pay all medical, counseling, and other costs incurred by or on behalf of the victim as a result of the offense.

5. Upon presentation of credible evidence of violation of this section, an order may be granted, as set forth in Title 40, chapter 15, restraining a person from engaging in the activity described in subsection (1).

6. For the purpose of determining the number of convictions under this section, “conviction” means:

a. a conviction, as defined in 45-2-101, in this state;

b. a conviction for a violation of a statute similar to this section in another state; or

c. a forfeiture of bail or collateral deposited to secure the defendant’s appearance in court in this state or another state for a violation of a statute similar to this section, which forfeiture has not been vacated.

7. Attempts by the accused person to contact or follow the stalked person after the accused person has been given actual notice that the stalked person does not want to be contacted or followed constitutes prima facie evidence that the accused person purposely or knowingly followed, harassed, threatened, or intimidated the stalked person.

Consent

The State of Montana defines consent, in relation to sexual activity, with reference to sexual assault, in the applicable jurisdiction (Montana Code Annotated (MCA) 2025, (45-5-501), as follows:

1. The term “consent” means words or overt actions indicating a freely given agreement to have sexual intercourse or sexual contact and is further defined but not limited by the following:

a. an expression of lack of consent through words or conduct means there is no consent or that consent has been withdrawn;

b. a current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue does not constitute consent; and

c. lack of consent may be inferred based on all of the surrounding circumstances and must be considered in determining whether a person gave consent.

2. Subject to subsections (1)(c) through (1)(g), the victim is incapable of consent because the victim is:

a. mentally disordered or incapacitated; b. physically helpless; c. overcome by deception, coercion, or surprise; d. less than 16 years old; e. incarcerated in an adult or juvenile correctional, detention, or treatment facility or is on probation, conditional release, or parole and the perpetrator is an employee, contractor, or volunteer of the supervising authority and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search; f. receiving services from a youth care facility, as defined in 52-2-602, and the perpetrator has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and is an employee, contractor, or volunteer of the youth care facility; g. admitted to a mental health facility, as defined in 53-21-102, is admitted to a community-based facility or a residential facility, as those terms are defined in 53-20-102, or is receiving community based services, as defined in 53-20-102 and the perpetrator has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and is an employee, contractor, or volunteer of the facility or community-based service;

b. As used in subsection 45-5-508, the term "force" means:

i. the infliction, attempted infliction or threatened infliction of bodily injury or the commission of a forcible felony by the offender; or

ii. the threat of substantial retaliatory action that causes the victim to reasonably believe that the offender has the ability to execute the threat.

State of Montana Laws on Alcohol and Other Illegal Drugs

Montana's Underage intoxicating substance Law--45-5-624.

Possession of or unlawful attempt to purchase intoxicating substances other than alcohol or marijuana.

A person under 21 years of age commits the offense of possession of an intoxicating substance other than alcohol or marijuana if the person knowingly consumes, uses, has in the person's possession, or delivers or distributes without consideration an intoxicating substance other than alcohol or marijuana. 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 an intoxicating substance other than alcohol or marijuana. A person does not commit the offense if the person consumes or gains possession of an intoxicating substance other than alcohol or marijuana because it was lawfully supplied to the person or when in the course of employment, it is necessary to possess an intoxicating substance other than alcohol or marijuana.

Relevant Age: Under 18 years of age who is convicted

First Offense-- Shall be fined an amount not less than $100 and not to exceed $300 and:

- Shall be ordered to perform 20 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
- 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).

Second Offense--Shall be fined an amount not less than $200 and not to exceed $600 and:

- shall be ordered to perform 40 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;
- 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
- shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8).

Third or Subsequent Offense--Shall be fined an amount not less than $300 or more than $900 and:

- 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).

Relevant Age: 18 Years of age or older who is convicted

First Offense--Shall be fined an amount not less than $100 or more than $300 and:

- shall be ordered to perform 20 hours of community service; and
- 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).

Second Offense--Shall be fined an amount not less than $200 or more than $600 and:

- shall be ordered to perform 40 hours of community service; and
- 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

Third or Subsequent Offense--Shall be fined an amount not less than $300 or more than $900, and:

- shall be ordered to perform 60 hours of community service;
- 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

- in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months

Relevant Age: A person under the age of 21 commits the offense of attempt to purchase an intoxicating substance other than alcohol or marijuana if the person knowingly attempts to purchase an intoxicating substance other than alcohol or marijuana. A

First Offense-- person convicted of attempt to purchase an intoxicating substance other than alcohol or marijuana 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.

Second Offense—person shall be ordered to complete a chemical dependency assessment and pay the cost of the assessment and any resulting treatment

Montana's Underage intoxicating substance Law--45-5-638.

Possession of or unlawful attempt to purchase alcoholic beverage.

A person under 21 years of age commits the offense of possession of an alcoholic beverage if the person knowingly consumes, uses, has in the person's possession, or delivers or distributes without consideration an alcoholic beverage. A person may not be arrested for or charged with the offense solely because the person was at a place where other persons were possessing or consuming alcoholic beverages. A person does not commit the offense if the person consumes or gains possession of an alcoholic beverage because it was lawfully supplied to the person under 16-6-305 or when in the course of employment it is necessary to possess alcoholic beverages.

Relevant Age: Under 18 years of age who is convicted under this section

First Offense--Shall be fined an amount not less than $100 and not to exceed $300 and:

- Shall be ordered to perform 20 hours of community service;
- Shall be ordered, and the 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,
- If the person has a driver's license, must have the license confiscated by the court for 30 days

Second Offense—Shall be fined an amount not less than $200 and not to exceed $600 and:

- Shall be ordered to perform 40 hours of community service
- Shall be ordered, and the person's 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 the person has a driver's license, must have the license confiscated by the court for 6 months;

- Shall be required to complete a chemical dependency assessment and treatment, if recommended

Third or Subsequent Offense—Shall be fined not less than $300 and not to exceed $900 and:

- Shall be ordered to perform 60 hours of community service
- Shall be ordered, and the person's 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 the person has a driver's license, must have the license confiscated by the court for 6 months; and,
- Shall be required to complete a chemical dependency assessment and treatment if recommended

*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 office, 9 months for a second offense and 12 months for a third or subsequent offense.

Relevant Age: 18 years of age or older who is convicted of the offense of possession of an alcoholic beverage

First Offense: Shall be fined an amount not less than $100 and not to exceed $300, and:

- Shall be ordered to perform 20 hours of community service; and
- 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)

Second Offense: Shall be fined an amount not less than $200 and not to exceed $600, and:

- Shall be ordered to complete and pay for an alcohol or drug information course at an alcohol or drug treatment program that meets the requirements of subsection (8) that may, in the sentencing court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both

Third Offense: shall be fined an amount not less than $300 and not to exceed $900 and:

- shall be ordered to perform 60 hours of community service
- shall be ordered to complete and pay for an alcohol or drug information course at an alcohol or drug treatment program that meets the requirements of subsection (8) that may, in the sentencing court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and
- In the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months.

Relevant Age: A person under 21 years of age commits the offense of attempt to purchase an alcoholic beverage if the person knowingly attempts to purchase an alcoholic beverage.

First Offense:

- A person convicted of attempt to purchase an alcoholic beverage 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.
- A defendant who is currently under 21 years of age and was under 18 years of age when the defendant failed to comply with a sentence 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.
- 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 on conviction shall be fined $100 or imprisoned in the county jail for 10 days, or both.

Second Offense:

- A person convicted of a second or subsequent offense of possession of an alcoholic beverage shall be ordered to complete a chemical dependency assessment.
- The chemical dependency 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.
- The chemical dependency 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 (8).
- 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. Following 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.

Montana's Possession of or Unlawful Attempt to Purchase Marijuana Law—45-5-639

1) A person under 21 years of age commits the offense of possession of marijuana if the person knowingly consumes, uses, has in the person's possession, or delivers or distributes without consideration marijuana. 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 marijuana. A person does not commit the offense if the person consumes or gains possession of marijuana because it was lawfully supplied to the person or when in the course of employment it is necessary to possess marijuana.

(2) (a) In addition to a 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:

(A) shall be fined an amount not less than $100 and not to exceed $300;

(B) shall be ordered to perform 20 hours of community service;

(C) 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

(D) 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:

(A) shall be fined an amount not less than $200 and not to exceed $600;

(B) shall be ordered to perform 40 hours of community service;

(C) 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;

(D) 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

(E) shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (7); and

(iii) for a third or subsequent offense:

(A) shall be fined an amount not less than $300 and not to exceed $900;

(B) shall be ordered to perform 60 hours of community service;

(C) 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;

(D) 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

(E) shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (7).

(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 marijuana:

(a) for a first offense:

(i) shall be fined an amount not less than $100 and not to exceed $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 and not to exceed $600;

(ii) shall be ordered to perform 40 hours of community service; and

(iii) shall be ordered to complete and pay for an alcohol or drug information course at an alcohol or drug treatment program that meets the requirements of subsection (8) that may, in the sentencing court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and

(c) for a third or subsequent offense:

(i) shall be fined an amount not less than $300 and not to exceed $900;

(ii) shall be ordered to perform 60 hours of community service;

(iii) shall be ordered to complete and pay for an alcohol or drug information course at an alcohol or drug treatment program that meets the requirements of subsection (8) that 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 marijuana if the person knowingly attempts to purchase marijuana. A person convicted of attempt to purchase marijuana 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 is currently under 21 years of age and was under 18 years of age when the defendant failed to comply with a sentence 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 on 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 marijuana shall be ordered to complete a chemical dependency assessment.

(b) The chemical dependency 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 chemical dependency 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 (8).

(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. Following 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 licensed addiction 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)(C), (2)(a)(ii)(C), (2)(a)(iii)(C), 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 an accrediting entity approved by the U.S. centers for Medicare and Medicaid services to provide chemical dependency services.

(b) An alcohol or drug information course required under subsection (3)(b)(iii) or (3)(c)(iii) must be provided at an alcohol or drug 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 an accrediting entity approved by the U.S. centers for Medicare and Medicaid services 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 an accrediting entity approved by the U.S. centers for Medicare and Medicaid services 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 the 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 marijuana 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 marijuana 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 marijuana and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.

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

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

1. 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;

2. 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

3. the person requires medical treatment as a result of consuming an intoxicating substance and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.

Montana's Carrying False Identification Law--61-5-302

Unlawful use of license or identification card

It is a misdemeanor for a person to:

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

*Possessing a false identification can lead to being charged with a misdemeanor or felony, depending on the circumstances of the offense. Penalties for such violations can include fines, community service, probation, suspension of one's driver's license, and imprisonment. Fines typically range between $280 and $500.

Montana's Public Drunkenness Law--61-8-508.

Intoxicated pedestrian

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

**Penalties could include a fine between $100-$500, and/or imprisonment in the county jail for up to ten days.

Montana's Driving Under the Influence of Substances Law--61-8-1007.

61-8-1007. Penalty for driving under influence -- first through third offenses.

(1) (a) Except as provided in subsection (1)(b) or (1)(c), a person convicted of a violation of 61-8-1002(1)(a) shall be punished as follows:

(i) for a first violation, by imprisonment for not less than 24 consecutive hours or more than 6 months and by a fine of not less than $600 or more than $1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person

shall be punished by imprisonment for not less than 48 consecutive hours or more than 1 year and by a fine of not less than $1,200 or more than $2,000;

(ii) for a second violation, by imprisonment for not less than 7 days or more than 1 year and by a fine of not less than $1,200 or more than $2,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 14 days or more than 1 year and a fine of not less than $2,400 or more than $4,000; or

(iii) for a third violation, by imprisonment for not less than 30 days or more than 1 year and by a fine of not less than $2,500 or more than $5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 60 days or more than 1 year and by a fine of not less than $5,000 or more than $10,000.

(b) If the person has a prior conviction under 45-5-106 or 45-5-107, the person shall be punished as provided in 61-8-1008.

(c) If the person has a prior conviction or pending charge for a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), or a similar offense under previous laws of this state or the laws of another state that meets the definition of aggravated driving under the influence in 61-8-1001, the person shall be punished as provided in subsection (4).

(d) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(e) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009. During any suspended portion of sentence imposed by the court:

(i) the person is subject to all conditions of the suspended sentence imposed by the court, including mandatory participation in drug or DUI courts, if available;

(ii) the person is subject to all conditions of the 24/7 sobriety and drug monitoring program, if available and if imposed by the court; and

(iii) if the person violates any condition of the suspended sentence or any treatment requirement, the court may impose the remainder of any imprisonment term that was imposed and suspended.

(2) (a) Except as provided in subsection (2)(b) or (2)(c), a person convicted of a violation of 61-8-1002(1)(b), (1)(c), (1)(d), or (1)(f) shall be punished as follows:

(i) for a first violation, by imprisonment for not more than 6 months and by a fine of not less than $600 or more than $1,000, except that if one or more passengers under 16 years of age

were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not more than 6 months and by a fine of not less than $1,200 or more than $2,000;
(ii) for a second violation, by imprisonment for not less than 5 days or more than 1 year and by a fine of not less than $1,200 or more than $2,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 10 days or more than 1 year and by a fine of not less than $2,400 or more than $4,000; or
(iii) for a third violation, by imprisonment for not less than 30 days or more than 1 year and by a fine of not less than $2,500 or more than $5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 60 days or more than 1 year and by a fine of not less than $5,000 or more than $10,000.

(b) If the person has a prior conviction under 45-5-106 or 45-5-107, the person shall be punished as provided in 61-8-1008.

(c) If the person has a prior conviction or pending charge for a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), or a similar offense under previous laws of this state or the laws of another state that meets the definition of aggravated driving under the influence in 61-8-1001, the person shall be punished as provided in subsection (4).

(d) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(e) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009. During any suspended portion of sentence imposed by the court:
(i) the person is subject to all conditions of the suspended sentence imposed by the court, including mandatory participation in drug or DUI courts, if available;
(ii) the person is subject to all conditions of the 24/7 sobriety and drug monitoring program, if available and if imposed by the court; and
(iii) if the person violates any condition of the suspended sentence or any treatment requirement, the court may impose the remainder of any imprisonment term that was imposed and suspended.

(3) (a) A person convicted of a violation of 61-8-1002(1)(e) shall be punished as follows:
(i) Upon a first conviction under this section, a person shall be punished by a fine of not less than $100 or more than $500.
(ii) Upon a second conviction under this section, a person shall be punished by a fine of not less than $200 or more than $500 and, if the person is 18 years of age or older, by incarceration for not more than 10 days.

(iii) Upon a third or subsequent conviction under this section, a person shall be punished by a fine of not less than $300 or more than $500 and, if the person is 18 years of age or older, by incarceration for not less than 24 consecutive hours or more than 60 days.

(iv) In addition to the punishment provided in this section, regardless of disposition:

(A) the person shall comply with the chemical dependency education course and chemical dependency treatment provisions in 61-8-1009 as ordered by the court; and

(B) the department shall suspend the person's driver's license for 90 days upon the first conviction, 6 months upon the second conviction, and 1 year upon the third or subsequent conviction. A restricted or probationary driver's license may not be issued during the suspension period until the person has paid a license reinstatement fee in accordance with 61-2-107 and, if the person was under the age of 18 at the time of the offense, has completed at least 30 days of the suspension period.

(b) A conviction under this section may not be counted as a prior offense or conviction under 61-8-1007, 61-8-1008, and 61-8-1011.

(4) (a) A person convicted of a violation under 61-8-1002 charged as aggravated driving under the influence, as defined in 61-8-1001, shall be punished as follows:

(i) for a first violation, by imprisonment for not less than 2 days or more than 1 year and by a fine of $1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 4 consecutive days or more than 1 year and by a fine of $2,000;

(ii) for a second violation, by imprisonment for not less than 15 days or more than 1 year and by a fine of $2,500, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 45 days or more than 1 year and by a fine of $5,000; or

(iii) for a third violation, by imprisonment for not less than 40 consecutive days or more than 1 year and by a fine of $5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 90 consecutive days or more than 1 year and by a fine of $10,000.

(b) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009. During any suspended portion of sentence imposed by the court:

(i) the person is subject to all conditions of the suspended sentence imposed by the court, including mandatory participation in drug or DUI courts, if available;

(ii) the person is subject to all conditions of the 24/7 sobriety and drug monitoring program, if available and if imposed by the court; and

(iii) if the person violates any condition of the suspended sentence or any treatment requirement, the court may impose the remainder of any imprisonment term that was imposed and suspended.

(d) If the person has a prior conviction under 45-5-106 or 45-5-107, the person shall be punished as provided in 61-8-1008.

(5) In addition to the punishment provided in this section, regardless of disposition, the person shall comply with the chemical dependency education course and chemical dependency treatment provisions in 61-8-1009 as ordered by the court.

(6) A person punished pursuant to this section is subject to mandatory revocation or suspension of the person's driver's license as provided in chapter 5.

Montana's law on selling or furnishing alcohol to minors--16-6-305.

Age limit for sale or provision of alcoholic beverages – liability of provider

A. Except in the case of an alcoholic beverage provided in a nonintoxicating quantity to a person under 21 years of age by the person's parent or guardian, physician or dentist for medicinal purposes, a licensed pharmacist upon the prescription of a physician, or an ordained minister or priest in connection with a religious observance, a person may not sell or otherwise provide an alcoholic beverage to a person under 21 years of age.

B. A parent, guardian, or other person may not knowingly sell or otherwise provide an alcoholic beverage in an intoxicating quantity to a person under 21 years of age.

C. For the purposes of this section, "intoxicating quantity" means a quantity of an alcoholic beverage that is sufficient to produce:

i. a blood, breath, or urine alcohol concentration in excess of 0.05;

ii. substantial or visible mental or physical impairment.

1. A person is guilty of a misdemeanor who:

i. 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;

ii. permits the person in a public place where an alcoholic beverage is sold to treat, give, or

iii. purchase alcoholic beverages for the person; or holds out the person to be 21 years of age or older to the owner of the establishment or to the owner's employee.

2. It is unlawful for any person to fraudulently misrepresents the person's age to any dispenser of alcoholic beverages or to falsely procure any identification card or to alter any of the statements contained in any identification card, including a tribal identification card.

3. 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.

Montana's open container laws--61-8-1026.

Unlawful possession of open alcoholic beverage container in motor vehicle on highway

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

Possession of Dangerous Drugs (PODD)--45-9-102.

Criminal possession of dangerous drugs.

1. Except as provided in Title 16, chapter 12, or 50-32-609, 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.

Possession of Dangerous Paraphernalia (PODP)--45-10-103.

Criminal possession of drug paraphernalia:

> Except as provided in Title 16, chapter 12, or 50-32-609, it is unlawful for a person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a dangerous drug. A person who violates this section is guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail for not more than 6 months, fined an amount of not more than $500, or both. A person convicted of a first violation of this section is presumed to be entitled to a deferred imposition of sentence of imprisonment.

Marijuana Personal Use Regulation in Montana (MCA 16-12-106).

Subject to the limitations in 16-12-108, the following acts are lawful and may not be an offense under state law or the laws of any local government within the state, be a basis to impose a civil fine, penalty, or sanction, or be a basis to detain, search, or arrest, or otherwise deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government for a person who is 21 years of age or older or a registered cardholder:

1. possessing, purchasing, obtaining, using, ingesting, inhaling, or transporting 1 ounce or less of usable marijuana, except that not more than 8 grams may be in a concentrated form and not more than 800 milligrams of THC may be in edible marijuana products meant to be eaten or swallowed in solid form;
2. transferring, delivering, or distributing without consideration, to a person who is 21 years of age or older, 1 ounce or less of usable marijuana, except that not more than 8 grams may be in a concentrated form and not more than 800 milligrams of THC may be in edible marijuana products meant to be eaten or swallowed in solid form;
3. in or on the grounds of a private residence, possessing, planting, or cultivating up to two mature marijuana plants and two seedlings, or four mature marijuana plants and four seedlings for a registered cardholder, and possessing, harvesting, drying, processing, or manufacturing the marijuana, provided that:
    a. marijuana plants and any marijuana produced by the plants in excess of 1 ounce must be kept in a locked space in or on the grounds of one private residence and may not be visible by normal, unaided vision from a public place;
    b. not more than twice the number of marijuana plants permitted under this subsection (1)(c) may be cultivated in or on the grounds of a single private residence simultaneously;
    c. a person growing or storing marijuana plants under this subsection (1)(c) must own the private residence where the plants are cultivated and stored or obtain written permission to cultivate and store marijuana from the owner of the private residence; and
    d. no portion of a private residence used for cultivation of marijuana and manufacture of marijuana products for personal use may be shared with, rented, or leased to a marijuana business;
4. assisting another person who is at least 21 years of age in any of the acts permitted by this section, including allowing another person to use one's personal residence for any of the acts described in this section; and

5. possessing, purchasing, using, delivering, distributing, manufacturing, transferring, or selling to persons 18 years of age or older paraphernalia relating to marijuana.
6. A person who cultivates marijuana plants that are visible by normal, unaided vision from a public place in violation of subsection (1)(c)(i) is subject to a civil fine not exceeding $250 and forfeiture of the marijuana.
7. A person who cultivates marijuana plants or stores marijuana outside of a locked space is subject to a civil fine not exceeding $250 and forfeiture of the marijuana.
8. A person who smokes marijuana in a public place, other than in an area licensed for that activity by the department, is subject to a civil fine not exceeding $50.
9. For a person who is under 21 years of age and is not a registered cardholder, possession, use, delivery without consideration, or distribution without consideration of marijuana is punishable in accordance with 45-5-624.
10. For a person who is under 18 years of age and is not a registered cardholder, possession, use, transportation, delivery without consideration, or distribution without consideration of marijuana paraphernalia is punishable by forfeiture of the marijuana paraphernalia and 8 hours of drug education or counseling.
11. Unless otherwise permitted under the provisions of Title 16, chapter 12, part 5, the possession, production, delivery without consideration to a person 21 years of age or older, or possession with intent to deliver more than 1 ounce but less than 2 ounces of marijuana or more than 8 grams but less than 16 grams of marijuana in a concentrated form is punishable by forfeiture of the marijuana and:
    a. for a first violation, the person's choice between a civil fine not exceeding $200 or completing up to 4 hours of community service in lieu of the fine;
    b. for a second violation, the person's choice between a civil fine not exceeding $300 or completing up to 6 hours of community service in lieu of the fine; and
    c. for a third or subsequent violation, the person's choice between a civil fine not exceeding $500 or completing up to 8 hours of community service in lieu of the fine.
12. A person may not be denied adoption, custody, or visitation rights relative to a minor solely for conduct that is permitted by this chapter.
13. A person may not be denied access to or priority for an organ transplant or denied access to health care solely for conduct that is permitted by this chapter.

*Montana law permits certain medical marijuana use and certain recreational marijuana possession and use. Under Montana law, adults aged 21 and older may legally possess and use limited amounts of marijuana, subject to the state restrictions above. However, marijuana remains a controlled substance under federal law, and its possession, use, and distribution remain prohibited by the federal Controlled Substances Act.

Marijuana use, possession, cultivation, manufacture, and distribution are prohibited on all Miles Community College property, including residence halls, academic buildings, athletic facilities, parking areas, and other college owned and controlled property. This prohibition applies regardless of whether an individual possesses a medical marijuana card. As a recipient of federal funding, Miles Community College complies with the Drug-Free Schools and Communities Act and the Drug-Free Workplace Act.

Disclosure of Reported Crimes and Crime Statistics for Calendar Years 2023, 2024, 2025

**For accommodation assistance with table below contact the Vice President of Student Engagement at (406)874-6226*

Criminal Offenses Reporting Table					
Offense	**Year**	**Geographic Location**			
		On-Campus Property	**On-Campus Student Housing Facilities**	**Non-Campus Property**	**Public Property**
Murder/Non-Negligent Manslaughter	**2023**	**0**	**0**	**0**	**0**
	2024	**0**	**0**	**0**	**0**
	2025	**0**	**0**	**0**	**0**
Manslaughter by Negligence	**2023**	**0**	**0**	**0**	**0**
	2024	**0**	**0**	**0**	**0**
	2025	**0**	**0**	**0**	**0**
Rape	**2023**	**0**	**0**	**0**	**0**
	2024	**0**	**0**	**0**	**0**
	2025	**0**	**0**	**0**	**0**
Fondling	**2023**	**0**	**0**	**0**	**0**
	2024	**0**	**0**	**0**	**0**
	2025	**0**	**0**	**0**	**0**
Incest	**2023**	**0**	**0**	**0**	**0**
	2024	**0**	**0**	**0**	**0**
	2025	**0**	**0**	**0**	**0**
Statutory Rape	**2023**	**0**	**0**	**0**	**0**
	2024	**0**	**0**	**0**	**0**
	2025	**0**	**0**	**0**	**0**
Robbery	**2023**	**0**	**0**	**0**	**0**
	2024	**0**	**0**	**0**	**0**
	2025	**0**	**0**	**0**	**0**
Aggravated Assault	**2023**	**0**	**0**	**0**	**0**
	2024	**0**	**0**	**0**	**0**
	2025	**0**	**0**	**0**	**0**
Burglary	**2023**	**0**	**0**	**0**	**0**
	2024	**1**	**1**	**0**	**0**
	2025	**0**	**0**	**0**	**0**
Motor Vehicle Theft	**2023**	**0**	**0**	**0**	**0**
	2024	**0**	**0**	**0**	**0**
	2025	**0**	**0**	**0**	**0**
Arson	**2023**	**0**	**0**	**0**	**0**
	2024	**0**	**0**	**0**	**0**
	2025	**0**	**0**	**0**	**0**

For accommodation assistance with the table below contact the Vice President of Student Engagement at (406)874-6226.

VAWA Offenses Reporting Table					
Offense	**Year**	**Geographic Location**			
		On-Campus Property	**On-Campus Student Housing Facilities**	**Non-Campus Property**	**Public Property**
Domestic Violence	**2023**	**0**	**0**	**0**	**0**
	2024	**0**	**0**	**0**	**0**
	2025	**0**	**0**	**0**	**0**
Dating Violence	**2023**	**0**	**0**	**0**	**0**
	2024	**0**	**0**	**0**	**0**
	2025	**0**	**0**	**0**	**0**
Stalking	**2023**	**0**	**0**	**0**	**0**
	2024	**0**	**0**	**0**	**0**
	2025	**0**	**0**	**0**	**0**

Arrests and Disciplinary Referrals Reporting Table					
Offense	**Year**	**Geographic Location**			
		On-Campus Property	**On-Campus Student Housing Facilities**	**Non-Campus Property**	**Public Property**
Arrests: Weapons: Carrying, Possessing, Etc.	**2023**	**0**	**0**	**0**	**0**
	2024	**0**	**0**	**0**	**0**
	2025	**0**	**0**	**0**	**0**
Disciplinary Referrals: Weapons: Carrying, Possessing, Etc.	**2023**	**0**	**0**	**0**	**0**
	2024	**1**	**1**	**0**	**0**
	2025	**0**	**0**	**0**	**0**
Arrests: Drug Abuse Violations	**2023**	**0**	**0**	**0**	**0**
	2024	**0**	**0**	**0**	**0**
	2025	**0**	**0**	**0**	**0**
Disciplinary Referrals: Drug Abuse Violations	**2023**	**0**	**0**	**0**	**0**
	2024	**1**	**1**	**0**	**0**
	2025	**0**	**0**	**0**	**0**
Arrests: Liquor Law Violations	**2023**	**0**	**0**	**0**	**0**
	2024	**0**	**0**	**0**	**1**
	2025	**0**	**0**	**1**	**0**
Disciplinary Referrals: Liquor Law Violations	**2023**	**4**	**4**	**0**	**0**
	2024	**13**	**13**	**0**	**0**
	2025	**0**	**0**	**0**	**0**

Hate Crimes:

There were no hate crimes reported to Miles Community College or the Miles City Police Department/Sheriff's Department in calendar years 2023, 2024 or 2025.

Hazing Statistics

There were no hazing incidents reported to Miles Community College or local law enforcement during calendar year 2025 that met the reporting requirements of the Stop Campus Hazing Act.

As required by federal law, Miles Community College maintains a Campus Hazing Transparency Report. As of December 31, 2025, the College had no findings of responsibility involving student organizations that required inclusion in this report. This report can be found on the campus safety page under the hazing tab at https://www.milescc.edu/AboutUs/CampusSafety/

Unfounded Crimes:

There were no crimes occurring on campus, in on-campus student housing facilities, on or in non-campus property or buildings, and on public property that were unfounded by law enforcement authorities in 2023, 2024, or 2025. To be counted as an unfounded crime, the reported crime would need to be investigated by law enforcement authorities and found to be false or baseless. Only sworn or commissioned law enforcement personnel may unfound a crime. If Miles Community College found that a reported crime was unfounded by law enforcement officials, the crime would be removed from the Annual Safety Report.

The College has property located approximately two miles from the main campus that was reviewed for Clery geography purposes. Although owned by the institution, the property is vacant land with no current use in support of educational, administrative, student, or other institutional purposes. Therefore, the property was determined not to meet the definition of non-campus property under 34 CFR 668.46 and an incident that was reported at this address in 2025 was not included in Clery statistics. This incident was also identified as unfounded by the Miles City police at this location.

How to Report Criminal Offenses:

To report that a crime has taken place on or off campus, the Miles City Police Department should be contacted through the Miles City Dispatch. The phone number for the Miles City Dispatch Center is 406.232.3411. For emergencies, dial 9-1-1. In addition to calling the police department, the following staff at Miles Community College can also be contacted to report a crime:

Vice President of Student Engagement and Auxiliary Services	406.874.6226, Student Services
Vice President of Administrative Services, Title IX Coordinator	406.874.6292, President's Office
Director of Student Life and College Housing	406.874.6480, Student Services
Resident Assistants (RAs)	Pioneer Village

Voluntary crime reporting can be made to the Vice President of Student Engagement and Auxiliary Services or the Vice President of Administrative Services/Title IX Coordinator either in person or via Miles Community College's campus safety website page:
https://www.milescc.edu/AboutUs/CampusSafety/.

Reports can be submitted on the campus safety website by clicking on either the "Report Harassment or Sexual Assault" button or the "Report a Student Conduct Code Violation" or "Report a Student of Concern". These reports are routed via Maxient software to the Vice President of Student Engagement and Auxiliary Services, the Vice President of Administrative Services/Title IX Coordinator, the Vice President of Enrollment Management, and the Behavioral Intervention Team and can be initiated either anonymously or not. Reports filed anonymously are counted and disclosed in the annual crime statistics for the institution.

Hazing reports are reviewed and investigated through the College's student conduct process and other applicable College procedures. Investigations may be conducted in coordination with law enforcement when appropriate. Alleged incidents of hazing can be reported at https://cm.maxient.com/reportingform.php?MilesCC&layout_id=26

On-campus reports involving MCC students are forwarded to the Vice President of Student Engagement and Auxiliary Services for review and for potential student conduct adjudication, as appropriate. Cases involving faculty and staff are referred to the Vice President of Administrative Services/Title IX Coordinator. Additionally, the Miles City Police and Miles City Sheriff's Department may refer cases to the Vice President involving MCC students. The Miles City Police Department Dispatch may instantly dispatch the Custer County Sheriff's Department, Miles City Police Department, and/or the Miles City Fire Department on a 24-hour basis.

Suspicion of crime does not require proof. Individuals that suspect a crime has been committed or is being committed should call the Miles City Dispatch immediately.

Miles Community College does not employ licensed mental health counselors or pastoral counselors who are excluded by law from mandatory reporting responsibilities when acting within the scope of their license but did maintain a contract with One Health in Miles City Montana. The Counselor, in her capacity, served as a confidential reporting party not required to report crimes or incidents unless required under licensure responsibilities; however, all other employees at Miles Community College are required to report crimes or incidents in which they have knowledge.

Importance of Reporting Criminal Activity:

Miles Community College does not have its own campus security officers. Therefore students, faculty, staff, and guests are strongly encouraged to report all criminal and suspicious activity to both the Miles City Police Department and College officials in a timely manner.

Prompt reporting of criminal activity enables College officials and local law enforcement officials to more effectively protect the safety of the entire community. Reporting criminal activity also ensures inclusion in the annual crime statistics and aids in providing timely warning notices to campus. All reports of criminal activity will be investigated. No matter how insignificant the incident may seem, the information students, faculty, staff, and guests provide can be helpful in an investigation. Voluntary, confidential crime reporting can be made to the Vice President of Student Engagement and Auxiliary Services or the Vice President of Administrative Services/Title IX Coordinator. The confidential report is

to comply with a student's wish to keep the matter confidential while still taking the steps to ensure the safety of the student and others. When a potentially dangerous threat to the College community arises, timely reports or warnings will be issued through e-mail and the Rave Alert Emergency System.

Confidentiality for Reporting Parties, Victims/Complainants and Other Necessary Parties:

Miles Community College will make reasonable efforts to preserve the confidentiality of reporting parties, victims, complainants, respondents, and other necessary parties in accordance with applicable federal and state law. Personally identifying information will not be included in publicly available records to the extent permitted by law, and any accommodations or protective measures provided to a victim will be maintained as confidential to the extent that maintaining such confidentiality will not impair the ability of the College to provide the accommodations or protective measures.

In accordance with the Family Educational Rights and Privacy Act (FERPA), Miles Community College will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the results of any institutional disciplinary proceeding conducted against the alleged perpetrator. Such disclosure is permitted under FERPA and does not constitute a violation of student privacy rights.

In cases involving allegations of sexual assault, dating violence, domestic violence, or stalking, both the complainant and the respondent will be simultaneously informed in writing of the outcome of any institutional disciplinary proceeding, the institution's procedures for appeal (if applicable), any change to the results that occurs before the results become final, and when the results become final.

MCC Policy 600.14.13: Except where specifically identified in written policies and/or procedures, such as the Grievance Process, the College has the responsibility to protect the confidentiality of victims/complainants and other necessary parties in the following ways:

1) Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim/complainant, as defined in section 40002(a)(2) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)-Updated in 2015.
2) Maintain as confidential any accommodations or protective measures provided to the victim/complainant, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
3) Whenever possible, the College shall inform victims/complainants before sharing personally identifiable information about the victim/complainant that the institution believes is necessary to provide an accommodation or protective measure.

The institution will, upon written request, disclose to the alleged victim of a crime of violence, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator or such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. Additional information regarding the release of information pertaining to reports of discrimination, harassment, sexual misconduct, domestic violence, and stalking are located in 600.17 Grievance Procedures. In those cases where a formal complaint is made involving Discrimination,

Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and/or stalking, as defined in the final Title IX Rules of the Education Amendments of 1972 and subsequent updates, the College will share information with any respondent and advisor of choice.

Policy History
Adopted on 11/23/2020
Reviewed 7/2021

Campus Security and Access:

During business hours, Miles Community College (excluding Pioneer Hall and The Lodges) is open to the public. During non-business hours, access to the College facilities is by key only (proximity card readers were installed in 2021). Pioneer Hall is locked at all times and can only be accessed with a key or proximity card specifically programmed for an individual student. All residents in Pioneer Hall are issued a proximity card that allows them access to the lobby and a key to their individual rooms. All residents of the Lodges are issued a key for their individual rooms in the Lodges and a proximity card that will access the Commons building. The Centra workout facility has separate business hours than the main campus and is locked after business hours. Proximity readers have been placed on exterior entrance doors to control access, and other proximity readers have been placed in certain locations such as the Student Services, Financial Aid Offices, President's Office, Business Office, the Workforce Readiness Center, Ag Advancement Center, as well as Room 106 which allows for community scheduled events. The maintenance staff ensures that the main campus building is locked after hours. The maintenance staff also ensures that lighting on campus is working and that pathways are kept clear during the winter. Maintenance staff, with IT staff and housing staff, will oversee proximity lock schedules.

Campus Security Personnel:

Miles Community College does not employ campus police. Criminal incidents are referred to the Miles City Police Department. Within Pioneer Hall and The Lodges, residence life staff may issue alcohol violations and ask for identification from people entering into Pioneer Hall and The Lodges. Miles Community College does not have on official memorandum of understanding written with the Miles City Police Department, however the Miles City Police Department works very closely with Miles Community College and responds quickly to all requests made to them. The Miles City Police Department does have the authority to issue citations and make arrests on Miles Community College's campus for crimes that are committed.

Emergency Notification and Timely Warning Reports to Campus Community:

Consistent with the requirements of the Clery Act, the Vice President of Student Engagement and Auxiliary Services or designee 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". The warning will be issued through the college's Rave Alert service that notifies all subscribers of the situation. Warnings will also be issued through campus e-mail to all students, faculty, and staff. Students, faculty, staff, parents, community members and any other constituents are encouraged to sign up for Rave

Alerts at the following link on MCC's campus safety page:
https://www.milescc.edu/AboutUs/CampusSafety/RaveAlert/.

Other designees who are trained on emergency notifications and timely warning notifications are the IT Director, Maintenance Director and the Vice President of Administrative Services/Title IX Coordinator who serves as a back up to the Vice President of Student Engagement and Auxiliary Services.

MCC Policy 600.16: Miles Community College is committed to providing a safe learning, working and living environment for its students, faculty, staff and visitors. As part of this commitment, this policy is created in order to ensure the issuance of Timely Warnings and Emergency Notifications regarding safety and security matters that may pose a serious or ongoing threat to the campus community. The policy complies with the requirements and regulations of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (renamed in December 2024 to the Jeanne Clery Campus Safety Act) by establishing procedures for MCC regarding the circumstances and delivery of warnings of serious or ongoing threats.
*A proposal was submitted to rename Jeanne Clery Campus Safety Act" in campus policy and will be considered in 2026.

MCC is responsible for issuing Timely Warnings and Emergency Notifications to the campus community. Anyone with information warranting a Timely Warning or Emergency Notification, should report that information to the Vice President of Student Engagement or the Vice President of Administrative Services and Human Resources.

Timely warnings are triggered when the College determines from a report filed by a campus security authority (CSA) that a crime required by CLERY reporting presents a serious or continuing threat to students and employees. This includes criminal offenses such as murder, manslaughter, rape, domestic violence, dating violence, stalking fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson.

Emergency notifications are triggered by any significant emergency or dangerous situation involving a broader range of potential threats than the timely warning notifications. This could include items like weather emergencies, campus closures, etc. and shall include follow up information.

MCC will issue Timely Warnings or Emergency Notifications as appropriate to keep the campus community informed about safety and security matters on an ongoing basis and to prevent similar crimes from occurring. The decision to issue a Timely Warning or Emergency Notification will be made by the Vice President of Student Engagement or designee, in consultation with the Behavioral Intervention Team and/or the President's Executive Team in compliance with the Clery Act and considering all available information.

Timely Warnings and Emergency Notifications will be distributed via methods reasonably likely to reach the entire campus community; however, emergency notifications may be limited to only certain populations. These communications are typically accomplished via the RAVE Alert system and by email

but may also include notification and/or bulletins posted on building entrances and exits and on the college website at www.milescc.edu .

Crime related information exclusively reported to a pastoral or professional counselor is exempt from timely warning notifications.

Policy History:
Adopted: 11/23/2020
Reviewed: 7/2021

Emergency Response and Evacuation Procedures

MCC has adopted emergency response procedures that are contained in posted emergency operations plans. Miles Community College is committed to protecting the lives, safety, and welfare of its campus and community members. These plans are located in classrooms and offices across the campus. The safety committee finalized the latest plans in Fall 2023 and reprinted the document in December 2024 with updated telephone numbers for emergency contact.

The Safety Committee is charged with improving the readiness for potential emergencies and tasked to develop plans and execute annual training exercises of these plans to ensure a continuity of operations of essential services.

For 2025, the evacuation procedures of the residence halls were tested as part of our campus response and fire safety protocols on April 22, 2025 and September 2, 2025.

Additionally, the college hosted a disaster drill February 26th, 2025 in conjunction with multiple community agencies, including emergency personnel and medical responders, to practice safety responses for our nursing students.

In case of a fire or other emergency that requires all occupants to immediately leave a building or area, evacuation will be signaled by the internal building alarm or by the direction of emergency personnel.

MCC will test its emergency response and evacuation procedures on at least an annual basis through scheduled drills, exercises, and appropriate follow through activities designed to assess and evaluate the emergency plans and capabilities. This includes regular drills in the residence halls. The tests may be announced our unannounced and will be documented. Information pertaining these tests is on file with the Vice President of Student Engagement and Auxiliary Services and/or the Facilities Director.

General Evacuation Procedures

At the sound of a fire alarm or if you are instructed to evacuate, leave your work or residence hall area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit and dial 911.

1. Remain Calm
2. Do NOT use elevators. Use the Stairs.
3. Assist the physically impaired. If they are unable to exit without using an elevator, secure a safe location near the stairwell, and immediately inform 911 of the individual's location

4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles and personnel.
5. Make sure all personnel are out of the building. Residence Hall staff should also confirm roster information.
6. Do not re-enter the building until emergency personnel have authorized.

In the event of a shelter in place notice, you will receive an alert through the RAVE Alert system and through email notification. The alert will provide additional information regarding the threat and active instructions. This could information about a "shelter in place-secure" or "shelter in place-weather". These notices would be sent when there is an active threat to the campus where individuals need to Run, Hide, Fight or where there may be significant weather situations that are expected to impact the campus.

Security Awareness and Crime Prevention:

Miles Community College posts Emergency Procedure booklets in all of its classrooms, community rooms, staff and faculty offices, and residence halls. Once a year, the campus's Safety Committee presents information about the safety procedures within the Emergency Procedure booklets. The Custer Network Against Domestic Abuse & Sexual Assault (CNADA) provides sexual assault awareness information to students on Miles Community College's campus at least once a year (for 2025, presentations were provided by CNADA and our Vice President of Administrative Services/Title IX Coordinator). Safety procedures are addressed with new employees during New Employee Orientation. Students who live on campus are required to attend a mandatory residence hall meeting at the beginning of the school year where rape prevention awareness is addressed as well as information on who to contact in an emergency (residence life staff and/or Miles City Police Department). Miles Community College does not have any officially recognized student organizations with off-campus locations that are monitored by the College (such as fraternity or sorority houses). Additionally, because of the introduction in 2025 of the Stop Campus Hazing Act, the college provided training for Resident Advisors, Faculty and Staff, Student Athletes, and all first year students. The college discussed campus policies and utilized a video provided through the Clery Center entitled "We Don't Haze" to lead these discussion

In 2025, the Montana University System rolled out an online prevention education training for all students entitled "Thriving Together". This program replaced a contract with EverFi that had provided online training for sexual assault prevent and bystander intervention. "Thriving Together" is offered through the campus course management system, CANVAS. The training includes modules on safety and wellness in Montana's Colleges and Universities, Understanding Terminology, Paying Attention, Taking Action, Providing Consent, Reducing Resk, Establishing Well-Being, and Campus Policies and Resources. Miles Community College developed this program for implementation in 2025 and will roll this out in 2026. The College provided in-person training for students during Welcome Week Activities that included additional campus safety initiatives.

Miles Community College also provides prevention and awareness programming designed to educate students and employees regarding the dangers of having, methods for reporting concerns, and the College's prohibition against hazing. For 2025, this training was provided in an all-employee meeting in Fall training, to Resident Assistants in their Fall Training, in Welcome Wagon educational sessions to all first year students, and to student athletes in the Fall Student Athlete Orientation.

Weapons

In order for individuals to have weapons on campus, they must first gain approval from the President of the College. The Residence Halls do have policies regarding chemicals, explosives, and weapons.

Chemicals and explosives are not permitted in Pioneer Village. This includes, but is not limited to: fireworks, explosive devices, smoke bombs, combustion engines, flammable or explosive liquids/gases, gunpowder, and ammunition (paint balls are considered ammunition and are prohibited). Oleoresin Capsicum Spray, also known as O/C spray or pepper spray, is not allowed unless it is in a small, personal protection container.

Materials and devices which, by themselves or combined, could be explosive, toxic, flammable, or dangerous (such as camping fuel) are prohibited. Firearms, B.B./pellet guns, air soft pistols, weapons, noxious materials, incendiary devices, dangerous instruments, or other dangerous substances are not allowed in Pioneer Village. Imitation toy guns that appear to look like a real gun are prohibited.

Switchblade knives, bayonets, decorative knives or swords, Ninja throwing stars, etc., and all concealable weapons with blades over three inches in length are prohibited in Pioneer Village. Also prohibited are hunting bows, cross bows, compound bows, arrows, paint pellet guns, air soft pistols, nun chucks, wrist rockets, sling shots, blow guns, and any other self-propelling apparatuses.

It is against campus policy for students to have weapons on campus. In accordance with the College's Student Conduct Code, students with weapons on campus are subject to disciplinary action including suspension and/or expulsion. Exceptions are only made if a resident in Pioneer Village completes the Weapon Check-In Form with the Director of Student Life and College Housing. The only weapons allowed to be checked-in are unloaded hunting rifles and hunting bows. Pistols are prohibited. Checked-in weapons will be secured with gunlocks and placed in the gun safe within the Director of Student Life and College Housing's office. Residents must make prior arrangements with the Director or check-out of their weapon. Upon check-out of the weapon, the weapon must be immediately removed from campus. Residents must check-in the unloaded weapon upon bringing it back to campus. Residents are prohibited from storing weapons in vehicles.

Licensed peace officers working in the course and scope of their employment as law enforcement officers and employees of a contracted private security company, registered to carry firearms pursuant to Title 37, Chapter 60, MCA, working in the course and scope of their employment, are authorized to carry loaded firearms on campus.

Additionally, MCC Policy 800.8 identifies that no firearms or weapons are allowed in College vehicles without prior approval from the President.

Students and employees who violate the provisions of this policy shall be subject to disciplinary action, up to and including expulsion or termination of employment.

The Constitution of Montana, Article X identifies that the there is a state board of education composed of the board of regents of higher education and the board of public education. It is responsible for long-range planning, and for coordinating and evaluating policies and programs for the state's education systems. The government and control of the Montana University System is vested in the board of regents of higher education which shall have full power, responsibility, and authority to supervise, coordinate, manage, and control the Montana University System and shall supervise and coordinate other public educational institutions assigned by law. In 2022, the Montana State Supreme Court, upheld the right of the Montana University System Board of Regents to establish weapons policies for the campuses throughout the state. The current policy supports no weapons except those established by campus policy. The Miles Community College Board of Trustees supports the current no-weapons policy.

Primary Prevention and Awareness and Ongoing Prevention and Awareness Efforts:

- **Campus Security Authorities/Mandatory Reporter Training for Clery and Title IX:** All faculty, staff, and resident assistants complete mandatory reporter training in the fall prior to the fall semester beginning. This training was provided by the Vice President of Administrative Services/Title IX Coordinator and the Vice President of Student Engagement and Auxiliary Services. Newly hired employees complete an online module that consists of a training video with follow-up questions to confirm understanding of responsibilities. All employees of Miles Community College are considered Campus Security Authorities (CSAs) and must report any crimes or incidents to either the Vice President of Administrative Services/Title IX Coordinator. Confidentiality of crime reports made to CSAs cannot be promised. Clery requires statistical reporting, but CSAs are also reporters under the requirements of Title IX and as such may not be able to maintain confidentiality. There may be instances where MCC officials must act regardless of the wishes of the complainant or reporter. Nevertheless, in such cases, MCC officials will take care to protect identities to the extent allowed by the circumstances and law. Counselors contracted with by Miles Community College and CNADA advocates are not considered mandatory reporters. Additional training materials are located on the faculty/staff page under the secured online forms link. After logging in with College credentials, there is a CSA Training Video. For those not able to attend the training session in person, we do have a quiz that is sent out from the Maxient on line form for CSA Training to confirm individuals can answer questions covered by the CSA Training video that was procured from the Clery Center. Training data is kept on file with the Human Resources staff at MCC.

- **Primary Prevention and Awareness Programming for all incoming students and new employees:** All new employees attend a New Employee Orientation facilitated by the Vice

President of Administrative Services/Title IX Coordinator. During the full-day orientation, new employees are exposed to MCC's Discrimination, Harassment, Sexual Misconduct, Stalking, Domestic Violence and Retaliation Policy. This policy is also reviewed on the employee's first day with the College. All new employees are required to complete web training in the following areas: Title IX and Sexual Harassment Prevention for Employees, and FERPA—Family Educational Rights and Privacy Act training that is provided through Vector Solutions with participation records tracked by the Office of Human resources.

- **Ongoing Prevention and Awareness Campaigns for Students and Employees:** Miles Community College partners with CNADA and other community agencies, such as One Health, to provide ongoing prevention and awareness campaigns for students and employees. CNADA conducts awareness campaigns on campus that entail providing information to campus through bulletin boards and activities to promote awareness of sexual assault and domestic violence. Since 2015, Miles Community College began partnering with One Health and Planned Parenthood of Miles City to conduct awareness campaigns throughout the academic year. Some focus on domestic violence, healthy sexual relationships, and other topics. Employees are provided on-going awareness training through beginning of semester meetings and web-based training throughout the year.

- **Substance Abuse Prevention:** Miles Community College provides alcohol and substance abuse prevention programming to both students and employees. Within the residence halls, the alcohol sanctioning system was updated for Fall 2016. Instead of fining students for alcohol violations, students will now be required to attend a Choices assessment with a One Health nurse on the first violation. Second violations of alcohol will require students to see an addiction counselor at OneHealth. Free counseling services are available for all students and employees who have alcohol and/or substance abuse issues. Students who have concerns about their alcohol or substance use should contact the Vice President of Student Engagement and Auxiliary Services to receive counseling services. Employees should contact Miles Community College's Vice President of Administrative Services for resources, including the Employee Assistance Program (EAP). The Montana University System has developed an online training offered to all first-year students through the Campus Learning Management System. The College will transition to a new system provided by the Montana University System in 2026 through the student learning management system, CANVAS.

- **Behavioral Intervention Team:** Miles Community College has a team that typically meets weekly to discuss campus climate, incidents, and reports of concerns facing the campus. The team will triage incidents to contact individuals or refer students through the student conduct system or to other campus support resources. The team is a multi-disciplinary team made up of faculty and staff.

Student Conduct Program:

The student conduct process at MCC is not intended to punish students; rather, it exists to challenge those whose behavior is not in accordance with our policies and to foster a better understanding of the expectations that exist for members of our academic community. The vast majority of conduct cases at MCC are resolved through administrative meetings. These are often one-on-one conversations between the student and a Conduct Officer.

During an administrative meeting, the Conduct Officer will provide the student an opportunity to share their account of an incident, review incident reports and/or other written documentation, ask follow-up questions, and discuss potential outcomes (sanctions) if the student is found responsible for violating the Student Conduct Code (page 64 of the Miles Community College Academic Catalog and Student Handbook) https://content.milescc.edu/DownloadFiles/WebCatalogs/Web_CatalogCurrent.pdf. The primary focus of these meetings is to determine what happened and if a violation took place, assist the student in understanding the impact of their behavior, and provide a space for the student to begin reflecting on how to learn from the incident.

If it is determined that a violation of the Code occurred and that the student is responsible, most administrative meetings conclude with sanctions identified in the Student Conduct Code.

Alcohol:

MCC has a Campus Alcohol and Drug Policy that promotes a healthy campus environment that conforms with the requirements of the Drug Free Schools and Communities Act.

It is illegal in Montana for anyone under the age of 21 to consume or be in possession of alcohol. It is also illegal for anyone to sell or provide alcohol to a person under the age of 21. Miles Community College prohibits the possession or consumption of alcoholic beverages on campus, or in any college facility, except as specially authorized by Miles Community College Board Policy 900.9. Students, organizations, or groups violating alcohol policies or laws may be subject to disciplinary actions by Miles Community College and/or the Miles City Police Department. The current information is in the catalog at https://content.milescc.edu/DownloadFiles/WebCatalogs/Web_CatalogCurrent.pdf .

Illegal Drugs:

The use, possession, or distribution of illegal drugs is strictly prohibited at Miles Community College. As of January 1, 2021, adults 21 and over may possess and use up to one ounce of marijuana with no criminal penalties. Adults may cultivate up to two mature marijuana plants and two seedlings for private use in a private residence, subject to certain restrictions. Miles Community College prohibits the use of marijuana on campus and campus hosted events and activities. Violators of illegal drug use, possession, or distribution will be turned over to the Miles City Police Department and are subject to Miles Community College's disciplinary actions. The current information is in the catalog at https://content.milescc.edu/DownloadFiles/WebCatalogs/Web_CatalogCurrent.pdf

Biennial Review:

MCC's Safety Committee reviews the College drug and alcohol abuse prevention programs for students and employees biennially to determine the programs' effectiveness and to implement change if needed. The review includes collecting about the number of drug and alcohol-related violations and the number and type of sanctions imposed as a result of those violations. The information is kept for at least three years. Campus policies were reviewed in July of 2024 and will next be reviewed in the 2026-2027 academic year.

Missing Person:

MCC Policy 500.8.1: In accordance with the Higher Education Act of 2008, all students living on campus must register a confidential contact with the College that will serve as the missing person contact. Access to this information is restricted to authorized campus officials and law enforcement officers actively involved in the furtherance of a missing person investigation.

The confidential contact person may be different than the person's emergency contact person(s). This individual is the person who will be contacted by the Vice President of Student Engagement or designee or a police department within 24 hours of determination that a student is reported missing. Additionally, this individual will be updated as to the progress of the investigation. In the event that the student is under 18 years of age, and has not been legally emancipated, the student's parents or guardian will also be contacted within 24 hours of the determination that the student is reported missing.

The contacts for all students living on campus will be maintained by the Director of Student Life and College Housing.

Policy History
Adopted on 11/23/2020
Reviewed 7/2021

The Residence Life Staff, upon notification of a missing student, shall conduct a thorough investigation and obtain all necessary information. The person's description, clothes, who he or she may be with, where he or she may be, vehicle description, and the physical and mental well-being of the individual shall be obtained.

All students who live in on campus housing complete an emergency data card that provides emergency contact information and missing person contact information.

The Residence Life Staff shall:

- Call the missing student's cell phone and send a text message.
- Conduct a quick but thorough search of the campus buildings and parking lots using the student's class schedule.
- Interview roommates and known friends.
- Check any surveillance video to determine the last time the student may have been seen.
- Look at social networking sites such as Facebook for any activity.
- Issue an I.D. card photograph to assist in the identification of the missing student.

- Check with faculty members to see when the student was in class or if they have had contact with the missing student.
- Check the Café to see when the last time the student's I.D. card was scanned.
- Attempt to locate the student's vehicle on campus.

After the Residence Life Staff has conducted the search with negative results, the Residence Life Staff shall notify the Vice President of Student Engagement and Auxiliary Services, who shall then notify the local law enforcement agency.

Miles Community College shall implement the following notification procedure for a missing student who resides in the residence halls:

- Any reports of missing students shall be referred immediately to the Residence Life Staff, who shall conduct an investigation as herein outlined. After the Residence Life Staff determines that the student has been missing for more than 24 hours, the Vice President of Student Engagement and Auxiliary Services shall contact the individual identified by the student, or the custodial parent or legal guardian if the student is under the age of 18 and not emancipated.
- The Vice President of Student Engagement and Auxiliary Services shall inform the College President and local authorities as deemed appropriate.
- A school-wide email alert shall be sent to faculty, staff, and students with the missing student's picture attached.

In all cases of a missing student, local law enforcement agencies shall provide information to the media to solicit public assistance in the search for any missing student. The local law enforcement agencies shall consult with the Vice President of Student Engagement and Auxiliary Services. Any media requests to the College shall be directed to the Vice President of Administrative Services/Title IX Coordinator. Other offices may lead communications including the President, Vice President of Academic Affairs, Vice President of Student Engagement and Auxiliary Services, the Vice President of Enrollment Management, and the Athletic Director.

Sexual Assault:

If an assault occurs, students should report the incident to the Vice President of Administrative Services/Title IX Coordinator, contact the Miles City Police Department, and the Vice President of Student Engagement and Auxiliary Services as soon as possible. Reports can be made in-person or through the web-based reporting feature on Miles Community College's campus safety page of its website at https://www.milescc.edu/AboutUs/CampusSafety/. The Vice President of Administrative Services/Title IX Coordinator and Vice President of Student Engagement and Auxiliary Services will assist the student in notifying appropriate law enforcement authorities if the student requests the assistance of these personnel. Victims should not disturb any physically evidence. Victims should not wash, clean up or use the restroom, which can destroy powerful evidence. Information shared will remain confidential and will not require the individual to file a police report unless so desired.

It is encouraged to seek medical attention.

In 2025, Miles Community College contracted with One Health to provide free counseling services. Additionally, MCC contracts area counselors during times when One Health is not available and who, upon the request of assault victims, can receive three free counseling services. The Vice President of

Student Engagement and Auxiliary Services and other members of the Behavioral Intervention Team can authorize counseling visits. In 2026, the College will transition its counseling program to an online counseling model provided through TimelyCare.

Miles Community College will make reasonable accommodations to the accused and/or the accuser's academic schedules or to the residence hall living accommodations so that the individuals can avoid on-going contact with the person(s) who have been implicated in the assault.

If the accused is a student, employee, or otherwise officially affiliated with the College, the victim will be advised of their right to pursue disciplinary action against the assailant. The student may pursue disciplinary action whether or not the student chooses to file a criminal complaint. Both the accuser and accused will be informed by the Vice President of Student Engagement and Auxiliary Services of any disciplinary action imposed.

In sexual assault investigations, the preponderance of evidence will be the standard used to determine whether or not there has been a violation of policy.

All reports and complaints of violations of MCC's Discrimination, Harassment, Sexual Misconduct, Domestic Violence, and Stalking Policy are considered in accordance with MCC's Discrimination Grievance Procedure. The procedures include the following:

- A prompt, fair, and impartial investigation and resolution adhering to the principles of due process of such reports and complaints;
- A process conducted by officials who receive annual training on the issues related to sexual misconduct, domestic violence, and stalking, including how to conduct investigations and hearings which protect the safety of victims and promotes accountability;
- A process in which the accusing party and the accused have the same opportunities to participate in the process, including the right to be accompanied by an adviser and the right to any appeal.

Policy violations are established with the evidence shows that it is more likely than not the proscribed conduct occurred (referred to as a "preponderance of the evidence standard"). The outcome of the process, including the determination of whether a policy violation occurred and the sanction imposed, will be disclosed to both the accusing party and the accused. A written statement will be provided to any student or employee victim of sexual misconduct, dating violence, domestic violence, or stalking providing an explanation of their rights under the Discrimination Grievance Procedure.

Orders of Protection, "No Contact" Orders, Restraining Orders, or Similar Lawful Orders:

Miles Community College complies with the Montana law in recognizing orders of protection or criminal no contact orders by: coordinating with the parties to the Order as needed to ensure access for the individual who has protection under a Court Order. Any person who obtains an order of protection from Montana or any reciprocal state should provide a copy to the Vice President of Student Engagement and Auxiliary Services or the Vice President of Administrative Services/Title IX Coordinator. A Complainant may then meet with these individuals to develop a Safety Action Plan, which is a plan designed to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but

is not limited to escorts, special parking arrangements, changing classroom locations, or allowing a student to adjust classroom attendance. The College does not petition for or obtain orders on behalf of victims; victims must apply directly through the appropriate court.

In Montana, the law governing Orders of Protection is Chapter 15, Part 2. MCA 40-15-201 sets forth the procedure for requesting a Temporary Order of Protection. Within 20 days of the issuance of a Temporary Order of Protection, a hearing must be held to determine if there is good cause for the order to be continued, amended, or made permanent. MCA 40-15-202. The victim is required to apply directly for these services through the City Court, Justice Court, or District Court. Assistance in applying for an Order of Protection can be provided through the Custer County Network Against Domestic Abuse and Sexual Assault (CNADA) at 2200 Box Elder, Suite 135 in Miles City, Montana and can be reached at (406)234-0542.

The College may issue an institutional no-contact order, if deemed appropriate, at the request of the victim/reporting party or accused. The availability of an institutional no-contact order is independent of a victim's decision to report to law enforcement or pursue a court-issued order of protection.

If the College receives a report that such an institutional no contact order has been violated, the College will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and may impose sanctions if the accused is found responsible for violating the no-contact order.

Sanctions:

If a student is found to have violated the Discrimination Policy and, thus, the Student Conduct Code, Miles Community College may impose sanctions against the student. These sanctions may include counseling, education, or other sanctions up to and including suspension or expulsion from MCC. Please review the MCC Student Conduct Code for further information regarding sanctions at https://content.milescc.edu/DownloadFiles/WebCatalogs/Web_CatalogCurrent.pdf . If an employee is found to have violated the Discrimination Policy, sanctions may be imposed in accordance to the applicable MCC Board of Trustees Policy and the Master Faculty Agreement.

Description of Safe and Positive Options for Bystander Intervention:

MCC stresses that preventing crime is a shared responsibility. Everyone in the campus community should play an active role in making the college environment safe and secure from criminal activity. Bystanders play a critical role in the prevention of sexual and relationship violence. MCC wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Bystanders might not always know what to do if they want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 9-1-1.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.

- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document.

Risk Reduction:

The following risk reduction strategies have been included from the Rape, Abuse & Incest National Network (RAINN). These are some of the ways students can utilize tactics to reduce their risk of sexual assault.

- **Walk with purpose:** Even if you don't know where you are going, act like you do.
- **Be secure:** Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the residence hall, report this to a member of the residence life staff.
- **Stay alert:** when you're moving around on campus or in the surrounding neighborhood, be aware of your surroundings. If you're alone, only use headphones in one ear to stay aware of your surroundings.
- **Avoid isolated areas:** It's more difficult to get help if no one is around.
- **Prevent isolation:** Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- **Be careful about posting your location:** Many social media sites, like Facebook, use geolocation to publicly share your location.
- **Keep an eye on your friends:** If you are going out in a group, plan to arrive together and leave together. If you decide to leave early, let your friends know. If you're at a party, check in with them during the night to see how they're doing. If something doesn't look right, step in. Don't be afraid to let a friend know if something is making you uncomfortable or if you are worried about their safety.
- **Have a backup plan:** Sometimes plans change quickly. You might realize it's not safe for you to drive home, or the group you arrived with might decide to go somewhere you don't feel comfortable. Keep the number for a reliable cab company saved in your phone and cash on hand in case you decide to leave.
- **Know what you're drinking:** Don't recognize an ingredient? Use your phone to look it up. Consider avoiding large-batch drinks like punches or "jungle juice" that may have a deceptively high alcohol content. There is no way to know exactly what was used to create these drinks.
- **Trust your instincts:** If you feel unsafe, uncomfortable, or worried for any reason, don't ignore these feelings. Go with your gut. Get somewhere safe and find someone you trust or call law enforcement.
- **Don't leave a drink unattended:** That includes when you use the bathroom, go dancing, or leave to make a phone call. Either take the drink with you or throw it out. Avoid using the same cup to refill your drink.

- **Don't accept drinks from people you don't know or trust**: If you choose to accept a drink from someone you've just met, try to go with the person to the bar to order it, what it being poured, and carry it yourself.
- **Check in with yourself:** Whether you drink regularly or not, check in with yourself periodically to register how you feel.
- **It's okay to lie:** If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.
- **Be true to yourself:** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you.
- **Have a code word:** Having a code word with friends and family enables you to not feel uncomfortable and allows you to call them and communicate your discomfort without the person you are with knowing what you are communicating. Your friends or family can then come and get you or make up an excuse for you to leave.

Additionally, RAINN provides additional strategies to reduce risk and increase safety on their website at https://rainn.org/get-informed/prevention/strategies-to-reduce-risk-increase-safety/

Sex Offender Registry:

Montana's registry for sexual offenders can be found at the following web address (Montana Sexual or Violent Offender Registration—SVOR--registry: https://app.doj.mt.gov/apps/svow/search/

MCC Policy 600.6 identifies the campus policy regarding sex offenders:

Under the provisions of the Family Educational Rights and Privacy Act, as amended by the Campus Sex Crimes Prevention Act, Miles Community College may disclose information concerning registered sex offenders after appropriate consultation with local criminal justice agencies and legal counsel review of the proposed methods of dissemination.

The purpose of this reporting is to ensure that members of the campus community have information available concerning the presence of registered sex offenders. All registered sex offenders are required to self-report their status to the College upon employment or enrollment. Faculty and Staff shall report this to the Vice President of Administrative Services and Human Resources and students shall report this to the Vice President of Student Engagement. If designated as a registered sex offender, after employment or enrollment, the self-reporting must occur within one working day of the designation. Human Resources or the Office of Student Engagement will contact the employee or student to clarify his or her status and to advise him or her of applicable College policy and procedures. Failure to self-report may result in disciplinary action up to and including termination of employment or expulsion.

The Adam Walsh Child Protection and Safety Act is a federal statute signed into law in 2006. The Act organizes sex offenders into three tiers and provides guidance for how often each person identified into specific tiers must update their registry information. Section 46-23-508 of the Montana Code Annotated governs the dissemination of information about sexual and violent offenders, including the release of information on juvenile sex offenders who are required to register. Dissemination pursuant to Section 46-23-508 is dependent on the type of offender and level of risk.

The Montana Sexual or Violent Offender Registry (SVOR) was created by the Montana Department of Justice in 1989. The SVOR is administered by the Sexual or Violent Offender Registration Unit with the Division of Criminal Investigation. The link can be found at https://app.doj.mt.gov/apps/svow/search/ .

Registered Sex Offenders are:

- not barred from employment with MCC. Limitations and restrictions on employment must be both reasonable, job related, and directly related to areas of potential risk.
- not barred from enrollment at MCC. Students pursuing academic programs with specific licensure requirements are encouraged to contact their academic advisor and/or the state or national licensing agency related to their program.
- prohibited from working in or being upon the premises without authority of any area of the College that is designated to provide service/care to children. Supervisors of registered sex offenders should not assign the employee to an area from which they are prohibited if other employees are available to complete the assignment. If the assignment of the sex offender is essential, their immediate supervisor must escort them for the entire time they are working in the prohibited location.
- prohibited from working, living, or being present in living areas of college housing.

Policy History
Adopted: 11/23/2020
Reviewed 7/2021

Please see below for Miles Community College's policy regarding discrimination, harassment, sexual misconduct, domestic violence, and stalking.

600.14 Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking

State and federal laws and regulations prohibit certain kinds of discrimination in employment and in educational services. This policy is intended to comply with the following laws and regulations: Titles IV, VI, and VII of the Civil Rights Act of 1964; 34 C.F.R. pt. 100; Title IX; 28 C.F.R. pt. 54 and 34 C.F.R. pt. 106; Section 504 of the Rehabilitation Act; 34 C.F.R. pt. 104; Age Discrimination Act of 1975; 34 C.F.R. pt. 110; and Titles I and II of the Americans with Disabilities Act; 28 C.F.R. pt. 35; Montana Human Rights Act and Governmental Code of Fair Practices, Title 49, Montana Code Annotated.

In addition, Title IX of the Education Amendments of 1972 and its implementing regulation, at 34 C.F.R. § 106.31 (a), provide that no person shall, on the basis of sex, be excluded from participation in, be

denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by Miles Community College.

Policy History
Revised on: 1/16/1989, 4/27/2009, 9/26/2011, 3/24/14, 7/27/2020
Reviewed 1/2013, 7/2021

600.14.1 Policy Statement

The college is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among all people at the college. Acts of discrimination, harassment, sexual misconduct, dating violence, domestic violence, stalking, and retaliation shall be addressed consistent with this policy.

Policy History
Adopted on 3/24/14
Revised on 7/27/2020
Reviewed 7/2021

600.14.2 Definitions of Discriminatory Conduct

The following are common definitions of terms used throughout this policy:

A. Discrimination is conduct that is based upon an individual's race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a college program. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.
B. Harassment is covered under this policy if it is based upon an individual's race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Harassing conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones, social media, or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Sex-based harassment includes sexual harassment, which is further defined below, and non-sexual harassment based on stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes.

C. Sexual Harassment can include unwelcome: sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including sexual misconduct. Sexual harassment, including sexual misconduct, can involve persons of the same or opposite sex.

Consistent with the law, this policy prohibits two types of sexual harassment:

1. Tangible Employment or Educational Action
   This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a college program is conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a college program. Generally, this type of sexual harassment will involve agents or employees with some authority from the college.
2. Hostile Environment
   A *Hostile Environment* based on race, color, religion, national origin, creed, service in the uniformed services, veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation exists when harassment:
   - is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the college's programs, services, opportunities, or activities; or
   - when such conduct has the purpose or effect of unreasonably interfering with an individual's employment or academic performance.

   A hostile environment can be created by anyone involved in a college program or activity (e.g., administrators, faculty members, students, and even campus guests). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, such as a sexual assault, even if isolated, can be sufficient.

   In determining whether harassment creates a hostile environment, the harassment shall be considered not only from the perspective of the individual who feels harassed, but also from the perspective of a reasonable person in a similar situation. Also, the following factors shall be considered:
   - The degree to which the conduct affected one or more students' education or individual's employment;
   - The nature, scope, frequency, and duration;
   - The location, event, or circumstances, whether or not these items are on a school's campus, includes where the school has substantial control over the context of the alleged harassment and the person accused of committing sexual harassment;
   - The identity, number, and relationships of persons involved;

- The perspective of a "reasonable person" in the same situation as the person harassed; and
- The nature of higher education.

D. Sexual Misconduct includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, and dating violence.

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

- Involvement in any sexual contact when the victim is unable to consent.
- Intentional and unwelcome contact with the breasts, buttock, groin or genitals or touching another with any of these body parts or coercing or forcing or attempting to coerce or force another to touch the perpetrator or themselves with or on any of these body parts.
- Any other intentional bodily contact in a sexual manner, including contact by a penis, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact).
- Sexual intercourse without consent, including acts commonly referred to as "rape."

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

There is no consent if a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact of, or make a reasonable judgment as to the nature or harmfulness of the conduct, or extent of the sexual situation. This includes impairment or incapacitation due to mental disability, alcohol or drug consumption, or being asleep or unconscious. There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Silence does not necessarily constitute consent. Past consent to sexual activities does not imply ongoing future consent. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent. Effective consent may not be given by minors less than 16 years old.

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

G. Sexual Exploitation/Coercion occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of sexual exploitation include:

- Prostituting another person;
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
- Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- Going beyond the bounds of consent (such as letting others hide in the closet to watch you having consensual sex);
- Engaging in non-consensual voyeurism;
- Knowingly transmitting a sexually transmitted disease, such as HIV to another;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; and
- Possessing, distributing, viewing or forcing others to view illegal pornography.

H. Dating Violence is abuse or violence between, partners or persons in a social relationship of an intimate or romantic nature involving one or more of the following elements:

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

The existence of such a relationship shall be determined based on consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction.

I. Stalking includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death. To the extent applicable as provided in 600.13.4 Off Campus Conduct, allegations of stalking, regardless of whether they are based on discrimination, shall be addressed and considered in accordance with this Policy and the Discrimination Grievance Procedure.

J. Domestic Violence is an act of partner or family member assault (as defined in Section 45-2-206 Montana Code Annotated) A person "commits . . . partner or family member assault if the person:

a. purposely or knowingly causes bodily injury to a partner or family member;
b. negligently causes bodily injury to a partner or family member with a weapon; or

c. purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family member."

Partners" are spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship. "Family member" means mothers, fathers, children, brothers, sisters, and other past or present family members of a household.

To the extent applicable as provided in 600.13.4 Off Campus Conduct, allegations of domestic violence, regardless of whether they are based on discrimination, shall be addressed and considered in accordance with this Policy and the Discrimination Grievance Procedure.

[1] While sexual assault and other sexual misconduct is often considered a subset of "sexual harassment," for purposes of this policy and the consequences that may result from violating this policy, the terms are distinct.

Adopted on 3/24/14
Revised on 7/27/2020
Reviewed 7/2021

600.14.3 Disability Discrimination

The College is committed to eliminating disability-based discrimination against persons with disabilities and making reasonable accommodation for any known disability that interferes with an applicant's ability to compete in a selection process, an employee's ability to perform the essential functions of a job, a student's ability to meet the essential requirements of an academic program, or a person's ability to benefit from a college service or participate in a college sponsored or hosted event. Applicants, employees, students or participants with a disability seeking an accommodation should contact the appropriate person identified below:

Students or student applicants:

Director of College Success and Disabilities Support Services,
Center for Academic Success,
Room 208
Phone (406) 874-6100 or (800) 541-9281
DSS@milescc.edu

Employees, employment applicants or participants:

Vice President of Administrative Services and HR,
Office 218
Phone (406) 874-6292
HumanResources@milescc.edu

Adopted on 3/24/14
Revised on 7/27/2020
Reviewed 7/2021

600.14.4. Off Campus Conduct

Conduct that occurs off campus can be the subject of a complaint or report and shall be evaluated to determine whether it violates this policy or student code of conduct, e.g., if off-campus harassment has continuing effects that create a hostile environment on campus. Allegations of off-campus sexual misconduct, where the school has substantial control over the context of the alleged harassment and the person accused of committing sexual harassment should be brought to the attention of the Responsible Official (RO).

Policy History
Adopted on 3/24/14
Revised on 7/27/2020
Reviewed 7/2021

600.14.5 Applicability

This policy prohibits discrimination and harassment of employees by the employer and between members of the Miles Community College community more generally: for example, between an employee and another employee, instructor and a student, between two students, or between a student and an applicant or campus guest. The policy applies in all college programs and activities, including, but not limited to, discrimination in athletics, instruction, campus sponsored travel, grading, housing, clubs, organizations, and employment.

Policy History
Adopted on 3/24/14
Revised on 7/27/2020
Reviewed 7/2021

600.14.6 Reporting Violations of This Policy

All reports or any concerns about conduct pertaining to sexual harassment or discrimination that may violate Policy 600.13 and retaliation should be reported to official responsible for receiving reports of discrimination referred to throughout this Policy as the Responsible Official ("RO").

The MCC Responsible Official (ROs) is:

Kylene Phipps
Title IX Coordinator
Office 218
2715 Dickinson
Miles City, MT 59301
Phone: (406) 874-6292
TitleIX@milescc.edu

Richard DeShields
Deputy Title IX Coordinator
Student Services Office
2715 Dickinson
Miles City, MT 59301
Phone: (406)874-6226
deshieldsr@milescc.edu

Erin Niedge
Deputy Title IX Coordinator
Student Services Office
2715 Dickinson
Miles City, MT 59301
Phone: (406) 874-6211
niedgee@milescc.edu

Jessica Lofland
Deputy Title IX Coordinator
Student Services Office
2715 Dickinson
Miles City, MT 5930
Phone: (406)874-6480
Loflandj@milescc.edu

Guidance concerning means and methods of reporting, criminal reporting, confidentiality and anonymous reporting are found in the Discrimination Grievance Procedure.

Upon receiving a report, the RO shall follow the procedures described in the Discrimination Grievance Procedure.

Please do not wait to report conduct of concern until harassment becomes sufficiently serious (i.e., severe, pervasive, or persistent) to create a hostile environment. The RO can take proactive steps to prevent harassment from continuing and perhaps escalating and to protect or otherwise assist the person harassed. For example, in the case of a student experiencing harassment, the Vice President of Student Engagement and Auxiliary Services, or designee, can arrange for no-contact orders, counseling and changes in class schedules, living arrangements, class requirements, testing schedules as needed, and other supportive measures. The RO can also provide expertise and advice to help identify conduct that might be a warning sign of or constitute sexual harassment or hostile environment harassment prohibited by this policy and address concerns appropriately.

Policy History
Adopted on 3/24/14
Revised on 7/27/2020

600.14.7. Mandatory Employee Reporting of Sexual Harassment and Sexual Misconduct Involving Students

To enable the college to respond effectively and to stop instances of sexual harassment and sexual misconduct involving students proactively, all employees are identified as Mandatory Reporters and must promptly (normally within 24 hours) report information they have about alleged or possible sexual harassment and sexual misconduct involving students to the RO. Employees, such as licensed health-care professionals and victim advocates who have a statutory privilege under Montana law, are exempt from these reporting requirements.

Policy History
Adopted on 3/24/14
Revised on 7/27/2020
Reviewed 7/2021

600.14.8 Sanctions and Corrective Action

Violations of this policy shall be addressed through the Discrimination Grievance Procedures. The college utilizes a preponderance of evidence standard in all cases pertaining to Policy 600.13. Consequences for violating this policy shall depend upon the facts and circumstances of each particular situation.

The respondent is presumed not responsible at the onset of the process and can only be found responsible after the grievance process concludes.

In determining the severity of sanctions or corrective actions, factors such as the frequency and severity of the offense and any history of past discriminatory, harassing or retaliatory conduct are relevant. A finding of discrimination, harassment that creates a hostile environment or results in a tangible

employment or educational action, or sexual misconduct may be cause for disciplinary action up to and including the discharge of employees and the expulsion of students, in accordance with applicable college policies and procedures and collective bargaining agreements. Other possible terms of disciplinary action are identified in the Discrimination Grievance Procedures.

Policy History
Adopted on 3/24/14
Revised on 7/27/2020

600.14.9 Amnesty for Drug or Alcohol Possession and Consumption Violations

The college strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, students who provide information about sex-based discrimination, sexual harassment, sexual misconduct, domestic violence, or stalking involving students shall not be disciplined by the college for any violation of the college's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

Policy History
Adopted on 3/24/14
Revised on 5/20/2020
Reviewed 7/2021

600.14.10 Free Speech and Academic Freedom

This policy shall not be construed or applied to restrict academic freedom at the college, nor shall it be construed to restrict constitutionally protected expression, even though such expression may be offensive, unpleasant, or even hateful.

In addressing all complaints and reports under this policy, the college shall take all permissible actions to ensure the safety of students and employees while complying with free speech requirements for students and employees.

Policy History
Adopted on 3/24/14
Reviewed on 5/20/2020, 7/2021

600.14.11 External Complaints

As an employee or student, if you filed a complaint with the RO and believe the college's response was inadequate, or otherwise believe you have been discriminated against by the college on the basis of race, color, national origin, sex, including sexual harassment, disability, age, or retaliation, you may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education based in Seattle or the Educational Opportunities Section (EOS) of the Civil Rights Division of the U.S. Justice Department of Justice, and a complaint based on religion with EOS of the U.S. Justice Department. Contact information for the Office for Civil Rights is as follows:

U.S. Department of Education Office for Civil Rights
Seattle Office
915 Second Avenue, Room 3310
Seattle, WA 98174-1099

OCR.Seattle@ed.gov
Voice: 206-607-1600
Fax: 206-607-1601
TDD: 800-877-8339

As an employee or student, if you filed a complaint with the RO and believe the college's response was inadequate, or you otherwise believe you have been discriminated against by the college on the basis of race, color, national origin, sex, including sexual harassment, disability, age, religion, creed, pregnancy, marital status, familial status (housing only), or political beliefs, or retaliation, you may file a complaint with the Montana Human Rights Bureau.

Montana Human Rights Commission
1625 11th Ave./PO Box 1728
Helena, MT 59624-1728
Voice: 406-444-2884; Toll free: 800-542-0807

http://erd.dli.mt.gov/human-rights

Policy History
Adopted on 3/24/14
Reviewed on 5/20/2020, 7/2021

600.14.12 Discrimination, Harassment, and Title IX Training

To educate staff and faculty on the importance of non-discrimination and the prevention of sexual harassment in the work environment and classroom, the college requires all employees (faculty, administrators, and staff members) to:

- complete discrimination and harassment prevention training on a biennial basis; and
- complete Title IX on-line training.

New employees must complete the training within 45 days of employment. Temporary employees and student employees are required to complete the training program only at the discretion of the RO or Human Resources and/or in conjunction with the department of hire.

Supervisors shall support the employee in providing a reasonable amount of work time for the employee to complete the training program. Training programs can be selected from resources such as online programs, presentations or self-study options as determined and pre-approved by the responsible college officials.

The college requires primary prevention, risk reduction and awareness training programs for all incoming students and new employees concerning sexual misconduct, domestic violence and stalking. The college shall maintain ongoing primary prevention, risk reduction, and awareness campaigns concerning sexual misconduct, domestic violence, and stalking for students and employees.

The RO will send an annual notice regarding policies, reporting mechanisms, and grievance procedures to every student, applicant for admission or employment, employees and faculty association representative.

Policy History
Adopted on 3/24/14
Revised on 7/27/2020
Reviewed 7/2021

600.14.13 Confidentiality of Reporting Parties and Other Necessary Parties

Except where specifically identified in written policies and/or procedures, such as the Grievance Process, the College has the responsibility to protect the confidentiality of victims/complainants and other necessary parties in the following ways

1) Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim/complainant, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (34 U.S.C. § 12291(a)(20)).
2) Maintain as confidential any accommodations or protective measures provided to the victim/complainant, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
3) Whenever possible, the College shall inform victims/complainants before sharing personally identifiable information about the victim/complainant that the institution believes is necessary to provide an accommodation or protective measure.

The institution will, upon written request, disclose to the alleged victim of a crime of violence, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator or such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. Additional information regarding the release of information pertaining to reports of discrimination, harassment, sexual misconduct, domestic violence, and stalking are located in 600.16 Grievance Procedures. In those cases where a formal complaint is made involving Discrimination, Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and/or stalking, as defined in the final Title IX Rules of the Education Amendments of 1972, the College will share information with any respondent and advisor of choice.

Policy History
Adopted on 11/23/2020
Reviewed 7/2021

600.14.14 Retaliation

Retaliation against an individual for taking any of the actions in support of this policy is prohibited. It is central to the values of the college that any individual who believes they may have been the target of unlawful discrimination or harassment feel free to report their concerns for appropriate investigation and response, without fear of retaliation or retribution.

Retaliation is action taken by an accused individual or an action taken by a third party against any person because that person has opposed any practices forbidden under this policy or because that person has filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, or sexual misconduct. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy.

Miles Community College Discrimination Grievance Procedures

The following information may be found on the Title IX webpage at https://www.milescc.edu/TitleIX/TitleIX.aspx

DISCRIMINATION GRIEVANCE PROCEDURES

Miles Community College

Responsible Party: Title IX Coordinator

INTRODUCTION AND PURPOSE

The purpose of these procedures is to provide a prompt and equitable resolution of reports of discrimination based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Any person believing that he or she has been subjected to discrimination or harassment on any of these bases may report any potential violation of policy to Miles Community College (MCC). These procedures address all reports of alleged discrimination or harassment, including conduct that violates the Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking and Retaliation Policy (hereinafter referred to as "***Policy Violations***"). The procedures also address reports of retaliation against those who have opposed practices forbidden under the policy, those who have filed complaints or reports under the policy, and those who have testified or otherwise participated in enforcement of the policy.

REPORTING TO MCC

Reports of ***Policy Violations***, whether by recipients of unwelcome behavior (referred to as "***Complainants***") or by third-parties (referred to as "Reporters"), should be made to the Responsible Official stated below. The Responsible Official, staff members, and designees (collectively referred to in this Procedure as "the ***RO***") are trained to help you find the resources you might need, to explain all reporting options, and to respond appropriately to conduct of concern. All instances of retaliation should be reported and shall be addressed in the same manner. The contact information for the ***RO*** is listed below.

The MCC Responsible Official (RO) and Title IX Coordinator is:
Kylene Phipps
Office 218, 2715 Dickinson
Miles City, MT 59301
Phone: (406)874-6292
TitleIX@milescc.edu

Deputy Title IX Coordinators:

Richard DeShields
Deputy Title IX Coordinator
Student Services Office
Miles City, MT 59301
Phone: (406)874-6226
deshieldsr@milescc.edu

Jessica Lofland
Deputy Title IX Coordinator
Student Services Office
Miles City, MT 59301
Phone: (406)874-6480
loflandj@milescc.edu

Erin Niedge
Deputy Title IX Coordinator
Student Services Office
Miles City, MT 59301
Phone: (406)874-6211
niedgee@milescc.edu

Reports should be made as soon as possible after an incident and there are several avenues available for submitting a report [based on the contact information above]:

- Leave a voice message for the ***RO***;
- File a report on the forms found on the Campus Safety website at the link- https://www.milescc.edu/AboutUs/CampusSafety/ under Report Harassment or Sexual Assault or Report a Student Conduct Code Violation;
- Send a private email to the ***RO***;
- Mail a letter to the ***RO*** office;
- Visit one of the ***RO*** staff (you may wish to make an appointment first to ensure availability).
- Report to another trusted MCC official (e.g., Resident Assistant, Instructor, Coach, Advisor) who will provide information to the ***RO*** as required under the policy.

For the purpose of these procedures, the term "***Respondent***" will be used for those individuals who are reported as having alleged violations of discrimination, harassment, sexual misconduct, dating violence, domestic violence, stalking, or retaliation due to one of these areas.

If there is a complaint about the ***RO*** or any staff member that is part of the ***RO*** office, or if the ***RO*** or ***RO*** staff has a complaint, that complaint should be made to the President. The President will appoint another trained individual to take the place of the ***RO*** for purposes of the complaint.

ANONYMOUS AND THIRD-PARTY REPORTING

The ***RO*** accepts anonymous and third-party reports of conduct alleged to violate this Policy and the College will follow up on such reports, to the extent possible. The individual making the report is encouraged to provide as much detailed information as possible and allow the ***RO*** and Investigative Officer (***IO***) to investigate and respond as appropriate. The ***RO*** and ***IO*** may be limited in the ability to follow-up or investigate an anonymous report unless sufficient information is furnished to enable the ***RO*** to identify support measures or contact appropriate individuals to remedy the situation. Additionally, the ***IO*** may not be able to conduct a meaningful and fair investigation.

CRIMINAL REPORTING

If someone is in immediate danger or needs immediate medical attention, the first place to report is 911. You may also report to the city/county police department at (406)232-3411.

Some forms of discrimination and harassment may also be crimes. For example, sexual assault, domestic violence, stalking, and rape are crimes. ***Complainants*** and witnesses should consider making criminal reports to law enforcement, even if it is uncertain whether the particular conduct is a crime.

Calling local law enforcement can help you:

- Obtain emergency and non-emergency medical care;
- Get immediate law enforcement response for your protection;
- Assist in preventing a possible escalation to a more severe criminal behavior;
- Arrange a meeting with a Victim Advocate Service or Sexual Assault Nurse Examiner;
- Find counseling and support
- Preserve evidence (important in a criminal case);
- Initiate a criminal investigation; and,
- Answer questions about the criminal process.

Appropriate campus officials are available to assist you in reporting to local law enforcement, if you so choose. You may also decline to report to law enforcement officials. However, if a health or safety emergency, as defined by state or federal law, is found by the College to exist, the College is required to report alleged criminal incidents to appropriate law enforcement authorities.

EVIDENCE PRESERVATION

If a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, it is important for individuals to consider preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. The ***RO*** will provide information to the ***Complainant*** regarding resources available in the community including information regarding an off-campus sexual assault nurse examiner that is independent of the College.

JURISDICTION

The ***RO*** is limited to reports of ***policy violations*** that have/has occurred in the College's education program or activity where the College has substantial control over the context of the alleged harassment and the person accused of committing sexual harassment. While confined to this jurisdiction, the ***RO*** may still be able to provide support measures for individuals outside of the jurisdiction.

RELATION TO THE STUDENT CODE OF CONDUCT

The Hearing Decision Officer (***HDO***) is authorized to impose sanctions on students who are found to have violated the policy. The sanctions for discrimination, harassment, dating violence, domestic violence, sexual assault, sexual misconduct, stalking, or retaliation may include a suspension or disciplinary warning, conduct probation, eviction from campus housing, deferred suspension, suspension, expulsion, or any other sanction set forth in the Student Conduct Code, such as work requirements or restrictions, limitation of access to certain areas of campus and College property, imposition of mandatory educational or

counseling requirements, and other supportive measures. The type and length of the sanction will be determined on a case by case basis. Reinstatement requirements are determined by the Vice President of Student Engagement & Auxiliary Services in consultation with the ***RO***. Disciplinary records for policy violations are maintained in the same manner as other disciplinary records.

STANDARD OF EVIDENCE

If a complaint moves forward to a formal hearing, the Hearing Decision Officer (***HDO***) will utilize the "Preponderance of the Evidence" standard in determining complaints whether the individuals are students or employees. This standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it; that is, it is more likely than not that the alleged conduct occurred.

CONFIDENTIALITY OF COMPLAINTS AND REPORTS

Parties in these processes, including the ***Complainant***, the ***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 process depends on ensuring reasonable expectations of confidentiality.

The ***RO*** will keep confidential the complaint, report, witness statements, and any other information provided by the ***Complainant***, ***Respondent***, or witnesses to the extent possible, but may disclose information as follows:

- To the ***Complainant***, ***Respondent***, an advisor of choice for the both ***Complainant*** and ***Respondent***, or witnesses, as necessary to give fair notice of the allegations and to conduct the investigation;
- To law enforcement consistent with state and federal law and MCC Policy;
- To other College officials who have a need to know in performing their official college business, including taking interim, remedial, or disciplinary action;
- To government agencies who review the College's compliance with federal law;
- To Miles Community College Board of Trustees as necessary to perform their duties; and,
- As necessary to respond to litigation or formal investigation of a complaint filed or appealed to the Miles Community Board of trustees, state and federal agencies, and the court, or to respond to lawfully issued subpoenas.

The investigation Report of Findings and any written decision resulting from the appeals process will be disclosed only to the ***Complainant***, ***Respondent*** and their advisor of choice, ***RO***, and Discipline Authorities[1] subject to the protection of confidentiality as may be appropriate under the circumstances and in accordance with the requirements of FERPA. It will also be provided to College officials as necessary to prepare for subsequent proceedings (e.g., President and College attorneys). If otherwise required by law or legal process, the Report may be provided to other entities subject to the requirements of FERPA.

[1] In the case of employees, the Discipline Authority is the MCC Administrator with the authority to impose sanctions in accordance with applicable employment policies and procedures and collective bargaining agreements. In the case of students, the Discipline Authority will be assigned by the Vice President of Student Engagement or designee.

Information about complaints and reports, absent personally identifiable information, may be reported to College Officials and external entities for statistical and analysis purposes pursuant to federal and state law and College policy.

No information protected by a legal privilege or doctor-patient privilege may be used in an investigation unless the person holding the privilege has waived it.

If a ***Complainant*** or Reporter desires full confidentiality, he/she should speak to mental health counselors or health service providers, or victim advocate counselors who can maintain confidentiality. Counselors are available to students free of charge and can be seen on an emergency basis. Please contact the Vice President of Student Engagement to set up an appointment with a counselor or for counselor contact information. You do not have to disclose full reasons for an appointment with a counselor. The ***RO*** may also assist you in contact information for local services that provide confidential support.

IMMEDIATE ACTION AND INTERIM REMEDIAL ACTION

MCC may take interim measures to assist or protect the parties during the grievance process. Remedial action taken does not imply involved parties are responsible or not responsible. Such remedies are put in place to ensure the integrity of the process. The College reserves the right to place the remedies on the ***Complainant*** and/or ***Respondent*** based on available options.

Remedial Actions are administrative steps on an interim basis taken to remedy a situation that has led to a complaint. The purpose of remedial action is to:

- Prevent serious and immediate harm to the ***Complainant*** and others;
- Prevent retaliation against any party;
- End discriminating or harassing behavior and prevent its recurrence; and
- Provide appropriate training in preventing discrimination.

Remedial action may include, but shall not be limited to:

- Altering the ***Complainant***'s or ***Respondent***'s work or academic environment;
- Providing training on discrimination or harassment;
- Meeting with ***Respondent*** and his/her supervisor to discuss changes of behavior;
- Reassignment or transfer;
- Changes in residence hall assignments;
- Changing advisors, mentors, supervisors or evaluators;
- Providing academic support services such as tutoring;
- Obtaining counseling or medical services;
- Providing escort service for a party's safety in moving about campus;
- Arranging for re-taking or course withdrawal without penalty;
- Issuance of a no-contact order; and
- Suspending an employee pending investigation.

The ***RO*** notifies the ***Complainant*** of immediate measures that are available such as a no contact order, no trespassing order, an order of protection, a restraining order or a similar lawful order issued by a criminal, civil or tribal court or the by the institution. No contact orders and no trespassing orders are issued by the

institution and are issued by the ***RO***, Discipline Authority, or designee. The college does not issue orders of protection or restraining orders; inquiries about these and other similar lawful orders should be directed to the Miles City Police Department at 406-232-3411.

A ***Respondent*** may be removed from the school's education program or activity if the ***Respondent*** poses an immediate threat to anyone's physical health or safety. If the ***Respondent*** is a College employee, the College is not prevented from placing that employee on administrative leave during the investigation.

The ***RO*** may also provide additional support measures for both parties.

REQUESTS FOR NO INVESTIGATION BY THE *COMPLAINANT* OR THIRD-PARTY REPORTER

If a ***Complainant*** or a third-party Reporter requests that no follow-up or investigation of an incident be conducted, the ***RO*** will consider the reasons for the request, including concerns about continued safety of the person reportedly harmed and members of the campus community. The ***RO*** must also balance considerations about the continued health and safety of members of the community against the ***Complainant***'s or third-party Reporters' desire not to have the report investigated.

The ***RO*** retains the right to initiate a formal investigation based on the information provided. The ***RO*** may consult with appropriate campus officials, but the ***RO*** will make the ultimate decision about whether to conduct a formal investigation or respond to the report in another manner, including taking informal actions. All sexual misconduct reports will be conducted as a formal investigation.

The ***RO*** may provide supportive measures regardless if a case moves forward or is dismissed.

Should the ***RO*** be made aware or is able to easily identify the ***Respondent*** and a formal complaint is filed, the ***RO*** must inform all parties involved of the complaint.

Additionally, if the ***RO*** initiates an investigation in these circumstances, this Discrimination Grievance Procedure shall be followed to the extent reasonably applicable.

Role of the Responsible Official (*RO*)

The ***RO*** is charged with coordinating the MCC's compliance with federal civil rights laws, all of which are listed at the end of these procedures. The ***RO*** is not an advocate for either the ***Complainant*** or the ***Respondent***. The ***RO*** will discuss the formal complaint process with the ***Complainant*** and ascertain whether or not the ***Complainant*** wants to file a formal complaint that will initiate a formal investigation.

The ***RO*** will explain to both parties the processes outlined below and the confidentiality provisions as outlined above. Where appropriate, the ***RO*** will provide to both parties the following information:

- A written grievance process that includes the process that occurs with a formal complaint;
- Explanation of rights and options to all parties involved;
- Options for obtaining medical and counseling services;
- Process to file a criminal report;
- Explanation of advocacy services and other confidential resources;
- Options for changing academic, living, transportation, and working situations;
- Other helpful campus and community resources;
- Other supportive measures with or without filing a formal complaint; and,

- Remind all parties that the ***Respondent*** is presumed not responsible at the onset of the process and can only be found responsible after the grievance process concludes if that is the determination.

The ***RO*** will offer to coordinate with other campus officials, when appropriate, to implement supportive measures and interim remedial measures described below. The ***RO*** will describe the process of a fair and impartial investigation. The ***RO*** will explain the right of the ***Respondent*** to review and respond to allegations and evidence against him or her. The ***RO*** will explain to both parties their rights to have an advisor of choice, with them during their interviews and during any stage of these procedures. If the report moves to a hearing, both parties should identify an advisor of choice. If either party does not identify an advisor of choice, one will be appointed.

If an individual does not want to pursue a complaint and the ***RO*** proceeds with an investigation, the ***RO*** will inform the individual that MCC is limited in the actions it can take without the cooperation of the individual. The ***RO*** will also explain to parties and witnesses that retaliation for reporting alleged violations of the policy, or participating in an investigation of an alleged violation, is strictly prohibited and that any retaliation should be immediately reported and will be promptly addressed.

The ***RO*** will provide to any student or employee who reports that he/she has been a victim of sexual misconduct, domestic violence, or stalking, whether occurring on or off campus, a written explanation of the student or employee's rights and options under this Discrimination Grievance Procedure, as well as support measures including counseling, consideration of extension of deadlines, possible modification of work or class schedules, campus escort services, changing housing locations, mutual restrictions on contact between parties, and other measures.

The ***RO*** ensures that any remedies identified through the grievance process are provided and followed through.

ROLE OF THE INVESTIGATIVE OFFICER (*IO*)

The Investigative Officer (***IO***) is appointed by the ***RO*** once a formal complaint has been filed and the case moves forward to investigation. The ***IO*** must:

- Provide all parties equal rights and protections;
- Identify that the ***Complainant*** and ***Respondent*** are entitled to an advisor of choice for any meetings or hearings;
- Identify that the parties can request to inspect and review evidence equally;
- Communicate code of conduct policies pertaining to knowingly providing false information or statements during the grievance process;
- Confirm that the parties have received copies of the grievance process;
- Allow equal opportunity for the parties to present witnesses and evidence;
- Provide written notice of the date, time, location, participants and purpose of all interviews and meeting, with sufficient time for the parties to prepare; and,
- Identify the process that will be used if the case moves to a hearing.

Both parties and their advisor of choice shall be provided equal time to inspect and review the evidence obtained by the College as part of its investigation if the information is directly related to the allegations

(regardless if the information may not be used to reaching a determination.) The evidence will also be provided at any hearing if one occurs.

The ***IO*** will also create an investigative report that fairly summarizes the evidence that the College has gathered about the alleged incident. The report will be shared with both parties at the same time with an opportunity to respond to items in the report in writing. If a response is submitted, the College must consider that response before finalizing the report and submitting to the parties before a hearing happens.

The ***RO*** will receive the final investigative report and appoint a Hearing Decision Officer (***HDO***).

ROLE OF THE HEARING DECISION OFFICER (*HDO*)

The Hearing Decision Officer (***HDO***) is appointed by the ***RO*** once an investigative report has been filed by the ***IO*** and serves as the decision maker for the case. The ***HDO*** is the individual who facilitates a live hearing that is an opportunity for both parties to tell their side of the story in front of the decision maker. The ***HDO*** must objectively evaluate the relevant evidence and reach conclusions about whether the ***Respondent*** is responsible for the alleged discrimination or harassment. The ***HDO*** cannot be the ***RO*** or the ***IO***.

The ***HDO*** will schedule the live hearing location. If either party requests it, the entire live hearing will be held with the parties located in separate rooms with technology enabling everyone to see and hear each other. All hearings will be recorded in either audio, audiovisual, or in transcript form.

The ***HDO*** will:

- Utilize the "Preponderance of Evidence Standard" described below;
- Ensure that both parties have an advisor of choice. If a party arrives without an advisor of choice, the College will provide that party with an advisor, of the school's choosing for the purpose of conducting cross examination on the party's behalf (information about cross examination is explained below);
- Determine relevance, prior to witnesses or either party answers cross examination questions;
- Ensure all parties have the right to refuse to answer questions in the live hearing; however, if any party is not present or refuses to answer cross examination questions, the decision maker will exclude that party's or witness's statements and evaluates any evidence that doesn't involve those statements (the ***HDO*** must never make inferences about the determination regarding responsibility based on the fact that a party or witness didn't come to the hearing); and,
- Provide information to both parties about the right to appeal and permissible bases for appeal at the conclusion of the hearing.

Once the hearing is concluded, the ***HDO*** will make an ultimate decision of responsibility and any applicable sanctions or remedies in a written format and will issue this simultaneously to both parties.

The following information must be provided in the letter of determination:

- Identification of any portion of the College policies that were violated;
- Description of procedural steps taken by the College to get to the decision including all notices and interviews that took place, and site visits that occurred, and the hearing itself;
- A section that includes a finding of facts that introduced in the hearing;

- A section that includes conclusions after applying the facts to the College policies as they apply. For each allegation made in the formal complaint, there will be a written determination to each allegation;
- A statement and rationale for the ultimate determination of responsibility or not;
- Include any disciplinary sanctions or remedies the College will impose on the ***Respondent*** (if found Responsible) and how these remedies will restore or preserve equal access; and,
- A statement of the college procedures and rights to appeal and permissible bases.

ROLE OF THE APPEALS OFFICER (*AO*)

The Appeals Officer (***AO***) is appointed by the ***RO*** once a written appeal is submitted and identifies a basis for appeal stated in the appeals section below. The ***AO*** cannot be the ***RO***, ***IO***, or ***HDO***.

The ***AO*** will notify both parties in writing of the appeal and provide a copy of the written appeal to the non-appealing party. The ***AO*** will allow both parties to submit a written statement supporting or challenging information provided in the appeal.

The ***AO*** will review the statements by both parties, along with the recordings or transcript of the hearing, and decides if there were conflicts, missing information not included in the hearing, or if the outcome and remedy result in substantial injustice. The ***AO*** will then issue a written decision and send it to both parties simultaneously. The written decision will include the purpose for the appeal, the procedures the ***AO*** took in reviewing records in the appeal, and a conclusion.

The ***AO*** may uphold, reverse, or amend the decisions of the ***HDO*** based on his/her review of the statements provided through the appeals process and review of the hearing.

FORMAL GRIEVANCE PROCESS

Step 1: The ***RO*** may receive a report of alleged discrimination or sexual harassment or may have actual knowledge of above described ***policy violations***. The ***RO*** will confer with and interview the ***Complainant*** to clarify the allegations, identify desired outcomes and obtain detailed information about the allegations.

The ***RO*** will discuss allegations with the ***Complainant*** and the ***Respondent*** and include written information about the grievance procedures and appropriate campus policy, as well as other helpful resources.

RO also considers whether immediate or interim actions or involvement of other MCC offices is appropriate.

RO determines whether the office has jurisdiction to investigate the matter. The ***RO***'s jurisdiction is limited to reports of ***Policy Violations*** that have/has occurred in a school's education program or activity where the school has substantial control over the context of the alleged harassment and the person accused of committing sexual harassment.

The ***RO*** will notify and update both parties of the timeframe for investigation, their right to an advisor of choice and to identify witnesses, provide any supporting evidence at any time during the investigation, and the opportunity for appeal.

> **Option 1:** If the ***RO*** determines that there is no jurisdiction, the ***RO*** 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. This can be appealed (see "Appeals Process" below.)

Option 2: If the ***RO*** determines that there is jurisdiction, the ***RO*** will request a formal complaint from the ***Complainant*** (an official document alleging sexual harassment, discrimination and other alleged ***policy violations***), and then proceed to Step 2.

Step 2: The formal complaint will then move into an investigative phase. The ***RO*** will assign the formal complaint to an Investigative Officer (***IO***) within ten (10) working days from submission of the complaint to conduct a fair and impartial investigation of the alleged ***policy violations***.

Each party has the right to present witnesses and evidence. The ***Complainant*** and ***Respondent*** both have equal access to an advisor of choice for any meeting or hearing (see "Advisor of Choice" section below).

Typically, an investigation will be completed within thirty (30) working days of receipt of the complaint unless good cause is shown for delay.

The ***IO*** will collect and review written documents, interview the ***Complainant***, the ***Respondent***, identify and interview witnesses, and collect such other evidence as may be relevant to the investigation.

The ***IO*** will create an investigative report that fairly summarizes the evidence that has been gathered regarding the formal complaint. A report cannot be finalized until the evidence sharing happens and both parties have ten (10) working days to respond to the evidence in writing. These responses may be considered by the ***IO*** before finalizing the investigative report. The report will then be circulated to the parties at least ten (10) working days before a hearing, if a hearing occurs.

Step 3: At any time within five (5) working days prior to the date of the hearing, the ***HDO*** may call a pre-hearing conference. Topics discussed 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 witness(es) should be called; and (d) time limits and order of presentation of evidence at the hearing. At the request of any party, the ***HDO*** will conduct separate meetings with the ***Complainant*** and the ***Respondent*** for purposes of the pre-hearing conference. The ***HDO*** may decide to set aside the hearing date for any period up to ten (10) working days to obtain additional witnesses or to resolve items brought up in the pre-hearing conference.

Step 4: The formal complaint will now move into a live formal hearing. The role of the ***HDO*** is to determine whether there is a preponderance of the evidence to believe that an individual engaged in a policy violation. This "preponderance of the evidence" standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it; that is, it is more likely than not that the alleged conduct occurred. The hearing will be recorded in either an audio or audiovisual format, or a transcript of any live hearing. Each party has the right to inspect these recordings/transcriptions.

The ***HDO***'s decision shall be presented in the form of a written letter of determination (report of findings) within ten (10) working days of the conclusion of the hearing.

Option 1: If the ***HDO*** finds a ***Policy Violation*** did not occur, the matter is documented and the investigation is complete; in this case the ***Complainant*** may file an appeal of the finding in accordance with the Appeal Procedure.

Option 2: If the ***HDO*** finds that a ***Policy Violation*** did occur, disciplinary sanctions may be imposed by the College. The ***Complainant*** or ***Respondent*** may appeal the findings as provided below.

The decision is final if the parties don't appeal or if at the conclusion of the appeal if one is filed. The ***RO*** will ensure that any remedies or sanctions are followed through.

Step 5: If an appeal is filed, it must be done within five (5) working days of the receipt of the ***HDO***'s letter of determination/report of findings (see the appeals process below). The ***RO*** will appoint an Appeals Officer (***AO***) to consider the appeal. The AO will notify both parties of the appeal.

The ***Complainant*** and the ***Respondent*** will have ten (10) working days from notification of the appeal to submit written statements supporting or challenging the letter of determination/report of findings and the outcome of the case with supportive reasons.

The ***AO*** will review the statements by both parties, along with the recordings or transcript of the hearing, and issue a written decision and send it to both parties simultaneously within ten (10) working days from the deadline of submitting appeal statements.

> **Option 1:** The ***AO*** upholds the report of findings in the letter of determination and that information provided through the appeals process did not affect the overall decision of the hearing. Sanctions, remedies, and outcomes remain the same.
>
> **Option 2:** The ***AO*** reverses or amends the decision of the ***HDO*** based on his/her review of the statements provided through the appeals process and review of the hearing. The ***AO*** may also amend sanctions or remedies identified by the ***HDO*** in the original letter of determination and/or add additional sanctions and remedies.

Once the statement is issued by the **AO**, the appeal has been decided and the decision becomes final.

ESTIMATED TIMELINE

The formal grievance process has defined timelines for reporting, investigations, hearings, and appeals. These timelines are estimates based on the complexity and severity of the allegation and the amount of witnesses that must be followed up with. This timeline is a guide but should there be good cause shown for a delay, both parties will be notified of any expected resolution timeframe.

- Report Filed and the RO will appoint IO
- IO will notify all parties of investigation within 10 working days
- IO investigation that will last no more than 30 working days
- IO will submit investigative report to all parties
- Parties have 10 working days to review investigative report and submit response to evidence if needed
- IO will finalize investigative report and submit to both parties at least 10 working days prior to hearing
- Pre-Hearing Meeting may be scheduled up to 5 working days prior to hearing
- Hearing may vary based on cross-examination and number of witnesses called
- HDO will issue a letter of determination/report of findings within 10 working days from the completion of the hearing
- Any appeal must be submitted 5 working days from the issuance of the letter of determination/report of findings
- The AO will notify parties of the appeal and allow for 10 working days to submit written support or challenge to the letter of determination on approved grounds.

- The AO will then have 10 days to review all documentation to make final determination.

ADVISOR OF CHOICE

The Complainant and Respondent may each have an advisor of choice throughout the grievance process. Any party with an advisor of choice, will be asked to complete a release of information giving the College authority to release information to their advisor of choice. Both parties' advisor of choice has equal access to any meeting or hearing and may inspect and review records or evidence throughout the process where the evidence obtained by the College is directly related to the allegations raised in the formal complaint. The advisor of choice is not an active participant through the initial phases of the grievance procedure or the investigation. Their role is merely to advise the ***Complainant*** and ***Respondent***. If either party has an advisor of choice serving as legal counsel, the College may have its legal counsel present to ensure that the rights of all interested person and MCC are respected. The advisor of choice may be a union representative for union employees. During a formal hearing, each participant must have an advisor of choice present. If either party does not have one, the College will appoint one at no cost to the individual. During the formal hearing, the advisor of choice may be an active part of the cross-examination of all parties and witnesses. The ***HO*** has the responsibility to determine if the cross-examination is relevant prior to answers being provided by either party or witnesses.

CROSS EXAMINATION IN HEARINGS

The ***Complainant***'s and ***Respondent***'s advisor of choice is allowed to cross examine other parties and witnesses during the formal hearing of the grievance process, with real time back and forth questions that challenge credibility. The parties themselves may never personally question or cross-examine anyone. Cross examination means that the party's advisor of choice asks questions that might challenge the other party's denials or allegations. Questions must be relevant and the ***HDO*** must decide if a question is relevant before the party or witness answers it. A ***Complainant***'s privacy must be protected by only allowing questions or evidence about prior sexual history if it is used to show that someone other than the Respondent committed the alleged **policy violation**, or it relates to sexual behavior between the ***Complainant*** and the ***Respondent*** and is offered to prove consent.

APPEALS PROCESS/FILING AN APPEAL

A request for an appeal must be filed within five (5) working days of the receipt of the ***RO***'s dismissal of a complaint prior to a formal hearing or the ***HDO***'s letter of determination or report of findings. The request for an appeal shall be submitted to the ***RO*** or ***HDO***. The ***RO*** will appoint an ***AO*** who shall immediately provide a copy of the appeal to the non-appealing party.

The request for an appeal must be in writing and must describe the appellant's desired outcome and a statement of how the appellant believes the case should continue to a hearing or to appeal the ultimate findings, outcomes, and sanctions of the formal hearing when:

- Procedural irregularities exist(ed) that may have affected the outcome of the case;
- New evidence has been discovered that was not reasonably available at the time of the determination or dismissal of the case;
- A conflict of interest or bias on the part of the ***RO***, ***IO***, or ***HDO*** exist(ed) that affected the outcome;
- Findings or recommendations were arbitrary; or
- Issued findings and recommendations that if adopted would result in substantial injustice.

The ***RO*** or ***AO*** may continue to impose interim remedial measures during the appeal, as required by the circumstances.

Once the appeal is filed by either party, the ***Complainant*** and ***Respondent*** will be requested to submit written statements supporting or challenging the outcome of the case with supportive reasons and the ***AO*** will use those statements, the letter of appeal and the letter of determination or report of findings, to make a final decision.

Notification of any change to the result of findings or disciplinary sanctions will be communicated to both parties. Once the appeal is determined by the ***AO***, the decision is final.

TRAINING

All MCC officials who are involved in the discrimination grievance process, including the ***RO, IO***, ***HDO***, ***AO***, and discipline authorities, will have adequate training. Training will address, but is not limited to, recognizing and appropriately responding to allegations of discrimination, harassment, including hostile environment harassment, sexual misconduct, domestic violence, stalking, and retaliation, conducting investigations, protecting confidentiality, and recognizing the link between alcohol and drug use and sexual assault and sexual harassment.

The ***RO***, ***IO***, ***HDO***, and Title IX Deputies shall receive annual training on sexual misconduct, domestic violence, and stalking and on how to conduct investigations and appeal processes that protect the safety of victims and promote accountability.

Upon their assignment to an investigation or appeal, the names of the ***RO*** and ***IO*** will be provided to the parties. These individuals must promptly disclose any potential conflict of interest they might have in a particular case. In the rare situation in which an actual or perceived conflict of interest arises between the ***RO*** and ***IO***, that conflict must be disclosed to both parties. In some instances, the College may have to procure outside Investigators.

Materials used to train will be updated on the Title IX page at https://www.milescc.edu/TitleIX/TitleIX.aspx

Other training items may include technology use, evidentiary and cross-examination relevance, how to create reports, etc.

RECORD RETENTION

Information presented in the grievance procedure shall be retained for seven years. Information retained includes:

- Record of the College's investigation and any determinations regarding responsibility;
- Any appeal materials associated with an appeal such as written statements submitted;
- Audio, audiovisual, or transcript records of any formal hearing;
- Any record of any discipline against a Respondent or remedies provided;
- Any supportive measures taken in response to a report or complaint (and documentation of those offered to which party, and where the Complainant opts not to proceed with a formal complaint) to show that the College was not deliberately indifferent to take measures designed to restore or preserve equal access to the education program or activity; and,
- All materials used to train Title IX Coordinators, Investigators, and Hearing Officers.

RETALIATION

Retaliation against an individual for taking any of the actions in support of the grievance procedure is prohibited. It is central to the values of the College that any individual who believes that they may have been the target of unlawful discrimination or harassment feel free to report their concerns for appropriate investigation and response, without fear of retaliation or retribution.

Retaliation is action taken by an accused individual or an action taken by a third party against any person because that person has opposed any practices forbidden under campus policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, or sexual misconduct. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of an individual's complaint or participation in the grievance procedure. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by campus policy.

EMPLOYEE PARTICIPATION

Employees shall participate in this Grievance Procedure as required and failure to participate as requested may be grounds for discipline.

EXTERNAL COMPLAINTS

If you filed a complaint with the RO and believe MCC's response was inadequate, or you otherwise believe you have been discriminated against by MCC on the basis of race, color, national origin, sex, including sexual harassment, disability age, or retaliation, you may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education based in Seattle or the Educational Opportunities Section (EOS) of the Civil Rights Division of the U.S. Justice Department of Justice, and a complaint based on religion with EOS of the U.S. Justice Department.

As a student or employee, if you filed a complaint with the RO and believe MCC's response was inadequate, or you otherwise believe you have been discriminated against by MCC on the basis of race, color, national origin, sex, including sexual harassment, disability, age, religion, creed, pregnancy, marital status, familial status (housing only), or political beliefs, or retaliation, you may file a complaint with the Montana Human Rights Bureau: http://erd.dli.mt.gov/human-rights , 406-444-2884

References: Titles IV, VI, and VII of the Civil Rights Act of 1964; 34 C.F.R. pt. 100; Title IX of the Education Amendments of 1972; 28 C.F.R. pt. 54 and 34 C.F.R. pt. 106; Section 504 of the Rehabilitation Act; 34 C.F.R. pt. 104; Age Discrimination Act of 1975; 34 C.F.R. pt. 110; and Titles I and II of the Americans with Disabilities Act; 28 C.F.R. pt. 35; Montana Human Rights Act and Governmental Code of Fair Practices, Title 49, Montana Code Annotated; Board of Regents Policy 507.

To receive MCC's Emergency Alert Notices and Updates, register for Rave Alert at https://www.getrave.com/login/milescc

EMERGENCY PROCEDURES

911

CUSTER COUNTY SHERIFF DEPARTMENT

406-874-3320

MILES CITY POLICE DEPARTMENT DISPATCH

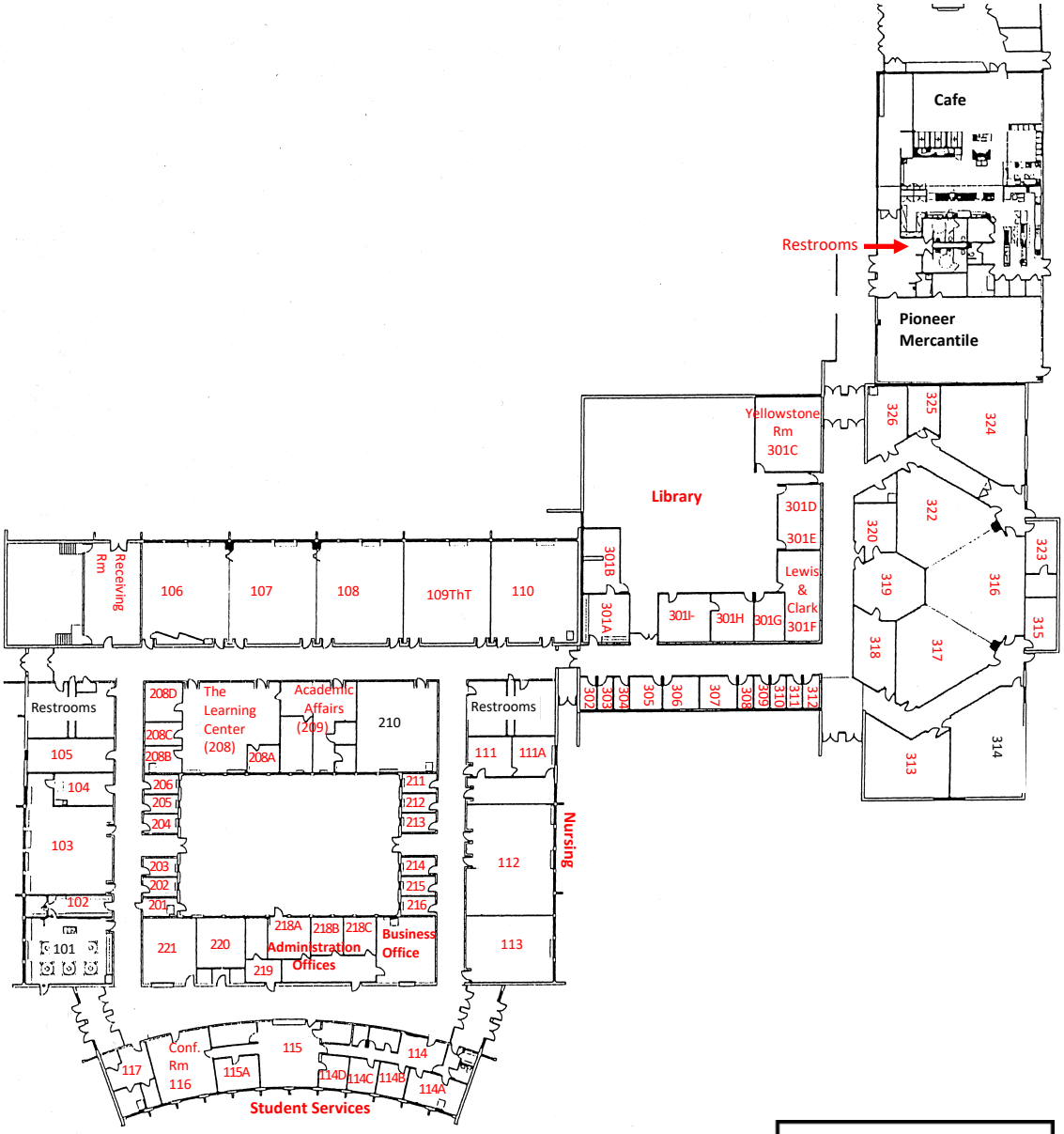
406-232-3411

MILES CITY FIRE DEPARTMENT

406-234-2235

This page contains a not-to-scale drawing of the Lucas Hall building. For assistance with accessibility, please contact the Vice President of Student Engagement at the Student Services Office or call (406)874-6226.

Workforce Readiness Center



Pioneer Hall

The Commons

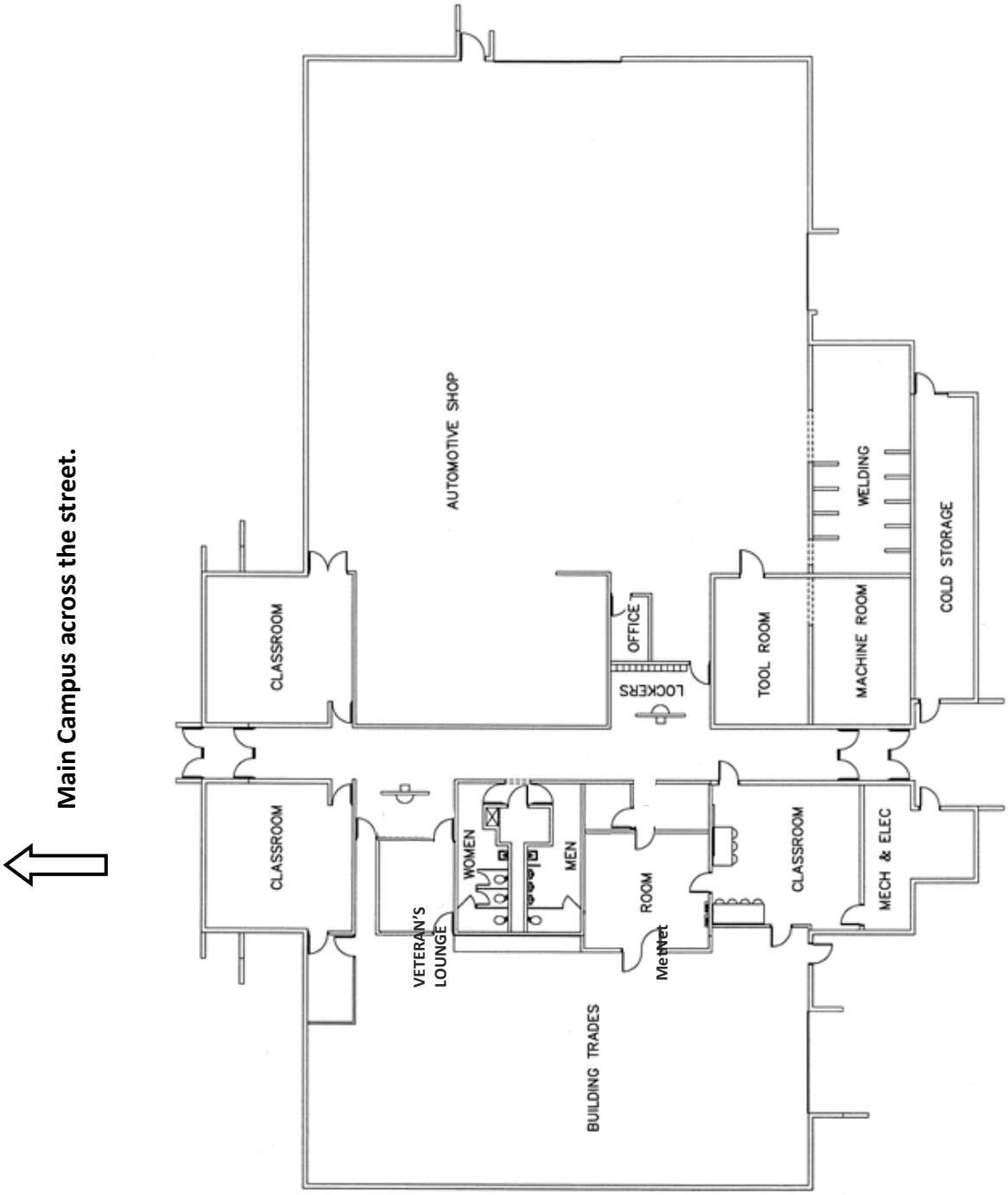
The Lodges

Vo-Tech Building
(See next page for complete map.)

Map

This page contains a not-to-scale drawing of the vocational technology center. For assistance with accessibility, please contact the Vice President of Student Engagement at the Student Services Office

or call (406)874-6226.

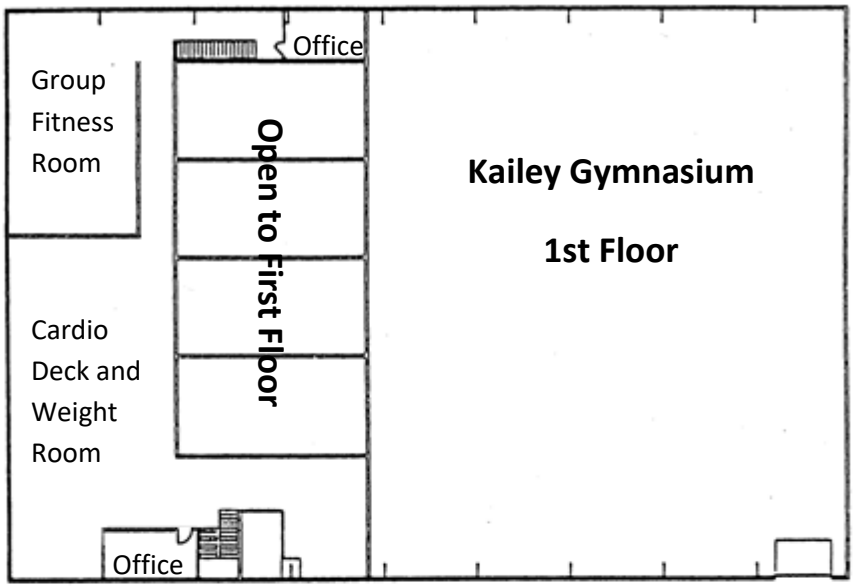


Vo-Tech Building

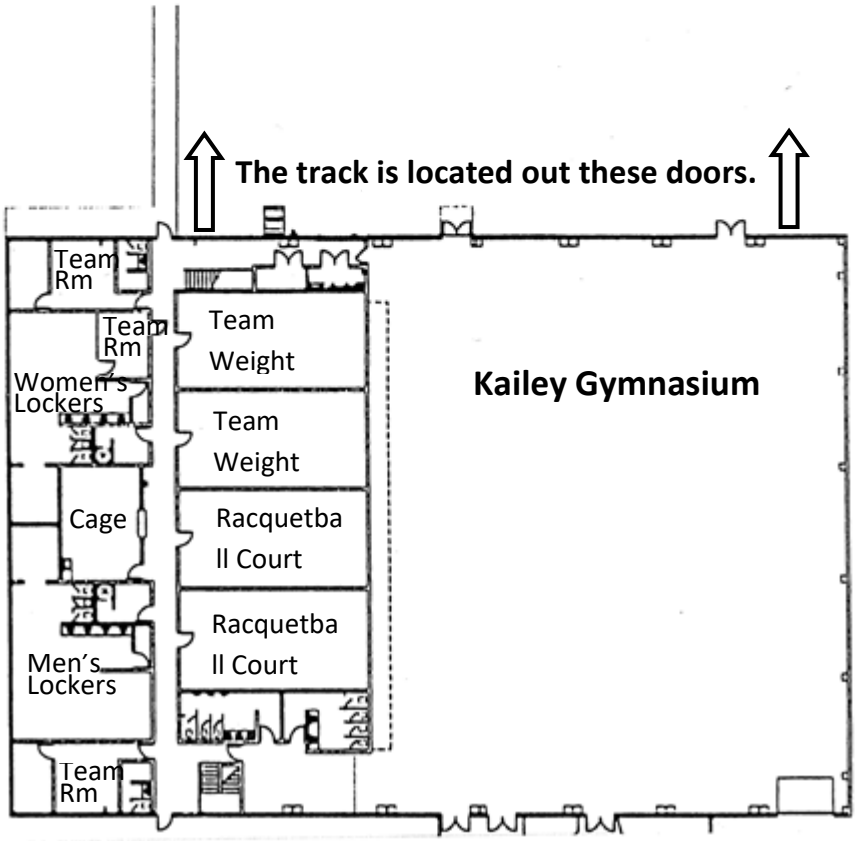
Campus Map

This page contains a not-to-scale drawing of the CENTRA. For assistance with accessibility, please contact the Vice President of Student Engagement at the Student Services Office or call (406)874-6226.

Centra 2nd Floor

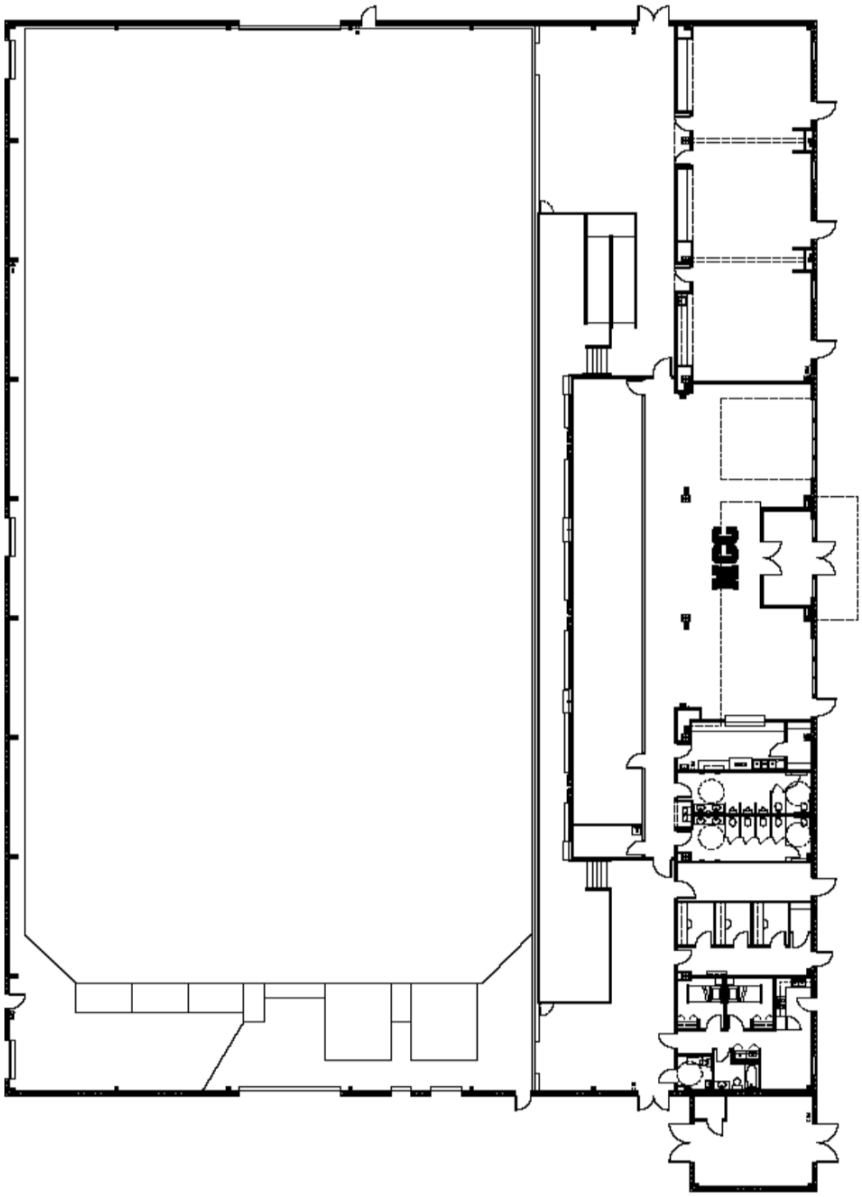


Centra 1st Floor



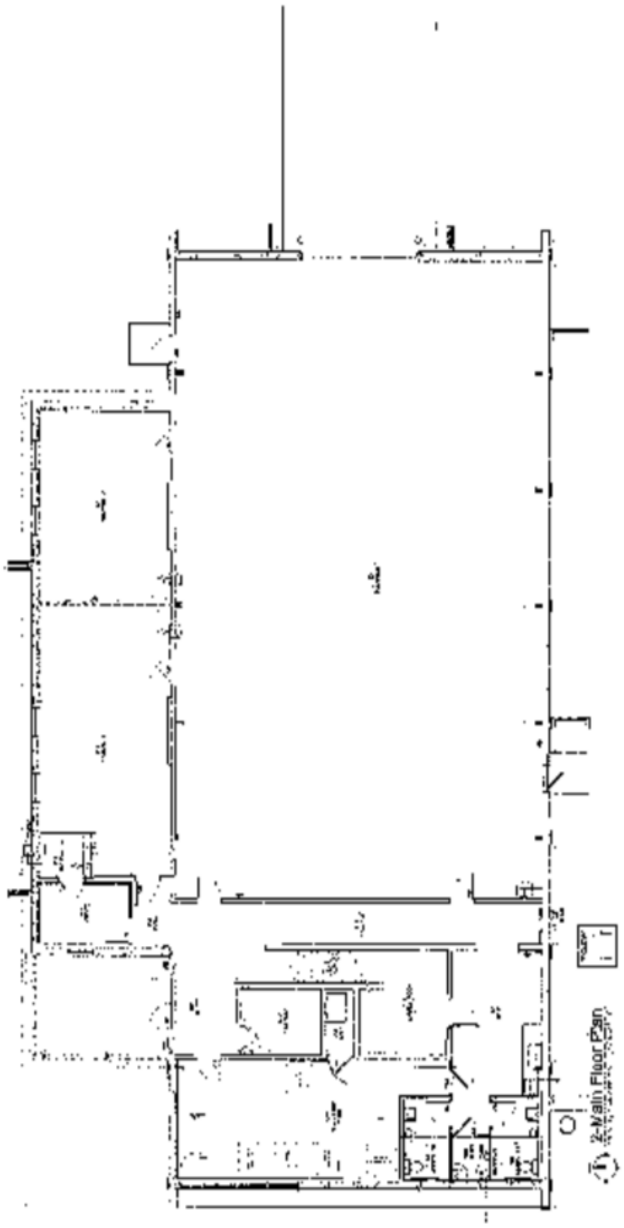
Campus Map

This page contains a not-to-scale drawing of the Ag Advancement Center. For assistance with accessibility, please contact the Vice President of Student Engagement at the Student Services Office or call (406)874-6226.



Ag Advancement Center Map

This page contains a not-to-scale drawing of the workforce readiness center. For assistance with accessibility, please contact the Vice President of Student Engagement at the Student Services Office or call (406)874-6226.



Workforce Readiness Center-Map

Medical Emergency – Code Blue

Medical Emergency:

An acute injury or illness that poses an immediate risk to a person's life or long term health.

IS IT HAPPENING TO ME?

- **Apply first aid.**
- **First Aid Kits Located:**
  - **Engineering (Maintenance Office next to Room 106)**
  - **Centra Desk**
  - **Café**
  - **Vo-Tech**
  - **Heavy Equipment Bay**
  - **Automotive**
  - **Pioneer Hall – RA Office**
- **AED – Automatic External Defibrillator – Wall beside Faculty Lounge across from Student Services and on wall next to the Centra desk.**
- **If appropriate, call: 911. Have someone wait outside to guide ambulance.**
- **Notify Supervisor; Emergency On-Call Phone (406)852-0592; Facilities Director, 874-6172(office) or 951-0762(cell); and the Vice President of Student Engagement and Auxiliary Services, 874-6226(office).**
- **Write summary of incident within 24 hours utilizing the First Report of Injury—Student and give to Vice President of Student Engagement and Auxiliary Services. Faculty/staff report incidents to human resources.**

IS IT ON CAMPUS?

Evaluate if help is needed:

If Yes: Assist as needed.

If No: Stay clear of the area.

Weather/Natural Disaster Emergency – Code Brown

Subscribe to Rave Alert to receive campus alerts about weather and other emergencies.

IS IT HAPPENING TO ME?

- **Go to: IS IT ON CAMPUS?**

IS IT ON CAMPUS?

- **In the event of inclement weather or hazardous conditions at the college:**
  - **The College President (or designee) makes a determination based on available information to maintain, cancel, or modify existing schedule of services.**
  - **Once the determination has been made, the decision is forwarded to the Vice President of Student Engagement and Auxiliary Services who will make an announcement through mass email, Rave Alert, notice on the college website, and PSAs on local radio stations.**
  - **Once the weather emergency is over, an all clear message will be sent out via the same notifications mentioned above.**

If it is a Tornado Warning:

- **If you are inside when notification is sent:**
  - **Go to the nearest safe area (safe areas would be a basement, if available, or rooms or areas with no outside windows, doors, or exterior walls).**
- **If you are outside when notification is sent:**
  - **Go to nearest building immediately. Once inside go to the nearest safe area in that building.**
- **If you are off campus when notification is sent:**
  - **Do not come to campus until there is an all clear message sent.**
  - **Take immediate cover wherever it is you find yourself.**

If it is an Earthquake:

- **If you are inside when notification is sent:**
  - **DROP to the ground (before the earthquake drops you!),**
  - **Take COVER by getting under a sturdy desk or table. If there isn't a sturdy desk or table available, drop to the ground in an inside corner of the building and cover your head, and**
  - **HOLD ON until the shaking stops.**
- **If you are outside when notification is sent:**
  - **Move to a clear area if you can safely do so; avoid power lines, tress, signs, buildings, vehicles, and other hazards. Continue to DROP, COVER, and HOLD ON to anything that is sturdy until the earthquake is over.**

Chemical Spill – Code Orange

IS IT HAPPENING TO ME?

- **Go to: IS IT ON CAMPUS?**

IS IT ON CAMPUS?

- **Isolate and secure the spill area.**
- **Warn others in the immediate area.**
- **Call the Facilities Director (Office: 874-6172; Cell: 951-0762) or the Emergency Duty Phone 406-853-0592 and give the location and type of material spilled. When calling, be specific about the nature of the involved material and exact location of spill.**
- **If medical assistance is needed, call 911 and give the location and type of material spilled. When calling, be specific about the nature of the involved material and exact location of spill.**
- **Evacuate the building, if required, and go to designated evacuation zone that will be broadcasted through Rave Alert notification. The primary evacuation point is the Community Track but could change depending on wind conditions and type of chemical involved in the spill.**
- **Obtain a Material Safety Data Sheet (MSDS) for the material involved. A MSDS is a document created by a manufacturer or distributor of a chemical that provides information about the contents, characteristics, physical hazards, and health hazards associated with the chemical.**
- **If you or anyone else has come in contact with the spilled material, remove any contaminated clothing immediately and flush all areas of skin exposed to the chemical with generous amounts of water unless the chemical is one that will react with water.**
    - **Eye wash station and emergency showers are located in the science labs (Rooms 101 & 103).**
    - **Eye wash stations are also located in the Vo-Tech Building.**
- **Anyone who may be contaminated by the spill is to avoid contact with others as much as possible, remain in the vicinity, and provide names to authorized personnel.**
- **Under no circumstances should you attempt to confine or clean up any hazardous spills if there is danger of exposure to the hazardous chemicals.**

Criminal Behavior – Code Green

Criminal:

Behavior that leads to and includes an unlawful act.

IS IT HAPPENING TO ME?

- **Do not confront the person.**
- **Let them have whatever they want.**
- **Once they leave, secure yourself if possible.**
- **Call 911**
- **Call Emergency On-Call Phone (406)852-0592 or the Vice President of Student Engagement and Auxiliary Services (406)874-6226 (Office).**
    - **State who and where the situation is occurring.**
- **Do not leave your area until the police or a safety coordinator indicates all clear.**

IS IT ON CAMPUS?

- **Do not confront the situation.**
- **Secure yourself if possible.**
- **Call 911**
    - **If not an immediate emergency, contact Student Services (406)874-6101.**
    - **State who and where the situation is occurring.**
- **Do not leave your area until the police or a safety coordinator indicates all clear.**

Civil Disturbance – Code Green

Civil Disturbance Definition

- **Civil disturbance is any incident that disrupts a community where intervention is required to maintain public safety. Examples are demonstrations, marches, picketing, rallies, meetings, riots, strikes, public nuisances, and criminal activities that do not abide by Board of Trustee Policy, 500.13 Freedom of Expression.**

IS IT HAPPENING TO ME?

- **Determine if you feel the disturbance is peaceful or if you feel there is a violent or threatening intent.**
  - **If you feel it is a peaceful disturbance or has the potential to become threatening or violent, report disturbance to campus administration immediately:**
    - **VP of Student Engagement and Auxiliary Services – 874-6226(office)**
    - **VP of Administrative Services/Title IX Coordinator– 874-6292(office)**
    - **VP of Academic Affairs – 874-6199(office)**
- **If the disturbance has reached threatening or violent levels:**
  - **Call Police – 911**
  - **When placing a call to police, make sure that you inform them of the following information so they can evaluate the situation and respond correctly:**
    - **Location of disturbance**
    - **When did it begin**
    - **How many people are involved**
    - **What is taking place**
    - **Has any violence occurred**
    - **Has group defined its purpose or intentions**
    - **Are identities of participants known**
    - **What is perceived level of concern by students/faculty/staff not involved in disturbance**
- **Report disturbance to campus administration immediately after calling 911 by calling the Emergency Duty On-Call Phone at (406)852-0592.**
- **Remove yourself from the area if you are feeling threatened.**

IS IT ON CAMPUS?

- **If you are not in the immediate vicinity of the disturbance, do not go to the disturbance.**
- **If the police have to get involved, we do not want to add extra people to a volatile situation.**
- **Do not confront any demonstrators.**

Disruptive Behavior – Code Green

<u>Disruptive:</u> Behavior that interferes with the function of the college. Any disruptive behavior should be reported via the online reporting form labeled "Report a Disruptive or Concerning Student Behavior" on the Campus Safety website.

<u>IS IT HAPPENING TO ME?</u>

- **Not Dangerous**
  - **Student – Tell the student his/her behavior is disruptive and outside of the code of conduct. Ask him/her how the situation can be addressed calmly. If needed, ask the student to leave. Call the following for assistance:**
    - **Call Emergency On-Call Phone (406)852-0592**
    - **If occurring in Pioneer Hall, call Housing Duty Phone (406)951-0043**
  - **Not a Student – Let the person know you hear his/her concern but his/her behavior is starting to interfere with the functions of the college. Ask him/her how the situation can be addressed calmly. If needed, ask the person to leave. Call the following for assistance:**
  - **Call Emergency On-Call Phone (406)852-0592**

<u>IS IT ON CAMPUS?</u>

- **Not Dangerous**
  - **Student/Employee – Approach the situation and ask the employee if he/she needs assistance. Stand by the employee while he/she talks to the student. Call the following for assistance:**
    - **Vice President of Student Engagement (406)874-6226 (office)**
    - **Evening: Call the Emergency On-Call Phone (406)852-0592**
  - **Not a Student with an Employee – Approach the situation and ask the employee if he/she needs assistance. Stand by the employee while he/she asks how the situation can be addressed calmly. If needed, ask the person to leave. Call the following for assistance:**
    - **Emergency On-Call Phone (406)852-0592**

- **Dangerous**
  - **Student or Non Student – <u>DO NOT APPROACH THE SITUATION.</u>**
    - **Call Emergency On-Call Phone (406)852-0592**
    - **State where the situation is and who is involved.**
    - **Call 911**

Fire Procedure – Code Red

PRE-FIRE READINESS

- **Know the location of fire extinguishers, fire exits, and alarm systems in your area and know how to use them.**
- **Identify at least two possible evacuation routes from your classroom/office area.**
- **Know where the pull-alarm is in your area.**
- **Make sure emergency phone numbers are located on or near your telephone.**

IS IT HAPPENING TO ME?

- **If you see or smell smoke, call the Maintenance Department or Student Services:**
    - **Daytime: Facilities Director – 874-6172(office) or 951-0762(cell)**
    - **Any other time:**
        - **Facilities Director – (406)951-0762(cell)**
        - **Emergency On-Call Phone—(406)852-0592**
- **If you see FLAMES, call 911 immediately, then begin evacuation procedures.**
- **Activate nearest available alarm (All main campus buildings have an audible alarm system).**
- **If the fire is minor, you may attempt to control it by using an available fire extinguisher.**
- **If the fire is major, DO NOT ATTEMPT TO CONTROL IT, EVACUATE IMMEDIATELY!**
    - **After evacuating, make your way to the designated evacuation zone, the Community Track.**
- **If there is smoke, stay as low to the floor as possible.**
- **If you are trapped, shout out at regular intervals to alert rescuers to your location. If a window is available, place an article of clothing in the window as a marker for rescuers.**

IS IT ON CAMPUS?

- **If the fire alarm sounds, EVACUATE IMMEDIATELY!**
- **Do not take any personal belongings with you. Do not hesitate.**
- **Follow the evacuation route outlined on the map posted in your classroom or office. Walk quickly to the nearest exit and alert others to do the same.**
- **Once evacuated from the building, move to designated evacuation zone:**
    - **Designated Evacuation Zone is the Community Track.**
    - **Be at least 500 feet away from the building.**
- **Make sure no one is missing from your area:**
    - **If anyone is missing, notify emergency personnel.**
- **Do not re-enter building for any reason until instructed to do so by emergency personnel.**

Utility Failure—Code Yellow

IS IT HAPPENING TO ME:

- **Go to: IS IT ON CAMPUS?**

IS IT ON CAMPUS?

- **In the event of a major utility failure occurring contact:**
  - **Daytime: Facilities Director – 874-6172(office) or 951-0762(cell)**
  - **Any other time:**
    - **Facilities Director – 951-0762(cell)**
    - **Vice President of Administrative Services – 874-6292(office)**
- **Is it a power failure?**
  - **Assess the situation:**
    - **If there is no danger, stay in your area until advised by supervisor or Facilities Director.**
      - **Locate a flashlight if available.**
      - **Do not use candles.**
    - **If there is danger, evacuate immediately.**
      - **Find flashlight or use cell phone light to evacuate.**
      - **Evacuate to designated evacuation zone, the Community Track area, for further instructions.**
- **Is it a gas leak?**
  - **Do not use cell phone – it has potential to ignite gas.**
  - **Assess the situation:**
    - **If you smell gas, warn others in the area and everyone leave the area immediately.**
    - **Call the Facilities Director (406-874-6172) and give your name and location of the odor.**
    - **If the leak is major, such as a pipeline break, call 911 and give the dispatcher your name, location of odor, and related information.**
    - **Shut off any open flames and prevent any source of ignition such as cigarettes or lighters.**
    - **If the gas odor emanates from outside the building, close all windows and doors and remain outside.**
    - **Do not turn on or off lights.**
    - **If evacuation is ordered, go to designated evacuation zone.**
    - **Designated Evacuation Zone is the community track.**
    - **Do not re-enter building or outside area until the all clear is given by authorized personnel.**

Active Shooter Protocol – Code Silver

Disclaimer: An individual must use his/her own discretion during an active shooter event as to whether he/she chooses to run to safety or remain in place. However, best practices for surviving an active shooter event are listed below. REMEMBER: Law enforcement's first priority is to confront and disable the threat.

Develop a Survival Mindset: Awareness and preparation are critical – take time to understand your surroundings and environment before an emergency occurs. Ask yourself, "What if" questions and develop a plan.

Make a decision, trusting your instincts, to take action to protect yourself to survive the situation. You generally will have three options:

Run: Can you safely escape?
Hide: Is there a good place to hide?
Fight: Will you defend yourself against the shooter?

<u>IS IT OUTSIDE?</u>

- **RUN off campus in a zigzag pattern.**
- **Seek cover.**
- **Prevent others from entering the danger zone?**

<u>IS IT INSIDE AND YOU CANNOT ESCAPE?</u>

- **Get inside a room and HIDE.**
- **Secure the door (lock, barricade, wedge, straps, etc.). Keep secured until law enforcement arrives.**
- **Cover windows and turn off lights.**
- **Stay on the floor behind the interior barricade, offset from the door or HIDE the best that you can. For protection, use concrete walls, thick desks, filing cabinets, or anything else that would shield you from bullets.**
- **Silence cell phone and pagers and remain quiet.**
- **Place red signs in exterior windows to identify the location of injured persons.**
- **Call 911. If you know the location, description, or identity of the shooter(s). If you cannot speak, leave the line open and allow the dispatcher to listen. If you can't get through to 911, call the MCPD Dispatch Center directly at 406-232-3411 or 406-234-6273 for the admin office.**
- **Remain calm and prepare for an evacuation.**
- **As a last resort, and ONLY when your life is in imminent danger, attempt to disrupt and/or incapacitate the active shooter by throwing objects and using improvised weapons and FIGHT.**

<u>(Flip Page Over – Continued on Back)</u>

Active Shooter Protocol – Code Silver (Continued)

WHEN LAW ENFORCEMENT ARRIVES

- **When law enforcement reaches you, do not run at them or make sudden movements.**
- **Law enforcement's primary objective is to stop the active shooter as soon as possible.**
- **Responding officers will not necessarily know the identity of the shooter and may treat everyone they encounter as a suspect.**
    - **Do not scream, yell, point, or wave your arms.**
    - **Do not hold anything in your hands that could be mistaken for a weapon, including cell phones.**
    - **Show the officers your empty hands and follow their instructions.**
    - **Remain calm and follow the instructions of the responding officers.**
    - **The first officers to arrive at the scene will not stop to help injured people, their task is to proceed immediately to the shooter/threat.**
    - **Once the threat has been neutralized, safety corridors will be established and the building will be evacuated.**

INFORMATION TO PROVIDE TO LAW ENFORCEMENT OR 911 OPERATORS

- **Building name and address.**
- **Location of the active shooter(s).**
- **Number of shooters.**
- **Physical description of shooter(s) including weight, height, race, gender, clothing color and style, etc.).**
- **Number and type of weapons held by the shooter(s) (handgun, rifle, shotgun, explosives, etc.).**
- **Number of potential victims at the location.**

Bomb Threat – Code Black

IS IT HAPPENING TO ME?

- **Do not use two-way radios or cellular phone; radio signals have the potential to detonate a bomb.**
- **If a bomb threat is received by phone:**
  - **Remain Calm. Keep the caller on the line for as long as possible. DO NOT HANG UP (for tracing purposes), even if the caller does.**
  - **Listen carefully, be polite, and show interest. Try to ask caller the following questions:**
    - **Where is the bomb located (building, room, etc.)?**
    - **When will it go off?**
    - **What does it look like?**
    - **What kind of bomb is it?**
    - **Did you place the bomb?**
    - **Why?**
    - **What is your name?**
  - **Try to keep the caller talking to learn more information.**
  - **If possible, write a note to a colleague to call 911, as soon as the caller hangs up (Remember – do not hang up phone!), immediately call 911 yourself from a different phone.**
  - **If your phone has a display (caller ID), copy the caller's phone number and/or letters that appear on the window display.**
  - **Write down as much detail as you can remember from the phone call. Try to get exact words. Here are some things to record:**
    - **Date**
    - **Time**
    - **Time caller hung up**
    - **Phone number where call was received**
    - **Exact words of threat**
    - **Information about caller**
      - **Where is caller located? (background and level of noise)**
      - **Estimated age**
      - **Is voice familiar? If so, who does it sound like?**
      - **Other things to note:**
        - **Voice:**
          - **Gender**
          - **Accent**
          - **Demeanor (angry, calm, crying, etc.)**
          - **Type of voice (deep, lisp, loud, nasal, normal, raspy, slurred, stutter, slow, etc.)**

(Flip Page Over – Continued on Back)

Bomb Threat – Code Black (Continued)

- Background Sounds:
  - Animal noises
  - House noises
  - Street noises
  - Conversation in background
  - Music
  - Motor
  - Static
  - Office machinery
- Presentation of Threat Language
  - Incoherent
  - Message read
  - Taped
  - Irrational
  - Profane
  - Well-spoken
- Immediately upon termination of the call, do not hang up, but from a different phone, contact 911 with information and await for instructions.

- If a bomb threat is received by handwritten note:
  - Call 911
  - Handle note as minimally as possible

- If a bomb threat is received by email:
  - Call 911
  - Do not delete the message
- Signs of a suspicious package:
  - No return address
  - Excessive postage
  - Strange odor
  - Strange sounds
  - Unexpected delivery
  - Poorly handwritten
  - Misspelled words
  - Incorrect titles
  - Foreign postage
  - Restrictive Notes
- Do not:
  - Use two-way radios or cellular phone; radio signals have the potential to detonate a bomb.
  - Evacuate the building until police arrive and evaluate the threat.
  - Activate the fire alarm.
  - Touch or move a suspicious package.

IS IT ON CAMPUS?

- Do not go to the area where the bomb threat is centered. Updated 08/2024

Fire Safety Report

Miles Community College publishes this Annual Fire Safety Report as part of its annual Clery Act/HEOA Compliance document.

Miles Community College maintains an on-campus student housing facility and is required to collect fire statistics and maintain a fire log which is housed in the office of the Vice President of Student Engagement and Auxiliary Services. For each housing facility on-campus, the following must be reported:

- The number of fires and the cause of each fire.
- The number of deaths related to the fire.
- The number of injuries related to the fire that resulted in treatment at a medical facility.
- The value of property damage related to the fire.

In an effort to standardize the information institutions publish on fire safety, the US Department of Education requires all colleges that maintain on-campus student housing facilities and participate in federal student financial aid programs to publish an annual fire safety report, maintain a fire log, and report fire statistics to the US Department of Education. The Annual Security and Fire Safety report is also available on the Miles Community College website (https://www.milescc.edu/AboutUs/CampusSafety/). Paper copies of the full report are available upon request from the Vice President of Student Engagement and Auxiliary Services.

Federal Definition of Fire:

> Any instance of open flame or other burning in a place not intended to contain the burning, or in an uncontrolled manner. Fire safety is protecting a campus community from injuries, deaths, business interruption, and property damage resulting from fires.

On-Campus Student Housing:

> A 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.

Fire Reporting and College Response to Arson

If you suspect an active fire or witness evidence of a fire (singed paper on bulletin board, fire in trash can, etc.), please call the police dispatch center at (406)232-3411 or dial 911

MCC is required to annually disclose statistical data on all fires that occur in on-campus housing facilities. To report a non-emergency fire that has already been extinguished in on-campus housing, contact the Director of Student Life and College Housing at (406)874-6480 or the Staff Duty Phone at (406)951-0043.

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.

If you are not sure whether or not emergency responders have been called, please call 911 immediately. Make a difference, please call and report arson. Concerned citizens can (and should) report fires and/or arson.

Fire Safety Policies

Smoking is prohibited within the residence halls, academic buildings, and student rooms.

Within the residence halls system, any type of open flame is prohibited.

Within the residence halls, the use of portable electrical is limited to those appliances that have an enclosed heating element and do not exceed 800 watts. Examples are hot air poppers, hot pots, blenders, small coffee makers, and microwave ovens. All appliances should be plugged directly into a wall socket. Extension cords are not to be used. Any appliances not found in accordance with the above description will be confiscated per university policies and procedures.

Candles are prohibited (Residence Life Handbook)

Burning of incense in the residence halls is strictly prohibited. (Residence Hall Handbook)

Fire Evacuation Procedures

Fire alarms alert community members of potential hazards, and community members are required to heed their warning and evacuate the buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell to evacuate. If you are caught in an elevator, push the emergency phone button/alarm.

Disclosure of Fire Statistics for Calendar Years 2023, 2024, 2025

	# of Fires and Cause	# of Deaths Related to the Fire	# of Injuries Related to the Fire Resulting in Medical Treatment	Value of Property Damaged Related to the Fire
Pioneer Hall	2023: 0 2024: 0 2025: 0	2023: 0 2024: 0 2025: 0	2023: 0 2024: 0 2025: 0	2023: N/A 2024: N/A 2025: N/A
Yellowstone Lodge	2023: 0 2024: 0 2025: 0	2023: 0 2024: 0 2025: 0	2023: 0 2024: 0 2025: 0	2023: N/A 2024: N/A 2025: N/A
Powder River Lodge	2023: 0 2024: 0 2025: 0	2023: 0 2024: 0 2025: 0	2023: 0 2024: 0 2025: 0	2023: N/A 2024: N/A 2025: N/A
Sunday Creek Lodge	2023: 0 2024: 0 2025: 0	2023: 0 2024: 0 2025: 0	2023: 0 2024: 0 2025: 0	2023: N/A 2024: N/A 2025: N/A
Ag Advancement Center	2023: 0 2024: 0 2025: 0	2023: 0 2024: 0 2025: 0	2023: 0 2024: 0 2025: 0	2023: N/A 2024: N/A 2025: N/A

Each room within Pioneer Hall and the Lodges contains a fire alarm. In 2023, there was one fire drill conducted in Pioneer Village and one occasion used to test the emergency call back system. In 2024, there was one fire drill and one occasion where the alarms were sounded from a self-cleaning oven. In 2025, there were two planned fire drills. If an alarm goes off in Pioneer Hall, it triggers the alarm company Emergency24 (1-800-877-3624), and the Miles City dispatch center, which alerts the Miles City Fire Department.

Students and/or employees should report a fire immediately to the Miles City dispatch center at 406.232.3411 or 9-1-1. In addition to calling 9-1-1, the following staff at Miles Community College can also be contacted to report a fire:

Vice President of Student Engagement and Auxiliary Services	406.874.6226, Student Services
Director of Student Life and College Housing	406.874.6480, Pioneer Hall
Facilities Director	406.874.6172, Facilities

Residence Hall Fire Protection/Prevention Equipment

Pioneer Hall

1. Notifier/Dukane AFP 200 alarm system
2. 24-hour monitoring by Emergency 24
3. Sprinkler system throughout the building
4. Smoke alarms and alert strobes (connected to the alarm system) in hallways and ADA rooms
5. Battery-powered smoke alarms not connected to the system in all other bedrooms
6. Heat detector in elevator mechanical room
7. Fire extinguishers at top and bottom of all stairwells and in RA office
8. Emergency procedure book in most rooms (some are missing due to wear and tear)
9. All doors are fire-rated (room doors are 20-minutes, stairwell doors are 45-minutes)
10. Fire escape doors at bottoms of each stairwell

Quads

1. Hard-wired smoke alarms and strobes in ADA bedrooms and kitchenettes
2. Battery-powered smoke alarms in all other bedrooms and kitchenettes
3. Emergency Procedure booklet in most quads (some are missing due to wear and tear)
4. Fire-rated bedroom doors for every bedroom

Commons

1. Fire extinguishers in laundry room and main common room