

**YOUR RESPONSIBILITY**

Creating and maintaining a healthy and safe campus environment requires the cooperation and involvement of everyone. All students, faculty, staff and visitors must assume responsibility for their personal health and safety and the security of their personal belongings, as well as the safety and security of others. Precautionary measures are recommended. For example, although the campus is well lit, students may feel more comfortable using the services of the University Police or Grizzly Personal Safety (see page 2) when walking across campus late at night. Another service, Home Free Missoula (see page 32), provides bar-goers free transportation back to campus (courtesy of several local drinking establishments).

Also keep the following in mind:

- Room security is essential. Keep your door locked at night and when your room is unoccupied.
- You can mark your valuables (stereos, cameras and televisions) with engraving instruments available for checkout from the Office of Public Safety.
- The City of Missoula requires that you register your bicycle (see page 3). You should park your bike in a designated area or rack and secure it with a sturdy lock.
- Park your car in designated lots and keep it locked at all times. Lock your valuables in the trunk or keep them in a secured room or apartment.
- Report suspicious-looking individuals who do not belong in residence halls or parking lots to the University Police.
- If you choose to drink alcohol, you are encouraged to do so in moderation. If alcohol use by you or your friends becomes abusive, seek help.

The University of Montana does not assume responsibility for individual acts and activities. The University is not responsible for damage to employees' personal property or property belonging to students unless the loss is due to negligent or wrongful acts or omissions by state employees, agents or officers in accordance with the Montana State Liability and Insurance Act, Title 2, Chapter 9, Parts 1-3, MCA. Students failing to provide coverage for their personal property will be responsible for paying for the loss themselves.

**THE STUDENT RIGHT-TO-KNOW AND CAMPUS SECURITY ACT**

In November 1990, President Bush signed into law the Student Right-To-Know and Campus Security Act. The crime reporting provisions of the act require the 8,000 post-secondary institutions that receive federal financial assistance to report specified crimes to their campus community members, warn them when specific violent crimes occur on campus, and develop crime-awareness programs and security policies.

At The University of Montana (UM), the welfare and safety of students, faculty, and staff is the most important aspect of public service commitment to the campus. Therefore, The University of Montana has developed polices and procedures that are designed to help protect its community members. The campus has been fortunate in not experiencing a significant number of serious crimes, but a risk-free environment cannot be guaranteed. While no campus is totally isolated from crime, a safer campus can be achieved through shared knowledge and the cooperation of all students, faculty and staff. This document is part of an effort to ensure that such a collaborative endeavor is effective and achieved.

**OFFICE OF PUBLIC SAFETY**

The University of Montana Office of Public Safety is located in Building 32 (Physical Plant), directly east of the stadium. The office is staffed by a director, assistant director, office manager, clerical support staff, University Police lieutenant, University Police officers, parking enforcement officer, locksmith and student employees. Their objective is to provide a safe and healthy environment.

Public Safety helps enforce federal, state and local statutes and University regulations. In addition, the office coordinates safety and security programs, issues all UM keys (except those for residence halls and University Villages), and manages the campus parking program.

The University Police provide daily, 24-hour patrol protection to the UM campus, parking lots and residence halls, College of Technology, University Villages, and Lewis and Clark Village. They also provide patrol support to UM's fraternities and sororities. University Police officers are vested with full law enforcement powers and responsibilities

within their jurisdiction, identical to the Missoula City Police Department and the Missoula County Sheriff's Department. Their authority is derived from Montana Code Annotated, Section 20-25-321.

All officers receive training and state certification at the Montana Law Enforcement Academy. They complete additional in-service and regional training in firearms, defensive tactics, legal updates, evidence gathering, traffic investigations and a variety of crime investigation and crime prevention techniques.

University Police conduct investigations; write crime reports; enforce laws regulating underage drinking, the use of controlled substances, and weapons; and respond to medical and fire emergencies, traffic accidents and all other incidents requiring police assistance.

University Police prepare and submit incident report statistics to the Montana Department of Justice, Board of Crime Control (Uniform Crime Reporting, National Incident Based Reporting System). They routinely share information on arrest and serious crimes with the Missoula City Police Department and Missoula County Sheriff's Department.

## **SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS**

A campus community must do more than simply react to crime; it must look for opportunities to deter crime. The Office of Public Safety provides the following services and programs to improve safety on campus and educate the community about safety issues:

### **Grizzly Personal Safety**

Grizzly Personal Safety (GPS) is a free student-staffed safety service. The GPS objective is to ensure that no campus member has to walk on campus alone after dark. When called, GPS members will meet the caller at their location and walk with them to their destination. GPS members travel the campus in pairs wearing distinctive clothing, carrying radios and flashlights. This nighttime service is available seven days a week when school is in session. If GPS is unavailable, Public Safety officers will provide the same service. Call 243-2777 for more information or to have GPS accompany you across campus.

### **New Student Orientation**

Officers and staff provide crime-prevention materials and answer student and parent questions at orientation.

### **Residence Hall Security**

University Police patrol the residence halls, and residence hall staff are on duty seventeen hours a day

with 24-hour assistance available. In addition, the entrances to all residence halls and the exterior areas of Lewis and Clark Village are equipped with video security surveillance.

### **Emergency Telephones**

Yellow emergency telephones are mounted to the outside walls of residence halls and other campus buildings. Additional pole-mounted telephones, illuminated with a bright green or blue light, are located at various locations on campus (see back cover), at University Villages, Lewis and Clark Village, and the College of Technology. No dialing is required at emergency phones; simply push the button and the University dispatcher will answer. Activation of the telephone will alert the dispatcher of the caller's location via a digital display at the switchboard. The caller should tell the dispatcher the problem and then stay on the line, unless the caller's safety is in danger. A University Police officer will be dispatched to the caller.

### **Crime-Prevention Programs**

Upon request, University Police, local police, and guest speakers make many crime-prevention presentations each year.

### **Crime-Prevention Materials**

Brochures and posters relating to a variety of safety issues are distributed to the campus on a periodic basis or upon request. An example is the "Personal Safety Handbook" distributed by the Office of Public Safety and available online at <http://www.umt.edu/publicsafety/handbook.htm>.

### **Electronic Alarm Systems**

A variety of intrusion, fire and general emergency alarms have been installed on campus. By monitoring them, University Police can provide immediate response to alarms.

### **Architectural Design and Security Surveys**

The Office of Public Safety and Facilities Services review campus buildings and exteriors to ensure that safety and security considerations are built into all aspects of the campus infrastructure.

### **Sexual Assault Prevention**

- The UM Advocates address the issue of sexual assault during the "Slice of Life" skits at summer orientation sessions. Following the skits, small group leaders help students process the information.
- The Health Enhancement office coordinates a multimedia violence prevention program every fall for all first-year students. The office also creates

and purchases positive, inclusive and empowering marketing materials to promote safe and healthy relationships as a campus norm.

- Peer educators, trained through the Student Assault Resource Center (SARC), facilitate peer presentations on campus. Topics discussed include preventing sexual and relationship violence, examining and challenging cultural norms, defining and redefining healthy relationships, and media literacy.
- Various men's and women's student groups bring awareness to the issues of sexual and relationship violence and work toward their end. For more information about these groups, call SARC at 243-6429.

### **Bicycle Registration**

Students, faculty and staff are required to register their bicycles in order to deter thefts and help University Police recover and return lost and stolen property (Missoula City ordinance). Registration services are available at the University Center customer service counter (The Source), the Office of Public Safety, Missoula City Hall and various Missoula bicycle dealerships.

### **Facilities Services**

Facilities Services maintains University buildings and grounds with a concern for safety and security. The office regularly inspects campus facilities, responds to reports of potential safety and security hazards, and promptly makes repairs. The Office of Public Safety, as well as individual students, faculty and staff, help with these activities by calling the work order desk at 6091 to report any safety or security hazards. Each year, Facilities Services, the Office of Public Safety, and representatives of ASUM conduct a safety and security lighting survey.

### **Access to Campus Buildings**

The University Police open the campus buildings at the beginning of each academic school day and provide access to the buildings. Staff of Custodial Services lock buildings after completion of their custodial functions. Arrangements for after hours access to buildings can be made by contacting: (1) University Center Scheduling, (2) Registrar's Office, or (3) University Police, who will require prior approval from a facility manager before allowing entry. The Office of Public Safety will issue keys to individual rooms and offices, with the exception of residence halls and University Villages, if the requestor provides an approved key request and

authorization card. A deposit is required on all keys issued.

### **Access to Mountain Line**

The Missoula Urban Transportation District provides bus service in and around the campus and the greater Missoula community. Students, faculty and staff ride free with their Griz Card.

## **CRIME REPORTING**

### **OFFICE OF PUBLIC SAFETY DEFINITIONS FOR CAMPUS SECURITY ACT REPORTING**

The definitions for offenses reported in the Montana Uniform Crime Report and the FBI Uniform Crime Reporting Handbook do not necessarily correspond exactly to those found in Montana's Criminal Statutes. For that reason we will use the definitions provided in this report for the Campus Security Act annual report. Any modification to statute language or terminology was accomplished to make it more reader friendly.

#### **Homicide**

The willful (non-negligent) killing of one human being by another. This offense does not include "Assault to Murder" or "Attempted Murder." Attempted Murder is classified as an offense under Aggravated Assault.

#### **Manslaughter**

The killing of another person through gross negligence.

#### **Forcible Rape**

Sexual intercourse without consent. A person who knowingly has sexual intercourse with another person (the victim) without that person's consent commits the offense of sexual intercourse without consent (MCA 45-5-503). Included is the attempt to commit the offense or flight after the attempt or commission. "Without consent" means engaging in sexual intercourse forcibly and/or against the victim's will or where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity. The infliction or threatened infliction of bodily injury, or the threat of substantial retaliatory action against the victim, are also considered when determining whether a victim was compelled to submit by force.

Included in this definition are forcible rape (completed) and any attempt to commit forcible rape. Also considered under the forcible category are:

Physical Molestation/Sexual Assault with an object – wherein an object or instrument is used to unlawfully penetrate, however slightly, the genital or anal opening

of the body of another person, forcibly and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia. Examples include a finger, bottle, handgun, or stick.

Forcible Sodomy – oral or anal sexual intercourse with another person, forcibly and/or against that person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

#### **Non-Forcible (Statutory) Rape**

Statutory Rape is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent (16 years of age). If force was used or threatened, the offense will be classified as Forcible Rape, not Statutory Rape.

#### **Non-Forcible (Other)**

Incest – the non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

#### **Sexual Assault**

A person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault. Please note: Previous relationship between a victim and the perpetrator does not affect the classification of the offense.

#### **Robbery**

The taking or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or putting the victim in fear of immediate harm.

#### **Aggravated Assault**

An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe lacerations, or loss of consciousness. A "severe laceration" is one that should receive medical attention. A "loss of consciousness" must be the direct result of force inflicted on the victim by the offender.

#### **Arson**

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house,

public building, motor vehicle or aircraft, or personal property of another.

#### **Burglary**

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

#### **Motor Vehicle Theft**

The theft of a self-propelled machine that runs on the surface of land and not on rails. This includes: automobiles, buses, recreational vehicles, trucks, vans, motorcycles, motor scooters, trail bikes, mopeds, snowmobiles, and golf carts.

#### **Alcohol Violations**

The violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcohol beverages. Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage.

#### **Drug Violations**

The violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. Includes both Drug/Narcotic violations and Drug Equipment violations.

Drug/Narcotic violations involve the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance.

Drug Equipment violations involve the unlawful manufacture, sale, purchase, possession, or transportation of equipment or devices utilized in preparing and/or using drugs or narcotics.

Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of using a drug or narcotic.

#### **Weapons Violations**

The violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

### **CAMPUS CRIME REPORTS**

Numerous efforts are made to advise members of the campus community about campus crime and crime-related problems on a timely basis. These efforts include:

**Annual Report**

A comprehensive annual report of crime-related information (contained within this document) is compiled, published and widely distributed. This annual report is provided to all members of the campus community.

**Student Newspaper**

Each week, the student newspaper, the *Montana Kaimin*, publishes a summary of criminal incidents that occurred the preceding week. The summary is prepared jointly by University Police and *Kaimin* staff.

**Special Alerts**

As circumstances warrant, the University prepares and distributes—either selectively or throughout the campus—printed crime alerts. The Vice President for Administration and Finance decides to issue a special alert, with advice from the director of Public Safety and counsel from appropriate executive officers.

**Web Site**

A web site was created to make available all safety publications and special alerts. This site can be accessed at <http://www.umt.edu/publicsafety/>.

Possible criminal actions and other emergencies on campus can be reported directly by any student, faculty, or staff member. For speed in accessing University Police, please refer to the “When and How to Report” section on this page.

**PUBLIC SAFETY AUTHORITY**

The crimes defined above, when reported to a Public Safety authority, shall be subject to the annual reporting and timely warning requirements. Public Safety authorities at The University of Montana include:

**Office of Public Safety**

Kenneth A. Willett, Director.....243-6131  
Physical Plant

**Vice President for Student Affairs**

Teresa Branch.....243-5225  
022 University Hall

**Dean of Students**

Charles Couture.....243-6413  
022 University Hall

**Residence Life**

Ron Brunell, Director.....243-2611  
101 Turner Hall

**WHEN AND HOW TO REPORT**

**WHEN:**

- You see someone is injured or ill.
- You see fire or smell smoke.
- You see anything suspicious.
- You see someone hurting someone else.
- You see someone stealing something or committing any criminal act.
- You see what you think is a drunken driver.

**HOW:**

- Call from any campus telephone or emergency telephone.
- To access University Police from a campus telephone, dial 4000. When calling from an off-campus telephone, dial 243-4000.
- Dial 911 from any telephone to access the Missoula County 911 system.
- Call quickly and do not assume that someone else has called.
- Stay on the line and be ready to assist University Police in determining the location of the incident, those involved, and what medical attention may be required. As a matter of practice, crime reports can be made at any time. The University Police provide 24-hour service. Priority is given to reports of incidents that threaten the life or safety of people, the security of property, and the peace of the campus community.
- For non-emergencies and other services, dial 6131 from a campus telephone. Dial 243-6131 when calling from an off-campus telephone.

**ON-CAMPUS STUDENT HOUSING**

There are nine residence halls on campus, each administered by a head resident and supported by the Residence Life office. The Office of Public Safety and the Residence Life office are jointly responsible for developing and implementing safety measures, procedures and programs that promote the greatest possible security of residence halls.

All entrances to the residence halls are locked at 8:00 p.m. and are monitored electronically and by desk attendants and resident assistants. The entrances to all residence halls have video security surveillance and the exterior lighting around the periphery of the buildings is effective and well-maintained. In addition, Residence Life employs night security personnel to make hourly rounds to check door security and deter potential security risks. University Police patrol the residence hall areas.

Inside residence halls, rooms have safety door viewers and chain door guards. Bulletin boards adjacent to each resident assistant's room keep floor residents abreast of campus events, programs, potential security risks and campus incidents. Staff are available on a 24-hour basis to address emergencies.

Although residence hall staff make continual efforts to ensure that all residence halls are free of uninvited guests, residents themselves must take an active role in reporting strangers to the staff and keeping doors closed. Residents who allow unauthorized or unescorted people into the residence halls create a risk to themselves and the other residents of the building. Residents are held accountable for their guests' actions.

Special safety education programs can be arranged by contacting Residence Life at 2611 or the Office of Public Safety at 6131. Examples of safety education topics include personal safety, risk management, sexual assault, substance abuse, sexuality, conflict management, interpersonal relationships and other topics related to college adjustment.

#### **GREEK HOUSES AND OFF-CAMPUS STUDENT HOUSING**

There are four residential sororities, four residential fraternities and one commuter fraternity located off campus. The University Police and Missoula police share concurrent jurisdiction of the fraternities and sororities. When crimes are reported at the fraternity and sorority houses, the 911 dispatch center will alert both the University Police and Missoula police. The two agencies have a formal mutual aid agreement, providing each other with patrol and backup assistance. In addition, many students live in privately-owned housing within the Missoula area. Missoula police have jurisdiction over these residences.

#### **UNIVERSITY VILLAGES**

Three apartment complexes, located within four blocks of the main campus, make up the University Villages. Craighead and Sisson apartments are two three-story, brick and concrete apartments containing 120 units ranging in size from studio to four-bedroom. A playground for young children is provided. Elliot Village includes 274 units in a brick-and-frame two-story complex, with four to twelve apartments per building. Apartments range in size from studio to three-bedroom. Toole Village includes 184 units in a townhouse design. Apartment size ranges from studio to three-bedroom units. Several small play areas for

children are provided. Only students, faculty, staff and their immediate families are permitted to live in these apartments. The Director of Residence Life must approve other arrangements. Six community affairs assistants are employed at University Villages. They assist students and provide community-based programming.

The University Villages housing office is located at Elkhorn Court on the corner of South and Maurice Avenues and is open Monday through Friday from 8:00 a.m. to 5:00 p.m. The office phone number is 243-6030. If no one answers, assistance may be obtained through the University switchboard at 243-0211. Improved lighting, numerous routine patrols by University Police and on-going crime prevention efforts have been established for University Villages. Community policing includes membership of a University Police coordinator on the Missoula Crime Stoppers Board and initiating meetings on neighborhood watch.

#### **LEWIS AND CLARK VILLAGE**

Lewis and Clark Village is located approximately eight blocks from the main campus and consists of two- and three-bedroom apartments. The Village is designated for single, upper-class or graduate students. The Village has eleven residential buildings, an office and maintenance building, and a community center. Many social and academic programs are offered at the community center. Three Village assistants and a Village supervisor are employed to assist students and provide community-based programming. Electronic access, safety viewers, and chain door guards are provided for each apartment. An electronic message sign is strategically located at the mail delivery area to communicate important messages to students. The Village has effective exterior lighting and the exterior of the entire Village is monitored by video surveillance. All residents are expected to assist in creating a safe, healthy, and productive community. The University's golf course, the soccer and track sport facilities, and the Lewis and Clark neighborhood border the Village. As a resident of the Village, good neighborhood relations are expected.

#### **OTHER CAMPUS FACILITIES CONTROLLED BY THE UNIVERSITY OF MONTANA**

The College of Technology is located on South Avenue near Fort Missoula. University Police provide service to the campus on a year-round basis.

The Flathead Lake Biological Station is about ninety miles from Missoula at Yellow Bay. Lake County law

enforcement authorities provide service to the station on a year-round basis. The Lubrecht Experimental Forest Station is about thirty miles east of Missoula along Highway 200. The Missoula County Sheriff's Department provides service to the station on a year-round basis. The Center at Salmon Lake is about forty-five miles north of Missoula Highway 83. The Missoula County Sheriff's Department provides service to the center on a year-round basis.

Several homes adjacent to the campus are owned and operated by the University as offices and residences. Both the University Police and the Missoula police patrol these areas. Investigation of crimes occurring at these locations is the responsibility of the University Police.

## CALENDAR YEAR CRIME DATA

### PUBLIC SAFETY STATISTICS – OCCURRENCES, ARRESTS AND DISCIPLINARY REFERRALS

CATEGORY	2003		2004		2005	
	Occurrences	Arrests	Occurrences	Arrests	Occurrences	Arrests
Homicide	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0
<u>Sex Offenses:</u>						
Forcible Rape	1	0	2	0	0	0
Non-Forcible Rape*	0	0	0	0	1	0
Sexual Assault	1	1	1	0	1	1
Aggravated Assault	1	0	5	0	0	0
Robbery	0	0	0	0	0	0
Burglary	7	2	9	1	16	1
Auto Theft	1	1	3	0	1	1
Arson	0	0	1	0	0	0
Alcohol Violations♣	172	172	167	167	154	149
Drug Violations♣	64	47	58	58	63	55
Weapon Violations	0	0	0	0	0	0
Hate Crimes	0	0	1	0	0	0

\*Consenting underage participant.

♣Some occurrences resulted in multiple arrests.

### CITY OF MISSOULA – NUMBER OF REPORTED INCIDENTS OF SELECTED CRIMES

CATEGORY	2003	2004	2005
Homicide	2	4	1
Manslaughter	0	0	2
<u>Sex Offenses:</u>	53	36	
Forcible Rape*			45
Non-Forcible Rape*			
Sexual Assault*			35
Aggravated Assault	147	168	132
Robbery	31	37	43
Burglary	393	404	413
Auto Theft	151	178	168
Arson	12	7	14

\*Sex offense statistics for 2003 and 2004 do not provide breakdowns for these categories.

### CITY OF MISSOULA – NUMBER OF TICKETS ISSUED FOR SELECTED CRIMES

CATEGORY	2003	2004	2005
Alcohol Violations	417	837	1894
Drug Violations	519	580	700
Weapon Violations	28	32	26

**PUBLIC SAFETY CRIME STATISTICS BY LOCATION**

CATEGORY	2003				2004				2005			
	On Campus	Residential Facilities	Off Campus	Public Property	On Campus	Residential Facilities	Off Campus	Public Property	On Campus	Residential Facilities	Off Campus	Public Property
Homicide	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses: Forcible Rape	1	1	0	0	1	0	1	0	0	0	0	0
Non-Forcible Rape*	0	0	0	0	0	0	0	0	1	1	0	0
Sexual Assault	1	1	0	0	1	0	0	0	1	0	0	0
Aggravated Assault	1	1	0	0	2	3	0	0	1	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	7	4	0	0	3	6	0	0	16	6	0	0
Auto Theft	1	0	0	0	3	0	0	0	1	0	0	0
Arson	0	0	0	0	0	1	0	0	0	0	0	0
Alcohol Violations	172	34	0	0	135	31	1	0	154	17	2	1
Drug Violations	64	56	0	0	22	34	2	0	59	50	4	0
Weapon Violations	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	1	0	0	0	0	0	0	0

\*Consenting underage participant.

**STUDENT CONDUCT CODE INCIDENTS**

OFFICE	2003				2004				2005			
	Alcohol	Drugs	Weapons	Location	Alcohol	Drugs	Weapons	Location	Alcohol	Drugs	Weapons	Location
Residence Life	339	100	3	Residential facilities on campus	440	101	2	Residential facilities on campus	619	149	3	Residential facilities on campus
Dean of Students	8	3	0	On Campus	13	14	0	On Campus	8	5	0	On Campus

**INTRODUCTION**

The University of Montana recognizes the need for ongoing efforts to reduce sexual harassment, sexual and relationship violence, and stalking.

As stated in the previous section on Public Safety, The University of Montana cannot guarantee a risk-free environment. Most incidents of sexual harassment, sexual and relationship violence, and stalking on campus are committed by individuals known to their victims through acquaintances or dating relationships, so a safer campus can be achieved only through shared knowledge, attitudinal and behavioral changes, and the cooperative effort of all students, faculty, and staff.

**SEXUAL MISCONDUCT, SEXUAL AND RELATIONSHIP VIOLENCE, AND STALKING POLICY**

The University of Montana fosters a safe learning and working environment that supports the academic and professional growth of students, faculty and staff and has zero tolerance for sexual misconduct, sexual harassment, relationship abuse and violence, and stalking regardless of gender, sexual orientation, disability, race, ethnicity, class, religion, or relationship status. When incidents occur, the University will hold perpetrators accountable through appropriate disciplinary actions, while respecting the rights of survivors, in accordance with federal and state law, the University's Student Conduct Code, and other applicable University policies.

Sexual misconduct includes attempted or completed surreptitious visual observation or recordation, indecent exposure, knowingly transmitting sexual infection, inducing incapacitation for sexual purposes, sexual assault, sexual harassment, relationship abuse and violence, stalking, and rape. The University recognizes both men and women as potential perpetrators or victims of sexual misconduct, and recognizes that sexual misconduct can involve 1) two people of the same or different genders; 2) strangers; 3) non-strangers; and/or 4) more than two people.

**DEFINITIONS**

Consent: Agreement between equal partners that includes the following elements:

- Clear, informed, and voluntary communication of intent;
- “Equal partners” means people with the legal

capacity to consent;

- “Voluntary” means subject to modification or withdrawal at any time; and
- “Clear and informed” disallows agreement by inference from silence, past consent, or consent to a different form of sexual activity.

2. Surreptitious Visual Observation or Recordation: Watching, gazing at, recording, or attempting to record with any device the intimate acts or parts of others without the knowledge and consent of all parties.

3. Indecent Exposure: Exposing one’s genitals under circumstances likely to cause affront or alarm in order to abuse, humiliate, harass, and/or degrade another or others or to arouse or gratify sexual desire.

4. Knowingly Transmitting Sexual Infection: Without knowledge or consent, to infect another sexually.

5. Inducing Incapacitation for Sexual Purposes: Using alcohol, drugs, or other means to facilitate sexual contact or assault.

6. Sexual Assault: Touching, without consent, the sexual or other human parts of another, directly or through clothing, in order to gratify sexual desire or to cause bodily injury, humiliate, harass, or degrade another.

7. Sexual Harassment: A broad spectrum of behavior, ranging from severe and pervasive sexual innuendoes and gender-based comments made at inappropriate times—even if in the guise of humor—to coerced sexual relations, or using one’s position of influence over another to coerce sexual relations or to impose punishment for refusing sexual relations.

8. Relationship Abuse and Violence: Abuse or violence between partners involving one or more of the following elements:

- Battering that causes bodily injury;
- Emotional abuse reflecting apprehension of bodily injury or property damage;
- Repeated telephonic or other forms of communication, anonymously or directly, using coarse language or threats in order to intimidate, terrify, annoy, harass, threaten, or offend;
- Sexual assault or harassment;
- Forcible denial of use of or access to owned or shared assets, or limiting or controlling access to educational or work opportunities;

- Coercion used to compel another to act as directed; and/or
- Isolation used to deprive another of personal freedom of movement or access to friends, family, or support systems.

9. Stalking: Repeated following, harassing, threatening, or intimidating another by telephone, mail, email, or any other method that purposely or knowingly causes emotional distress or reasonable fear of bodily injury or death.

10. Rape: Penetration, without consent, of the vulva or anus of another using a body member or a manipulated object, or penetration of the mouth of another by the penis to gratify sexual desire, or to cause bodily injury, humiliate, harass, or degrade another. “Without consent” means: 1) done by the use of violence or force against the victim; 2) when the victim lacks the capacity for legal consent; and/or 3) when the victim is incapacitated or physically helpless.

### **REPORTING PROCEDURES**

The University encourages reporting of all incidents of sexual misconduct, and respects the choices that survivors make regarding the methods of reporting, including:

1. Filing a criminal report with Public Safety and the appropriate law enforcement agency to pursue legal redress;
2. Filing a Student Conduct Code complaint to pursue University disciplinary action;
3. Filing a confidential report to alert the University to the threat of violence and contribute to accurate University data concerning violence; and
4. Filing a sexual harassment policy violation complaint with the University Discrimination Office.

Survivors may opt for one or more of these choices. However, legal or disciplinary action requires a formal complaint.

Survivors choosing to pursue the reporting process have the right to assistance or consultation by a friend or trained advocate. The University offers services to survivors even if they choose not to report the incidents. The Student Assault Resource Center (SARC) provides services, advocate support, and information for survivors in a safe, supportive, and confidential setting. In some circumstances, a survivor may seek a Temporary Order of Protection (TOP) from a court of appropriate jurisdiction against the alleged perpetrator. A survivor may also seek

restriction of access to the University by non-students or non-employees in certain circumstances.

Federal law requires the University to collect, publish, and distribute an annual security report that includes statistics concerning the incidence of sexual offenses and other serious crimes occurring on campus and on public property, in non-University buildings, or on non-University property. The reports do not include identifying information about survivors, but incidents included within the reports require confirmation. These reports increase awareness of the extent of crime on campus and help foster the development of policies, procedures, and programs to prevent and report crime. Following a formal or confidential report of an incident of sexual violence on campus, the Office of Public Safety will issue a public warning if the evidence indicates that a threat of continued violence exists (see “Response Team” section on page 13).

### **FILING A CRIMINAL REPORT**

- A survivor may make a criminal report of the incident to the Office of Public Safety and/or local law enforcement by calling 911 or 243-4000. Law enforcement will investigate allegations and the City or County Attorney will determine whether to charge the accused.
- If a survivor of sexual assault chooses to report the incident, the survivor should go to First STEP Resource Center (329-5635) as soon as possible for a forensic examination and evidence collection.
  - Physical evidence can be obtained up to 72 hours after an assault. As time passes, the quality of the evidence diminishes.
  - To facilitate evidence collection, do not bathe, go to the bathroom, douche, eat, drink, smoke, or brush teeth. Clothes worn during the assault should be placed in a paper bag. If you have already done these things, or if more than 72 hours has elapsed, you may still have a forensic examination, but evidence collection may not be successful.
- There are special considerations for documenting relationship violence or stalking incidents. Contact a Public Safety officer or a SARC advocate for more information.
- A survivor who has doubts whether the incident constitutes a crime, or delays a report to a later date, should contact a Public Safety officer.

## **FILING A UNIVERSITY COMPLAINT**

- A survivor wishing to pursue University disciplinary sanctions against any student must file a Student Conduct Code complaint with the Dean of Students (243-6413).
- Once the survivor has filed a complaint, the University will become the complainant, although the survivor may request to stop the process at any time. In most cases, the University will honor the request. In special circumstances, such as when not proceeding may threaten public safety, the University may proceed.
- A survivor may request a “No Contact Order” in which the University may limit or prohibit contact between the survivor and the accused student.
- Information regarding University disciplinary proceedings appears in the “Disciplinary Process” section of this policy (see page 13) and in the Student Conduct Code. Information regarding how to file a sexual harassment complaint against a University student or employee can be obtained from the University Discrimination Grievance Officer.
- A survivor may in some circumstances seek to restrict access to campus by non-students and non-employees pursuant to University Policy 202.4 ([www.umt.edu/policies/facilities/access\\_property.htm](http://www.umt.edu/policies/facilities/access_property.htm))

## **FILING A CONFIDENTIAL OR ANONYMOUS REPORT**

- A survivor who does not wish to pursue action within the University or the criminal justice system may file a confidential or anonymous report. The survivor may speak with the Dean of Students, Director of Residence Life, or an officer from Public Safety, or may download a crime reporting form and mail it to the Office of Public Safety ([www.umt.edu/publicsafety/pdf/crimeForm.pdf](http://www.umt.edu/publicsafety/pdf/crimeForm.pdf)).
- The confidential report complies with the survivor’s wish to keep the matter confidential, while allowing protection for the safety of others; enables the University to investigate and maintain records of incidents involving students; indicates patterns of crime with regard to particular locations, methods, and/or perpetrators; and alerts the campus community to potential danger. Verified reports filed in this manner appear in the annual crime statistics for the University, without identifying personal information.
- An anonymous report serves the same purpose as a confidential report, without revealing the

survivor’s name. However, by remaining anonymous, the survivor will not obtain a copy of the report or have use of the report to file a University complaint or criminal charges.

## **FILING A THIRD PARTY REPORT**

- Campus safety authorities must disclose to the Office of Public Safety all verified offenses reported to them, but must not disclose the name of the survivor without the survivor’s consent.
- Campus safety authorities include:
  - Public Safety officers;
  - Individuals with responsibility for campus security, such as an individual responsible for monitoring entry and exit;
  - The Dean of Students and Director of Residence Life; and
  - Other officials with significant responsibilities for student and campus activities, except when acting as a professional or pastoral counselor.

## **WITNESS/BYSTANDER REPORTING OPTIONS**

- A witness/bystander may secure provisional immunity from other incidental infractions of the Student Conduct Code by reporting a violation of this policy to campus authorities.
- The University encourages people to report incidents of sexual assault, relationship violence, and stalking, or any specific knowledge of plans of assaults, to the Office of Public Safety, Dean of Students, Director of Residence Life, a resident assistant in the residence halls, or a community assistant at University Villages or Lewis and Clark Village.

## **SURVIVOR RIGHTS**

Survivors of sexual violence, relationship violence, or stalking have certain rights to the full extent permissible by law, including:

- Treatment with dignity and respect, not subjected to biased attitudes or judgments;
- Not having past and irrelevant conduct discussed during any resulting proceedings;
- Having academic and living situations changed if reasonably available;
- Having access to all support services regardless of ones’ decision regarding the filing of University or criminal complaints;
- Submission of a written account of the incident and a victim-impact statement;
- Having a person of choice, including legal counsel or an advocate, present throughout the

proceedings, as set forth in the Student Conduct Code;

- Being present throughout all stages of the proceedings, except for the deliberation process, and being informed promptly of the outcome;
- Having one's identity protected, in accordance with legal and Student Conduct Code requirements;
- Making additional statements as events are recalled more clearly;
- Provisional immunity from infractions of the Student Conduct Code the survivor may have committed at the time of the assault;
- Appealing the decision in the light of evidence, such as a new witness or showing that Student Conduct Code procedural deviations significantly prejudiced the student or the University; and
- Having all questions fully answered except to the extent prohibited by an applicable federal or state privacy law.

### **DISCIPLINARY PROCESS**

The University holds violators of the Student Conduct Code accountable through appropriate disciplinary action, while respecting the rights of survivors and alleged perpetrators (see the Student Conduct Code). Membership in the campus community does not exempt one from local, state, or federal laws, but rather imposes the additional obligation to abide by all of the University's policies and regulations.

A student found to have committed sexual misconduct, relationship abuse or violence, stalking, or sexual harassment by clear and convincing evidence will receive discipline under the University's Student Conduct Code. Violations of the terms of any disciplinary sanction imposed in accordance with the Student Conduct Code can lead to further discipline under the Student Conduct Code. Attempting to commit acts prohibited by the Sexual Misconduct, Sexual and Relationship Violence, and Stalking Policy—or knowingly or willfully encouraging or assisting others to commit such acts—also violates the Student Conduct Code, subjecting the perpetrator to punishment to the same extent as the prohibited acts. Additionally, retaliation against a person for filing a complaint and/or acts of intimidation intended to coerce a person to drop a complaint violate the Student Conduct Code. Possible Student Conduct Code sanctions include expulsion or suspension and other actions. The accused has rights guaranteed by the Student Conduct Code, including the right to confidentiality and the right to due process.

If members of a University-affiliated student organization violate this policy during any activity sponsored by the organization, the organization becomes subject to University sanctions, including the possible revocation of University recognition.

Generally, the University's jurisdiction extends to conduct occurring on University premises or at University-sponsored activities. In certain circumstances, Student Conduct Code action will be initiated against a student who engages in conduct off-campus that allegedly constitutes a criminal offense under Montana or federal criminal law and directly and seriously threatens the health and safety of the campus community. Regardless of where the incident takes place, the Dean of Students can impose reasonable measures to protect the campus community. For example, the University may impose a No Contact Order which limits or prohibits contact between the survivor and the accused student.

The University also has an obligation to uphold the laws of the larger community. Although the laws of the larger community and the Student Conduct Code overlap, they operate independently and do not substitute for each other. The University may enforce its rules and policies regardless of external legal proceedings, and may use information from third party sources, such as law enforcement agencies and the courts, to determine the violation of University rules and policies.

The University will promptly investigate and respond to specific complaints of alleged sexual misconduct, relationship abuse and violence, stalking, or sexual harassment by University employees or individuals otherwise closely associated with the University.

### **RESPONSE TEAM**

Immediately after an incidence of sexual violence has been reported, the Response Team will meet to coordinate the University's response.

1. The members of the Response Team include:
  - Vice President for Student Affairs
  - Vice President for Administration and Finance
  - Director of Public Safety
  - Director of University Relations
2. The Director of Public Safety has the responsibility to issue the call to meet immediately upon notice of an incident of sexual violence.
3. The Response Team will coordinate a total response including:
  - Notice to the President;
  - Services to the survivor;
  - Interaction with law enforcement agencies;

- Public release of information; and
- Campus alert.

## RESOURCE GUIDE AND INFORMATION

### UNIVERSITY SERVICES

The following resources are available to all students who are affected by sexual assault, relationship violence, or stalking:

- The Student Assault Resource Center offers free, confidential or anonymous support, information, referrals, and advocacy services to all survivors of sexual assault, relationship violence, stalking, child sexual abuse, or sexual harassment. SARC offers support to friends, family and partners of survivors. It is located in the basement at the east entrance of Curry Health Center.
  - 24-hour Crisis Line: 243-6559
  - Business Line: 243-5244
- Counseling and Psychological Services provides rapid access to brief individual, group, and couples therapy. CAPS also serves the needs of students in crisis and facilitates off-campus referral when necessary. It is located at the west entrance of the Curry Health Center
  - 24-hour Crisis Line: 243-4711
- Curry Health Center provides medical care. CHC can assist in pregnancy and STI testing following an assault. CHC does not collect evidence in sexual assault cases, but can make referrals for these services.
  - 24-hour Crisis Line: 243-2122
- Residence Life staff are trained and knowledgeable about campus services and can help survivors find assistance. Staff can help survivors acquire changes in housing and phone numbers.
  - Director Ron Brunell: 243-2611
- The Dean of Students investigates violations of this policy and the Student Conduct Code and can impose sanctions on the student offender, including expulsion or suspension.
  - Dean Charles Couture: 243-6413
- Public Safety officers are available 24 hours a day to respond to emergencies on campus. Officers will answer questions and explain reporting options, as well as offer access to a SARC advocate or additional resources.
  - 911 or 243-4000 or UM emergency phones

### MISSOULA COMMUNITY SERVICES

- St. Patrick's Hospital First STEP doctors and nurses are specially trained to provide complete

medical care, evidence collection examinations, information and referrals in a safe environment.

- 24-hour Crisis Line: 329-5635
- YWCA Pathways provides emergency crisis counseling and follow-up advocacy for all survivors of relationship violence, sexual assault, and child sexual abuse. The YWCA also offers support groups and shelter for women and children who are survivors of relationship violence.
  - 24-hour Crisis Line: 542-1944 or 800-483-7858
- Crime Victim Advocates helps victims obtain Temporary Orders of Protection (TOP), provides information on Crime Victim's Compensation, and assists survivors through the judicial system, including checking on the status of individual cases.
  - Business Line: 258-4630
  - To find out if a TOP has been served: 258-4788
- The Missoula Police and the Missoula County Sheriff's Department are responsible for all criminal investigations and can answer questions about the legal process. In cases of sexual assault, officers will ask if the survivor wants an advocate present to help him/her understand the proceedings.
  - Emergency: 911
  - City Business Line: 523-4777
  - County Business Line: 258-4810

### SEXUAL OFFENDER REGISTRATION

Sexual Offender registration information is available from the Missoula City Police Department, the Missoula County Sheriff, or the Montana Justice Department at: <http://www.umt.edu/publicsafety>

### WHAT YOU CAN DO IF YOU NEED HELP

In case of an emergency on campus, such as an injury or threatening situation, call 4000. Remain on the line and the operator will send the assistance needed. For life threatening emergencies occurring on or off campus, call 911. Remember, sexual assault, relationship violence, or stalking is never the survivor's fault. Information is provided below regarding personal safety and medical attention.

**If you have been sexually assaulted or raped, you have choices.** The following are recommendations to assist you in dealing with this crime. You can:

- Go to a safe place. Find someone you trust and feel comfortable talking to about the incident, such as a friend, family member, or support group.

- Seek medical attention for any injuries sustained in the assault or as a precaution, since you may have been exposed to sexually transmitted infections (STI) or pregnancy. You can visit Curry Health Center or a hospital, or have a private physician provide medical care.
- Report the assault to law enforcement or to the Dean of Students. See “Reporting Procedures” (page 11) for more information, including preserving evidence.
- Contact support services such as SARC (243-6559) or the YWCA (542-1944) for more information or for support in making these decisions. You do not have to give your name. An advocate will talk with you about your options and rights, and offer you any referrals you may need.

**If you are in an abusive relationship**, you have choices. Remember, no one deserves to be abused; it is not your fault. The following are recommendations to assist you in dealing with this crime. You can:

- Find someone you can safely talk to about the situation, such as a friend, family member or support group.
- Seek medical attention for any injuries. Visit Curry Health Center or a hospital, or consult a private physician. Ask your physician about documenting your injuries.
- Report abuse to law enforcement or the Dean of Students. See “Reporting Procedures” (page 11) for more information.
- Obtain a Temporary Order of Protection. For assistance, contact the Crime Victim Advocates office (258-4630).
- Develop a safety plan.
- Speak with a counselor. For an appointment, contact Counseling and Psychological Services (243-4711) located in Curry Health Center. Keep the number of your local crisis line somewhere safe and accessible.
  - SARC 24-hour Crisis Line: 243-6559
  - YWCA 24-hour Crisis Line: 542-1944
- Contact support services such as SARC or the YWCA, for more information or for support in making these decisions. You do not have to give your name. An advocate will talk with you about your options and rights, and offer you any referrals you may need.

**If you are being stalked**, you have choices. Early intervention is critical. Most stalking does not end on its own. Recognizing stalking behavior is the first

step. Many people minimize the seriousness of stalking, assuming that the stalker has poor social skills or misplaced romantic notions. There are several signs that indicate stalking behavior. Trust your feelings. The following are recommendations to assist you in dealing with this crime. You can:

- Clearly state that you are not interested in the attention of the stalker and that you want the behavior to stop.
- Develop a network of support, such as resident assistants, friends, family, or SARC advocates.
- Report the behavior to law enforcement. See “Reporting Procedures” (page 11) for more information.
- Obtain a Temporary Order of Protection. For assistance, call the Crime Victim Advocates office (258-4630).
- Develop a safety plan.
- Develop documentation of stalking incidents. Contact law enforcement, SARC or the YWCA for assistance. Keep the number of your local crisis line somewhere safe and accessible.
  - SARC 24-hour Crisis Line: 243-6559
  - YWCA 24-hour Crisis Line: 542-1944
- Contact support services such as SARC or the YWCA, for more information or for support in making these decisions. You do not have to give your name. An advocate will talk with you about your options and rights, and offer you any referrals you may need.

### **SUPPORTING SURVIVORS – FIRST-RESPONDER GUIDELINES**

You may be the first person an individual turns to for assistance. Responding compassionately can make all the difference in the survivor’s recovery. Here are some helpful ways to respond:

- Listen. Do not question, doubt, or look for an explanation.
- Check the immediate needs of the survivor (i.e., is he/she safe or in need of medical attention or emotional support?)
- Let the survivor make his/her own choices.
- Offer information and resources (see “Resource Guide” section on page 14).
- Maintain confidentiality for the survivor. Do not disclose survivor’s name, identifying information or details of his/her experience.
- For assistance in responding, additional ideas, or to speak with someone about how this has affected you, contact SARC or the YWCA; the resources in this policy will help you as well.

- If you are unable to respond, please refer the survivor to SARC (243-6559).

**PREVENTION, OUTREACH, AND EDUCATION**

The University of Montana recognizes the need to prevent sexual assault, relationship violence, and stalking. Various campus departments and organized groups coordinate events, provide programs, and disseminate materials addressing violence prevention and risk reduction. These offices include SARC, Health Enhancement, Dean of Students, the Women’s Center, Public Safety, and Residence Life.

Violence prevention encompasses multiple strategies designed to reduce the occurrence of sexual and relationship violence and stalking. Prevention strategies involve empowering the campus community to examine, question, and change the social, cultural, political, and environmental factors that influence individuals’ behaviors and contribute to violence. Prevention activities focus on individuals and groups at increased risk for perpetration of violence or victimization. Risk reduction strategies involve skills training to increase awareness of potentially harmful situations, increase individual confidence, and foster protective behaviors.

**STUDENT ASSAULT RESOURCE CENTER (SARC)  
2005 ANNUAL REPORT**

The Student Assault Resource Center (SARC) is in its fourteenth year of operation. During 2005, SARC served seventy survivors of rape, sexual assault, physical assault, child abuse, child sexual abuse, relationship violence, sexual harassment, and stalking. SARC also served forty-three secondary victims or friends, family, or partners of survivors. The following services were provided:

*Crisis Counseling* (193 times): Provision of emotional support during walk-in hours and via telephone.

- *Walk-In Services* (91 times): Peer counseling, information and referrals (10:00 a.m. - 5:00 p.m., Mon-Fri).
- *Crisis Line* (102 times): Peer crisis counseling, information and referrals; staffed 24 hours a day while school is in session;

*Follow-up* (15 times): Provision of follow-up services provided to clients after initial contact.

*Information and Referral* (206 times): Provision of resource information about community and University services to clients during walk-in hours or via telephone.

*Criminal Justice Support/Advocacy* (4 times): Accompaniment to report crime or to court proceedings and provision of general information and assistance in participation in the criminal justice program.

*Medical Advocacy* (17 times): Assistance in securing rights and services within the medical setting, including Curry Health Center and First STEP Resource Center.

*Academic Advocacy* (19 times): Assistance in securing rights and services within the academic setting.

*Support Group* (2 times): Facilitation of a support group for survivors of sexual assault.

*Library*: Twenty-three clients utilized the library materials and informational handouts. Information regarding SARC services was distributed throughout the campus.

*CVA Assistance* (76 times): Provision of information about the Crime Victims Compensation program.

DEMOGRAPHICS AND CRIME DATA			
These data do not provide incident location or date of occurrence			
	Crimes Reported to SARC by Primary Victims*	Crimes Reported to SARC by Secondary Victims	TOTAL
Rape	35	20	55
Sexual Assault	13	5	18
Relationship Violence	20	9	29
Child Sexual Abuse	9	7	16
Sexual Harassment	6	2	8
Stalking	10	3	13
Child Abuse	0	0	0
Other	12	5	17
Total # of Clients:	105	51	156

\*Primary Victims – Crimes that were reported to SARC where the crime was committed against the person seeking services at SARC.

Secondary Victims - Crimes that were reported to SARC where the crime was committed against someone other than person seeking services at SARC

Of the Primary Victims, ninety-six percent (n=67) were female and four percent (n=3) were male. Seventy-nine percent (n=55) were ages 18-29, eleven percent (n= 8) were over thirty years old and ten percent (n=7) were under eighteen.

Of the Secondary Victims, eighty-one percent (n=35) of secondary victims were female and nineteen percent (n=8) were male. Forty-nine percent (n=21) were over thirty years old and forty-seven percent (n=20) were 18-29. Four percent (n=2) were under eighteen.

Sixty percent of the crimes reported to SARC occurred off campus. Thirteen percent of the crimes occurred in Greek housing, campus housing or elsewhere on campus. For twenty-seven percent of the assaults, information about the location of the assault was not reported.

Of the crimes reported to SARC, eighty-one percent were non-stranger assaults, including fifty-two crimes committed by a person who was an acquaintance, roommate or friend of the victim, twenty-one by a partner or former partner and six by another relative of the victim. Nineteen percent of the perpetrators were strangers, or someone the victim had no prior relationship with.

Forty-two percent of the primary and secondary victims sought SARC services less than three weeks after the assault occurred; seven percent contacted SARC between three weeks and six months after the assault occurred; three percent contacted SARC between six months and two years after the assault; six percent contacted SARC after two years; thirty percent reported the assaults as on-going; and for twelve percent of the assaults, information about the length of time since the assault was not reported.

Twenty-three percent of the primary and secondary victims indicated that they had reported the crime to law enforcement. Eighteen crimes were reported to the Missoula Police Department and Missoula County Sheriff Department, two to Public Safety and five to other authorities (e.g., law enforcement outside Missoula County, DCFS, APS). Two of the incidents reported to law enforcement were reported over two years ago. Three individuals filed a third party report and one individual reported to the Dean of Students. Fifty-three individuals said that the crime was not reported. Twenty-seven individuals gave no information about reporting the crime.

The above data suggests that most survivors know their perpetrators, which is consistent with national statistics. The terms date rape, acquaintance rape or non-stranger rape are terms used to describe violence perpetrated by someone the survivor knows. This is significantly more prevalent than sexual violence perpetrated by strangers. The above data also suggests that the majority of survivors who seek services at SARC for sexual violence are women between the ages of 18-29. While this may, in fact, be the most affected population, the University of Montana recognizes that men and women of all ages can be victims and perpetrators of stalking and sexual and

relationship violence. SARC continues to welcome and encourage women and men of all ages, ethnicities, and sexual orientations who are affected in some way by these crimes to seek support and services at SARC.

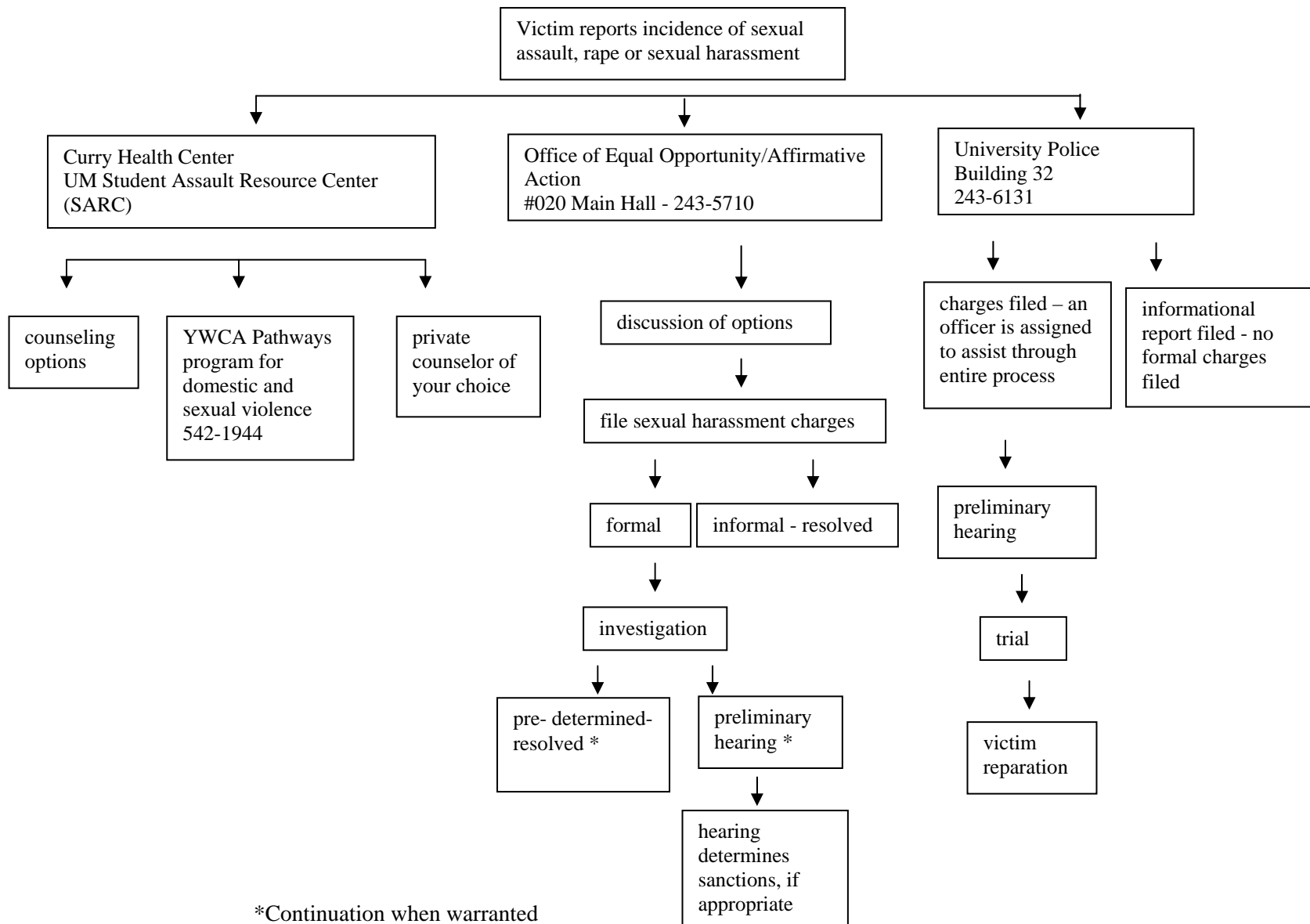
### **DISCREPANCY BETWEEN SARC STATISTICS AND PUBLIC SAFETY REPORT**

Sexual assault is a vastly under-reported crime. This is demonstrated clearly in the difference between the number of sex offenses reported to University of Montana Public Safety authorities (Public Safety, Vice President for Student Affairs, Dean of Students, and Residence Life) as shown in the previous section of this report and the SARC data above. This discrepancy may occur for several reasons. Victims may be reluctant to go through the ordeal of a rape prosecution (especially without certainty of obtaining a conviction) or they may fear not being believed or being blamed for their own rapes.

A 1985 study by Mary Koss, which reported that one in five university students had been raped by men they knew, made universities aware of the extent of rape on campus, specifically acquaintance and date rape. Further, the study illustrated the extent to which the actual number of incidents occurring was in no way reflected by Public Safety reports.

More victims of sexual assault are coming forward to file criminal and/or Student Conduct Code disciplinary charges against their assailants. Survivors are being supported and assisted by campus services like SARC. The University of Montana has established SARC as part of its commitment to confront sexual assault through educational programs, support groups, individual support and advocacy, training for Residence Life staff and University Police, and the revision of the Student Conduct Code to specifically address sexual assault offenses.

# REPORTING OPTIONS



**INTRODUCTION**

This section describes laws, policies and expectations regarding the use and possession of alcohol, tobacco and illicit drugs by faculty, staff and students on University property, at University-sponsored events or by University-recognized organizations. Off-campus and on-campus use of alcohol is addressed. In addition, this section expresses the University's social responsibility for providing educational and prevention programs and emphasizes the importance of individual and group responsibility for compliance.

The University of Montana does not assume responsibility for individual acts and activities.

The Drug-Free Workplace Act of 1988 prohibits "the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance" in the workplace. Personnel actions, consistent with University policy and applicable state and federal laws, will be taken against any violator of this Act.

The Drug-Free Schools and Communities Act Amendments of 1989 prohibit, at a minimum, "the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees" on school and campus property or as part of any school or campus activity. Standards more rigid than those required by this Act may be imposed. Personnel and Student Conduct Code action and federal laws apply to any violator of this Act.

**ALCOHOL POLICIES****MONTANA UNIVERSITY SYSTEM**

Consumption of alcoholic beverages on University property is prohibited by Montana University System Policy 503.1 except as expressly permitted. Alcoholic beverages may be consumed by students and their guests in individual residence hall rooms or in individual University Villages and Lewis and Clark Village units, provided such consumption is in compliance with state laws, the Student Conduct Code, and relevant University policies. Unless otherwise authorized by the University president, alcoholic beverages may not be consumed in hallways, lounge areas, utility rooms, or other areas of residence halls, or in any other campus locations. Authorization by the

president for consumption of alcoholic beverages in locations other than individual residence hall rooms or individual Village units shall conform to the following conditions:

- Consumption shall be in connection with a substantive event, such as a banquet, official entertainment or reception.
- Food and nonalcoholic beverages shall also be available.
- The event shall be monitored to prevent consumption by persons not of legal age.

**SERVICE OF ALCOHOLIC BEVERAGES**

In accordance with the Service of Alcoholic Beverages Policy 40.1, the University's intent is to comply with applicable laws pertaining to the sale, possession and consumption of alcoholic beverages and to foster responsible attitudes toward alcohol among members of the University community, including students, faculty, staff and visitors. No event involving the service of alcoholic beverages may take place on campus without the prior written approval of the University president or his/her designee. University Catering Services is the usual designee. Certain restrictions apply:

- The event must be substantive in nature.
- The event's organizers and sponsors will arrange for and ensure the service of food and nonalcoholic beverages during the duration of the event.
- Service and consumption of alcoholic beverages will not exceed four hours.
- Organizers and sponsors of the event will monitor the service of alcoholic beverages to prevent excessive service and consumption.
- Organizers and sponsors of the event will monitor the service of alcoholic beverages to prevent service to a person not of legal age.
- The officer responsible for the area in which the event is to take place must give prior approval to the scheduling of the event.
- For events involving the sale of alcoholic beverages, the vendor must be licensed by the State and approved by the University. The University contracts annually with a local, licensed vendor for the purpose of sales of alcoholic beverages for approved events. The

vendor must possess a current Montana all-beverage license and an annually renewable catering permit.

- Unreasonable or irresponsible conduct or violation of any regulation or noncompliance with any limitation outlined herein will justify discontinuance of the event and subsequent denial of University service and facilities.

### **TAILGATE PARTIES**

The Tailgate Parties Policy 40.2 allows students, staff, faculty, alumni and friends of the University to hold tailgate parties in the University's parking lots and fields near Washington-Grizzly Stadium in conjunction with The University of Montana home football games. Certain restrictions apply:

- Parties held in Kirkland Memorial Grove, and Riverbowl East and South require tailgate permits. Space must be reserved through the Assistant Athletic Director, Internal Affairs.
- Small, private parties (ten people or fewer) may be held in University parking lots and contiguous grassy areas in the immediate vicinity of the Washington-Grizzly Stadium only, to wit: lots M, M-1, P, T, U, W, X, Y and Z.
- Parties may not be held on University streets.
- Signs in sponsored, designated tailgate areas shall be limited to identify location and shall be no higher than ten feet above ground level.
- Parties may begin no earlier than two hours before the scheduled start of the game.
- Consumption of alcohol may not continue beyond the kick-off of the second half of the game.
- Individuals, groups and organizations holding or participating in parties are responsible for their own conduct and are expected to respect the rights of others and the entire University community.
- Groups holding parties are responsible for providing their own designated drivers.
- At its discretion, the University may terminate parties, or take other appropriate action against individuals, groups or organizations whose conduct at parties is irresponsible, unreasonable or inconsistent with University policies and regulations, ordinances or laws.
- No organization, business or individual, except the Grizzly Scholarship Association or its designee, may sell, or offer for public consumption, beer or other alcoholic

beverages on campus in conjunction with home football games.

- No organization, business or individual may offer on campus any food or nonalcoholic beverages for public consumption or for sale, including donations, in conjunction with home football games, without prior approval from the Office of Intercollegiate Athletics.
- No organization, business or individual may offer goods or services for sale, including donations, in conjunction with home football games.

### **RESIDENCE HALLS, UNIVERSITY VILLAGES, AND LEWIS AND CLARK VILLAGE**

Residence halls, University Villages, and Lewis and Clark Village policies permit the use and possession of alcoholic beverages in the privacy of a student's residence hall room or Village unit.

- In residence hall rooms, all occupants must be of legal age.
- In the Villages, anyone consuming alcohol beverages must be of legal age.
- Alcoholic beverages may not be consumed in hallways, lounges, utility rooms or other public areas.
- Keggers and parties involving large amounts of alcoholic beverages are prohibited in residence hall rooms and individual Village units.
- Residence hall and Village social funds may not be used to purchase alcoholic beverages.
- Residence hall and Village sponsored functions involving alcoholic beverages shall adhere to the University's alcohol risk management guidelines.

### **GREEK FRATERNAL ORGANIZATIONS**

The possession and consumption of alcoholic beverages at men's and women's fraternity houses and functions must conform with policies established by the Board of Regents, University policies, The University of Montana Men's and Women's Fraternities Relationship Statement, All-Greek Alcohol Agreement, their national chapters, local ordinances, and state and federal laws.

- With limited exceptions, as defined in the All-Greek Alcohol Agreement, there will be no consumption of alcoholic beverages in the common areas of fraternity residences.
- Members of legal drinking age may store and consume alcoholic beverages in the privacy of their own rooms.

- At any event where alcohol is served, a system must be implemented to ensure that alcoholic beverages are not accessible or served to anyone under the legal drinking age, or to anyone who appears to be intoxicated, regardless of age.
- The sale or any indirect means of collecting money to pay for alcoholic beverages is prohibited unless a licensed vendor caters the event.
- No Greek organization shall serve or permit the use, possession or consumption of alcoholic beverages at recruitment functions.
- Chapters must adhere to their national policies and the Men's and Women's Fraternities Relationship Statement regarding policies for purchasing alcoholic beverages with chapter funds.
- Each chapter shall adhere to the University's alcohol risk management guidelines.

**UNIVERSITY-RECOGNIZED CLUBS, ORGANIZATIONS, AND CAMPUS EVENTS**

University clubs, organizations and campus events include, but are not limited to, sport groups, academic honoraries, athletic teams, ROTC, service organizations, sponsored parties, tailgate parties, dances, picnics, banquets, field trips, sponsored recreational events and social functions. The possession, use and consumption of alcoholic beverages by University-recognized clubs and organizations, and at campus events, must conform to local ordinances, state and federal laws, and policies established by the Board of Regents and The University of Montana.

- All events, except for tailgate parties, held on University property that involve the service of alcoholic beverages must be scheduled with University Catering Services.
- The sale of alcoholic beverages or any indirect means of collecting money to pay for alcoholic beverages is prohibited unless a licensed vendor caters the event.
- A licensed vendor or University Catering Services must be used for all events involving service of donated alcohol.
- University Catering Services will charge appropriate fees for the service of donated alcohol.
- Club or organizational funds may not be used to buy alcoholic beverages without proper approval for entertainment expenses.

- Each club or organization shall adhere to the University's alcohol risk management guidelines.

**OFF-CAMPUS USE OF ALCOHOLIC BEVERAGES BY UNIVERSITY-RECOGNIZED STUDENT ORGANIZATIONS**

A University-recognized student organization that sponsors any gathering, meeting or other activity off campus that involves alcoholic beverages must meet the same requirements that apply to on-campus events, with the exception of the following privileges and restrictions:

- A University-recognized student organization that sponsors an event involving alcoholic beverages off University property must have the event catered by a licensed vendor, if fifteen (15) or more persons attend the event. Vendor approval by University Catering Services is not required.
- A University-recognized student organization that sponsors an event involving alcoholic beverages off University property is not required to have the event catered by a licensed vendor if fourteen (14) or fewer persons attend the event. However, the sale of alcohol is prohibited unless a licensed vendor caters the event. Event participants may contribute funds to purchase alcoholic beverages for the event. Students who organize and participate in this type of an event assume the responsibility for serving alcohol and monitoring its use in accordance with local ordinances, state and federal laws, and Board of Regents and University of Montana policies.
- University-recognized student organizations may not apply for a special permit from the State of Montana Liquor Division.
- Student officers or officials must meet with the organization's faculty advisor to ensure their risk management plan adheres to University alcohol policies and risk management guidelines.
- Violations of University alcohol regulations are also violations of The University of Montana Student Conduct Code. Violators are subject to disciplinary action pursuant to the Code. The University, including ASUM, may deny privileges to a student organization or impose other sanctions for alcohol violations.

## UNIVERSITY CATERING

A licensed vendor must be used for all events involving service of donated alcohol. University Catering Services will charge appropriate fees for the service of donated alcohol.

## ADVERTISING AND PROMOTION INVOLVING ALCOHOL OR TOBACCO

This policy governs alcohol or tobacco product sponsorship and/or advertising for University events planned by University departments or officially recognized University groups and organizations. This policy applies to all such on-campus and off-campus event advertising and promotion in whatever format, including books, brochures, posters, programs, directories, newspapers, signs, radio and television, video and audiotape, and electronic computer generated communications. Signs include those at athletic facilities and other campus locations and on campus vehicles. The University recognizes the correlation between the misuse of alcohol or the use of tobacco and a variety of academic, social, or health-related consequences. Although the University does not stand *in loco parentis* to its students, it accepts responsibility for advocating and upholding the virtues of community, safety, harm reduction, and social responsibility.

For any University-related event or activity, The University of Montana-Missoula will not:

- Use beer, wine, liquor, or tobacco products (name, trademark, or logo) in advertisements and promotions for, or as sponsors of, any University event or activity regardless of location.
- Use any University logo, trademark or name in conjunction with alcoholic beverage or tobacco products or symbols.
- Make alcohol or tobacco the focus of any University event, or use availability of beer or other alcoholic beverages or tobacco to promote any University event.
- Provide alcoholic beverage or tobacco products as awards or prizes to any person or organization participating in any University event or in any event on University property.

**Non-University Events.** Subject to approval by the President of the University, events organized by non-University organizations on University premises may display the corporate names of alcohol and tobacco-related sponsors as long as the use of alcoholic beverage or tobacco products

is not promoted and University trademarked logos are not used in conjunction with the event.

- University trademarked logos may be used in conjunction with off-campus events involving alcohol or tobacco products if the event has multiple sponsors, does not promote the sale of those products, and is an event that benefits an issue important to the University. Each event will be judged on its own merits.

**Exceptions.** Exceptions to this policy shall be limited to the following:

1. University football game tailgate parties to the limited extent of permitting tailgate party participants to advertise the availability of alcoholic beverages to their guests who are 21 years of age or older.
2. Adams Center and University Center events to the limited extent of permitting either Center to advertise the availability of alcoholic beverages, if such beverages are otherwise permitted at an event, to participants who are 21 years of age or older.
3. Any other exception authorized in advance by the University President.

## ALCOHOL RISK MANAGEMENT GUIDELINES

Risk management guidelines are intended to help safeguard the University community against potential harm and exposure to legal liability. Therefore, it is imperative that policies are consistently enforced and the following strategies be incorporated into planning and implementing any event.

- Alcohol-free events should be promoted.
- Reasonable amounts of food and nonalcoholic beverages must be available at the same place and featured as prominently as alcoholic beverages.
- Alcoholic beverages must not be served to minors. Adults risk criminal liability, as well as civil liability, when minors consume alcoholic beverages.
- At social functions where alcoholic beverages are provided by the sponsoring organization, direct access should be limited to designated servers and consumption permitted only within designated and monitored areas.
- Drinking competitions are prohibited.
- Activities promoting forced consumption of alcohol are not allowed and could subject those individuals providing alcohol to liability.

- Service and consumption of alcoholic beverages must not exceed four (4) hours.
- Service must be refused to anyone who appears to be intoxicated.
- A plan must be implemented for controlling and limiting the quantity of alcohol served.
- Access to the event must be controlled.
- The Office of Public Safety must be informed prior to an on-campus event that involves the service of alcoholic beverages.
- University Police officers are required for on-campus events that are open to the public.
- Assistance should be provided to individuals who are abusing drugs and alcohol.
- Safe transportation to and from events should be encouraged and/or provided, including a designated driver program.
- Alcohol consumption at tailgate parties may begin no earlier than two (2) hours before the scheduled start of the game, and may continue no later than the start of the second half of the game.
- Ongoing education should be provided by the University to inform individuals about the potential risk associated with excessive use of alcohol and the use of illicit drugs.
- Alcohol may not be the focus of the event.
- The amount of alcohol may not be used as an inducement to attend or participate in an event, and event promotional material may not make reference to the amount of alcohol available for consumption, such as number of beer kegs.
- Event advertisements should mention the availability of nonalcoholic beverages as prominently as alcohol.
- Alcoholic beverages are not to be provided as free awards to individual students or campus groups.

#### **FOR MORE INFORMATION**

Copies of the Montana University System and The University of Montana-Missoula alcohol policies are available from the Office of Residence Life, Office of Public Safety and the Office of the Vice President for Student Affairs, or they can be viewed on the web at [www.umt.edu/studentaffairs/drug&alcoholguide.htm](http://www.umt.edu/studentaffairs/drug&alcoholguide.htm). Students can also contact Charles Couture, Dean of Students, at 022 University (Main) Hall, 243-6413, or [charles.couture@umontana.edu](mailto:charles.couture@umontana.edu).

#### **SMOKING POLICY**

The University of Montana prohibits smoking in all buildings owned, operated, or leased by the University, except in some living spaces in University Villages, and prohibits smoking within 25 feet of buildings (smoking prohibited within 75 feet of Jesse Hall and Miller Hall).

#### **ILLICIT DRUGS POLICY**

Illegal use, possession, manufacture, sale or distribution of any controlled substance on University property or at University-sponsored activities is unlawful and prohibited. This prohibition complies with federal and state statutes, The University of Montana Student Conduct Code, the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989.

#### **HEALTH RISKS**

##### **ALCOHOL**

The majority of adults who consume alcohol do so for enjoyment and recreation. Yet many lack the information they need to consume alcohol in a responsible and safe manner. Of those who choose to drink, about one in ten will find it difficult to control consumption and is at risk of alcohol-related dysfunction or alcohol addiction (alcoholism).

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairment in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition,

can also lead to permanent damage to vital organs such as the brain and liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.<sup>1</sup>

### **TOBACCO**

Persons who smoke or use smokeless tobacco are at risk of developing lung cancer, heart problems, mouth cancer, gum disease and tooth loss.<sup>2</sup>

### **ILLCIT DRUGS**

Drug Types and Effects of Overdoses:<sup>3</sup>

#### *Narcotics*

- Slow and shallow breathing, clammy skin, convulsions, coma, possible death

#### *Depressants*

- Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death

#### *Stimulants*

- Agitation, increased body temperature, hallucinations, convulsions, possible death

#### *Cannabis*

- Fatigue, paranoia, possible psychosis

#### *Hallucinogens*

- Longer, more intense "trip" episodes, psychosis, possible death

#### *Anabolic Steroids*

- Unknown

1. The Higher Education Center for Alcohol and Other Drug Prevention, *Complying with the Drug Free Schools and Campuses Regulations – A Guide for University and College Administrators*, Publication No. ED/OPE97-2

2. Center for Disease Control and Prevention

3. The Higher Education Center for Alcohol and Other Drug Prevention, *Complying with the Drug Free Schools and Campuses Regulations - A Guide for University and College Administrators*, Publication No. ED/OPE97-2

RELATIONSHIPS AMONG GENDER, WEIGHT, ALCOHOL CONSUMPTION, AND BLOOD ALCOHOL LEVEL\*

Beverage Intake (in one hour)	Female (100 lb)	Male (100 lb)	Female (150 lb)	Male (150 lb)	Female (200 lb)	Male (200 lb)
1 oz spirits†	0.045	0.037	0.03	0.025	0.022	0.019
1 glass wine						
1 can beer						
2 oz spirits	0.090	0.075	0.06	0.050	0.045	0.037
2 glasses wine						
2 cans beer						
4 oz spirits	0.180	0.150	0.12	0.100	0.090	0.070
4 glasses wine						
4 cans beer						
6 oz spirits	0.270	0.220	0.18	0.150	0.130	0.110
6 glasses wine						
6 cans beer						
8 oz spirits	0.360	0.300	0.24	0.200	0.180	0.150
8 glasses wine						
8 cans beer						
10 oz spirits	0.450	0.370	0.30	0.250	0.220	0.180
10 glasses wine						
10 cans beer						

†100-proof spirits

\*O. Ray and C. Ksia, *Drugs, Society and Human Behavior*, Mosby: St. Louis, Missouri, 7<sup>th</sup> Edition (1966).

**ENFORCEMENT OF ALCOHOL, DRUG, AND TOBACCO POLICIES**

Individuals who violate University policies, city ordinances, state, or federal laws are subject to disciplinary action according to The University of Montana Student Conduct Code, the Men’s and Women’s Fraternities Relationship Statement and personnel policies, and/or criminal prosecution. These sanctions include laws and regulations pertaining to abuse of alcohol and use, possession, sale or manufacture of illicit drugs.

Enforcement procedures will not replace more stringent sorority/fraternity regulations that are imposed by their national organizations. These guidelines are minimum standards expected by The University of Montana.

Student sanctions may include reprimand, probation, suspension, expulsion and/or restitution, as well as required attendance at educational programs. Depending upon the seriousness and frequency of the Student Conduct Code violation, a student may be assigned to any level of the following programs:

- Required attendance at a five-hour educational program presented by the Self Over Substances Program and possible required attendance at one

open meeting of Alcoholics Anonymous. The student will be required to submit a written report on the AA meeting.

- Required attendance at an eleven-hour educational program presented by the Self Over Substances Program. The student may be required to attend four Alcoholics Anonymous meetings and submit a written report.
- Required attendance at regular counseling sessions or other treatment, as recommended by personnel of the Self Over Substances Program. The counselor will determine the duration of this counseling or treatment requirement.

Employees who violate policies will be subject to disciplinary action in accordance with personnel policies, collective bargaining agreements and local, state or federal laws. They could be subject to termination and/or criminal prosecution.

University-recognized faculty, staff and student groups that violate University drug and alcohol regulations are subject to sanctions including discontinuance of their University-recognized event and a subsequent denial of University service and facilities. In case an injury occurs at an event, individual group leaders may be personally liable for the group’s activities.

## STATE ALCOHOL REGULATIONS

The following is a brief summary of Montana's Drinking and Driving laws and what they mean to the drinking driver:

### WAYS OF THIS STATE

"Ways of this state open to the public" means "any highway, road, alley, or other public or private place adapted and fitted for public travel that is in common use by the public."

### PRELIMINARY ALCOHOL SCREENING TEST

A person who operates or is in actual physical control of a vehicle upon ways of this state open to the public is considered to have given consent to a preliminary alcohol screening test of his/her breath to estimate alcohol concentration. A peace officer who has a particularized suspicion that the person was driving or in actual physical control of a vehicle while under the influence of alcohol may request and administer the test.

A person may refuse the preliminary alcohol screening test after a peace officer informs the person of the right to refuse and of the specific consequences of refusal. However, a refusal will cause suspension of the person's driver's license without provision for a probationary license. The first refusal results in a six-month suspension; a second or subsequent refusal within five years results in a one-year revocation of the person's license.

Taking a preliminary alcohol screening test does not remove the responsibility to take additional breath, blood or urine testing. However, a refusal to take the preliminary alcohol screening test and a refusal to take the current alcohol concentration test cannot be considered two refusals for the purposes of suspension.

### IMPLIED CONSENT

Any person who operates a vehicle on the ways of this state shall be deemed to have given consent to a chemical test of their blood, breath, or urine to detect and/or measure the amount of alcohol or drugs in the person's body if arrested by a peace officer for driving or being in actual physical control of a motor vehicle while under the influence of alcohol, drugs, or a combination of the two.

If the person refuses to submit to a test, the arresting officer will seize the person's driver's license and issue a temporary driving permit that will be effective twelve hours after issuance and valid for five days.

On first refusal, the person's driver's license will be suspended for six months with no provision for a restricted probationary license.

On second or subsequent refusals within five years of a previous refusal, the person's driver's license will be revoked for a period of one year with no provision for a restricted probationary license.

If there is a trial, the trier of fact may infer from the refusal that the person was under the influence of alcohol. However, this inference is rebuttable.

## DUI PENALTIES

### ALCOHOL CONCENTRATION FOR THOSE 21 YEARS OF AGE OR OLDER

Montana law imposes different penalties on persons driving under the influence depending upon whether they are 21 years of age or older, 18-20 years of age, or under 18 years of age. Further, Montana law imposes different levels of proof for DUI offenses. If at the time of arrest the accused has a blood alcohol concentration in excess of .04 but less than .08 (grams of alcohol per 100 milliliters of blood or per 210 liters of breath), this fact may be considered with other competent evidence to determine whether the person was under the influence of alcohol. If at the time of arrest the accused has a blood alcohol concentration in excess of .08, this fact either (a) creates a rebuttable inference that the person was under the influence of alcohol, or (b) imposes absolute liability with less severe punishments than those that follow.

A person convicted of driving or being in actual physical control of a vehicle upon the ways of this state while under the influence of alcohol or other drugs shall be punished as follows:

#### 1<sup>st</sup> Conviction

- Imprisonment for not less than 24 consecutive hours in jail.
- Maximum imprisonment of six months in jail.
- Fine of not less than \$300 or more than \$1,000.
- Driver's license revocation or suspension for six months or more if the driver has an alcohol concentration of .08 or greater.
- Person must complete and pay for a chemical dependency assessment and a chemical dependency education course.
- If approved devices are available and the person's blood alcohol concentration at the time of arrest was 0.18 or greater, a court may restrict the person to only driving a motor vehicle equipped with a functioning ignition interlock device and require

the person to pay the reasonable cost of leasing, installing, and maintaining the device.

- If one or more passengers were under the age of 16 at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours or more than 12 months and by a fine of not less than \$600 or more than \$2,000.

### **2<sup>nd</sup> Conviction (within 5 years)**

- Imprisonment for not less than 48 consecutive hours in jail.
- Maximum imprisonment of six months in jail.
- Fine of not less than \$600 or more than \$1,000.
- One year revocation of driver's license and/or driving privilege. Any driving under a restricted probationary license is limited to a vehicle equipped with a functional ignition interlock device (if available).
- Convicted person must complete and pay for a chemical dependency assessment, a chemical dependency education course, and chemical dependency treatment.
- Following completion of chemical dependency treatment, person must submit to monthly monitoring for at least one year from the date of admission to chemical dependency treatment.
- In addition, for a second or subsequent violation, the court shall order that each motor vehicle owned by the person at the time of the offense be either:
  - 1) Seized and subject to the forfeiture procedure provided by law; or
  - 2) During the 12-month period beginning with the end of the period of the driver's license revocation, the vehicle may be equipped with a functioning ignition interlock device and may require the person to pay the reasonable cost of leasing, installing, and maintaining the device.
- If one or more passengers were under the age of 16 at the time of the offense, the person shall be punished by imprisonment for not less than 14 days or more than 12 months and by a fine of not less than \$1,200 or more than \$2,000.

### **3<sup>rd</sup> Conviction (within 5 years)**

- At least 48 consecutive hours of imprisonment to be served in the county jail and a maximum sentence of one year.
- Fine of not less than \$1,000 or more than \$5,000.
- One year revocation of driver's license and/or driving privilege. Any driving under a restricted probationary license is limited to a vehicle

equipped with a functional ignition interlock device (if available).

- After conviction, the motor vehicle owned and operated by the person at the time of the offense will be seized by local authorities and subject to forfeiture proceedings.
- Convicted person must complete and pay for a chemical dependency assessment, a chemical education course, and chemical dependency treatment before driver's license can be reinstated.
- Following the completion of chemical dependency treatment, convicted person must submit to monthly monitoring for at least one year from the date of admission to chemical dependency treatment.
- In addition, for a second or subsequent violation, the court shall order that each motor vehicle owned by the person at the time of the offense be either:
  - 1) Seized and subject to the forfeiture procedure provided by law; or
  - 2) During the 12-month period beginning with the end of the period of the driver's license revocation, the vehicle may be equipped with a functioning ignition interlock device and may require the person to pay the cost of leasing, installing, and maintaining the device.
- If one or more passengers were under the age of 16 at the time of the offense, the person shall be punished by imprisonment for not less than 60 days or more than 12 months and by a fine of not less than \$2,000 or more than \$10,000.

### **4<sup>th</sup> or Subsequent Conviction**

- Fourth offense is a felony for which the person shall be sentenced to the department of corrections for placement in an appropriate correctional facility or program for 13 months. If the person completes a residential alcohol treatment program, the remainder of the 13 month sentence must be served on probation. The person shall also be sentenced to a suspended and consecutive term of prison incarceration for not more than five years.
- This sentence may not be deferred or suspended, and the person is not eligible for parole.
- A fine not less than \$1,000 or more than \$10,000.
- For purposes of sentencing a fourth or subsequent offense, the court MUST use all previous convictions, not just those within the past five years.
- After conviction the motor vehicle owned and operated by the person at the time of the offense

will be seized by local authorities and subject to forfeiture.

- The sentencing judge may impose other restrictions or conditions on probation as provided by Montana law, including, but not limited to, payment for imprisonment, probation and alcohol treatment (if financially able); prohibition from consuming alcohol or frequenting establishments where alcohol is served; treatment in an aftercare treatment program; submission to random or routine drug and alcohol testing; and the requirement of an ignition interlock device for any driving authorized by the person's probation officer.
- In addition, for a second or subsequent violation, the court shall order that each motor vehicle owned by the person at the time of the offense be either:
  - 1) Seized and subject to the forfeiture procedure provided by law; or
  - 2) During the 12-month period beginning with the end of the period of the driver's license revocation, the vehicle may be equipped with a functioning ignition interlock device and require the person to pay the reasonable cost of leasing, installing, and maintaining the device.

#### **LICENSE REINSTATEMENT**

A driver's license that has been suspended or revoked must remain suspended or revoked until the driver has paid to the Department of Motor Vehicles \$200 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for violation of traffic laws of the State.

#### **ALCOHOL CONCENTRATION FOR THOSE UNDER THE AGE OF 21**

It is absolutely unlawful for a person under the age of 21 who has an alcohol concentration of 0.02 or more to drive or be in actual physical control of a vehicle upon the ways of this state open to the public. The person may be sentenced for absolute liability and punished as follows, or the person may be prosecuted and sentenced under the penalties previously listed.

#### **1<sup>st</sup> Conviction**

- Fine of not less than \$100 or more than \$500.
- Ninety days suspension of driver's license, or six months suspension if the driver's alcohol concentration was 0.08 or more. If the driver's alcohol concentration was 0.18 or greater, the court may limit any driving under a restricted probationary license to a vehicle equipped with a functional ignition interlock device (if available).

- If the person was under 18 at the time of the offense, no probationary driver's license may be issued for the first 30 days of any suspension.
- \$100 license reinstatement fee required.
- Person convicted must complete and pay for a chemical dependency assessment and a chemical dependency education course.
- Alcohol and drug treatment is required if the person is found to be chemically dependent.

#### **2<sup>nd</sup> Conviction**

- Fine of not less than \$200 or more than \$500.
- Six months suspension of driver's license. Any driving under a restricted probationary license is limited to a vehicle equipped with a functional ignition interlock device (if available).
- If the person was under 18 at the time of the offense, no probationary driver's license may be issued for the first 30 days of any suspension.
- \$100 license reinstatement fee required.
- If the person was 18 or older at the time of the offense, incarceration for not more than ten days.
- Person convicted must complete and pay for a chemical dependency assessment, a chemical dependency course and chemical dependency treatment.
- Following the completion of chemical dependency treatment, convicted person must submit to monthly monitoring for at least one year from the date of admission to chemical dependency treatment.

#### **3<sup>rd</sup> or Subsequent Conviction**

- Fine of not less than \$300 or more than \$500
- One year suspension of driver's license. Any driving under a restricted probationary license is limited to a vehicle equipped with a functional ignition interlock device (if available).
- If the person convicted was under the age of 18 at the time of the offense, no probationary driver's license may be issued for the first 30 days of any suspension.
- \$100 license reinstatement fee required.
- If the person was 18 years or older at the time of the offense, incarceration for not less than 24 hours or more than 60 days.
- Person convicted must complete and pay for a chemical dependency assessment, a chemical dependency education course and chemical dependency treatment.
- Following the completion of chemical dependency treatment, person convicted must submit to

monthly monitoring for at least one year from the date of admission to chemical dependency treatment.

First time offenders must complete alcohol and/or drug treatment if found to be chemically dependent by a licensed addiction counselor pursuant to diagnosis by patient placement rules adopted by the State. Second and subsequent offenders must be provided treatment at a level appropriate to the person's alcohol or drug problem or both as determined by a counselor, pursuant to diagnosis and patient placement rules adopted by the State. Upon determination, the court shall order the person's appropriate level of treatment.

### **OPEN CONTAINER LAW**

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.

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.

### **MINORS IN POSSESSION**

A person under the age of 21 commits the offense of possession of an intoxicating substance if the person knowingly consumes or has in his or her possession an intoxicating substance. The person need not be consuming or in possession of the intoxicating substance at the time of arrest to be in violation.

Minors convicted of the offense of possession of alcohol shall be punished as follows:

### **PERSONS UNDER 18 YEARS OF AGE**

#### **1<sup>st</sup> Offense**

- Shall be fined an amount not less than \$100 and not more than \$300.
- Shall be ordered to perform 20 hours of community service.
- Shall be ordered, and the person's parents shall be ordered, to complete and pay for all costs of participation in a community-based substance abuse information program if one is available.
- If the person has a driver's license, the license must be confiscated by the court for 30 days or longer depending upon completion of the substance abuse course.

- A restricted probationary driver's license may be issued after 30 days upon recommendation from the court.

#### **2<sup>nd</sup> Offense**

- Shall be fined an amount not less than \$200 and not more than \$600.
- Shall be ordered to perform 40 hours of community service.
- Shall be ordered, and the person's parents shall also be ordered, to complete and pay for all costs of participation in a community-based substance abuse information program if one is available.
- A person convicted of a second or subsequent offense of possession of an intoxicating substance shall be ordered to complete a chemical dependency assessment.
- If the person has a driver's license, the license must be confiscated by the court for at least 30 days. Confiscation can be for longer periods depending upon completion of the substance abuse program.
- A restricted probationary driver's license may be issued after 30 days upon recommendation from the court.

#### **3<sup>rd</sup> Offense**

- Shall be fined not less than \$300 or more than \$900.
- Shall be ordered to perform 60 hours of community service.
- Shall be ordered, and the person's parents shall also be ordered, to complete and pay for all costs of participation in a community-based substance abuse information program if one is available.
- A person convicted of a second or subsequent offense of possession of an intoxicating substance shall be ordered to complete a chemical dependency assessment.
- Shall be required to complete a chemical dependency assessment and treatment, if recommended.
- If the person has a driver's license, the license must be confiscated by the court for at least 30 days. Confiscation can be for longer periods depending upon completion of the substance abuse program.
- A restricted probationary driver's license may be issued after 30 days upon recommendation from the court.

## **PERSONS 18-20 YEARS OF AGE**

### **1<sup>st</sup> Offense**

- Shall be fined an amount not less than \$100 and not more than \$300.
- Shall be ordered to perform 20 hours of community service.
- Shall be ordered to complete and pay for all costs of participation in a community-based substance abuse information program.

### **2<sup>nd</sup> Offense**

- Shall be fined an amount not less than \$200 and not more than \$600.
- Shall be ordered to perform 40 hours of community service.
- Shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program, which may, in the court's discretion and upon recommendation of a licensed addiction counselor, include alcohol treatment.

### **3<sup>rd</sup> Offense**

- Shall be fined not less than \$300 or more than \$900.
- 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, which may, in the sentencing court's discretion and upon recommendation of a licensed addiction counselor, include alcohol treatment.
- Serve a maximum of six months in jail at the court's discretion.

### **ATTEMPT TO PURCHASE**

A person under the age of 21 commits the offense of attempt to purchase an intoxicating substance if the person knowingly attempts to purchase an alcoholic beverage. Persons convicted of attempt to purchase an intoxicating substance shall be fined as follows:

- Maximum fine of \$150.

### **UNLAWFUL TRANSACTIONS WITH PERSONS UNDER 21 YEARS OF AGE**

A person commits the offense of unlawful transactions with children if the person knowingly sells or gives intoxicating substances, including alcoholic beverages, to a person less than 21 years of age. A person convicted of this offense shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for any term not to exceed six months, or both. A person convicted of a second offense shall be fined an amount

not to exceed \$1,000 or be imprisoned in the county jail for any term not to exceed six months, or both.

### **MISSOULA CITY ORDINANCES**

In addition to federal and state laws concerning consumption of alcohol, the city of Missoula has restricted public drinking and public display of beer, wine, or liquor. It is unlawful for any person to engage in public drinking or display within the city limits. Public places means all vehicles, streets, avenues, alleys, publicly-owned parking lots and privately owned parking lots open to the public for parking in the city, except the parking lots on The University of Montana campus. However, alcohol consumption is prohibited in University parking lots without specific authorization from University officials.

### **STATE DRUG REGULATIONS**

#### **POSSESSION OF DANGEROUS DRUGS**

- A person in possession of up to 60 grams of marijuana or 1 gram of hashish for the first offense is guilty of a misdemeanor and shall be punished by a fine of \$100-\$500 and by imprisonment for up to 6 months, but is presumptively entitled to a deferred imposition of sentence. A person convicted of subsequent offenses is punishable by a fine of up to \$1,000, or imprisonment for up to 1 year in a county jail or state prison for up to 3 years or both fine and imprisonment.
- A person in possession of an anabolic steroid is guilty of a misdemeanor and shall be punished by a fine of \$100-\$500, or by imprisonment for up to 6 months, or both.
- Possession of an opiate shall lead to a fine of up to \$50,000 and imprisonment of 2 to 5 years.
- Possession of other dangerous drugs shall lead to a fine of up to \$50,000 and imprisonment of up to 5 years or both.

#### **CRIMINAL POSSESSION - INTENT TO SELL**

A person in possession intending to distribute any of the dangerous drugs mentioned above shall be fined up to \$50,000 and incarcerated for 2 to 20 years.

#### **DRUG PARAPHERNALIA**

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia. Any person who violates this section is guilty of a misdemeanor and upon conviction shall be imprisoned for up to 6 months and fined up to \$500, or both. A person convicted of a first offense is presumed to be entitled to a deferred imposition of sentence of imprisonment.

### **DELIVERY OF DRUG PARAPHERNALIA**

Any person 18 years old or older who delivers drug paraphernalia to a minor under 18 years of age and three years younger than the person is guilty of a misdemeanor and, upon conviction shall be imprisoned for up to 1 year and fined up to \$1,000, or both.

### **UNLAWFUL TRANSACTIONS WITH CHILDREN**

A person commits the offense of unlawful transactions with children if he/she knowingly (a) sells or give intoxicating substances other than alcoholic beverages to a child under the age of majority; or (b) sells or gives an alcoholic beverage to a person under 21 years of age.

A person convicted of the offense of unlawful transactions with children shall be fined up to \$500 or be imprisoned for a term or no more than 6 months, or both. For a second similar offense, the person shall be fined up to \$1,000 or be imprisoned for up to 6 months, or both.

### **FRAUDULENTLY OBTAINING DRUGS**

A person commits the offense of fraudulently obtaining dangerous drugs if he/she obtains or attempts to obtain a dangerous drug by fraud, misrepresentation, forging, or altering a prescription and using false identification.

A person convicted of fraudulently obtaining dangerous drugs or altering the labels of dangerous drugs will be imprisoned for 1 to 5 years or fined up to \$50,000, or both. For a second conviction, a person will be imprisoned for 5 to 10 years or fined up to \$50,000, or both.

A person convicted of altering labels on dangerous drugs shall be imprisoned in the county jail for a term not to exceed 6 months.

### **CRIMINAL SALE OF DANGEROUS DRUGS**

A person commits the offense of criminal sale of dangerous drugs if the person sells, barter, exchanges or gives away any dangerous drug.

- A person convicted of criminal sale of marijuana (tetrahydrocannabinol) or dangerous drugs not referenced below shall be imprisoned for a term of not less than one year and may be fined up to \$50,000.
- A person convicted of criminal sale of a narcotic drug or an opiate shall be imprisoned for between 2 years and life and may be fined up to \$50,000.
- A person convicted of criminal sale of a dangerous drug included in Schedule 1 or Schedule II (except

marijuana or tetrahydrocannabinol), who has a prior conviction shall be imprisoned for between 10 years and life and may be fined up to \$50,000.

- A person convicted for a third or subsequent time for criminal distribution of dangerous drugs shall be imprisoned for between 20 years and life and may be fined up to \$50,000.
- A person convicted of criminal distribution to a minor shall receive a sentence more severe than those stated above.
- Criminal distribution of dangerous drugs on or near school property (in, on, or within 1,000 feet of a school) also carries sentences that are more severe than those stated.

### **FEDERAL DRUG PENALTIES**

The following are federal penalties and sanctions for illegal possession of a controlled substance:

#### **1<sup>st</sup> Conviction**

- Up to 1 year imprisonment and fined at least \$1,000.

#### **2<sup>nd</sup> Conviction**

- At least 15 days in prison, not to exceed 2 years and fined at least \$2,500

#### **3<sup>rd</sup> or Subsequent Conviction**

- At least 90 days in prison, not to exceed 3 years and fined at least \$5,000

#### **Further Provisions**

- Special sentencing provisions for possession of crack cocaine: At least 5 years in prison, not to exceed 20 years and fined at least \$1,000 if:
  - a) 1st conviction and the amount of crack possessed exceeds 5 grams.
  - b) 2nd conviction and the amount of crack possessed exceeds 3 grams.
  - c) 3rd or subsequent conviction and the amount of crack possessed exceeds 1 gram.
- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment.
- Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.
- Civil fine of up to \$10,000.
- Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

- Ineligible to receive or purchase a firearm. Revocation of certain federal licenses and benefits (e.g., pilot licenses, public housing tenancy, etc.) are vested within the authorities of individual federal agencies.
- Substantial penalties are also associated with trafficking in or distribution of controlled substances.

### **RISK TO FEDERAL FINANCIAL AID**

Financial aid of any kind can be suspended due to a state or federal drug related offense. If you are convicted of possession of a controlled substance, your financial aid eligibility can be suspended for up to one year. For a second conviction, you can be suspended for up to two years. A third or subsequent conviction suspends your eligibility for an indefinite period of time. The penalties for convictions of selling controlled substances are more severe.

### **ALTERNATIVE TRANSPORTATION**

Home Free Missoula is a non-profit corporation that provides free cab rides home to tavern patrons who have consumed too much alcohol to drive in a safe and responsible manner. Yellow Cab, Inc. provides this service for taverns and restaurants that are paid members of the Home Free Missoula program. The program serves virtually all of Missoula's major residential districts. For a listing of licensed establishments and restaurants that provide the Home Free Missoula service, call 523-4775.

### **COURSES ON DRUG AND ALCOHOL ABUSE**

Eleven University undergraduate courses address alcohol and drug misuse:

Freshmen Seminar	UNC 101	2 credits
Abnormal Psychology	PSYC 330	3 credits
Addiction Studies	PSYC 423	3 credits
Addiction Studies	SW 423	3 credits
Use and Abuse of Drugs	PHAR 110	3 credits
Personal Health and Wellness	HHP 184	3 credits
Health Issues of Children and Adolescents	HHP 223	3 credits
Prin of Optimal Performance	HHP 270	2 credits
Peer Health Education	HHP 370	3 credits
Peer Health Education Practicum	HHP 371	1 to 6 credits
Advanced Principles of Health Education and Promotion	HHP 415	3 credits

### **CURRY HEALTH CENTER**

#### **SELF OVER SUBSTANCES PROGRAM**

The Self Over Substances (SOS) program educates students about, and motivates students to address, high-risk behaviors associated with heavy alcohol or other drug use. Services include two intervention programs and outpatient counseling (individual and

group). Students caught violating the Student Conduct Code or other University policies regarding substance use are sanctioned to attend SOS.

SOS counselors help students determine how their alcohol and/or drug use affects their lives. Short-term confidential individual or group counseling is available. If such counseling is insufficient, referral will be made to appropriate community resources. Call the Self Over Substances program at 243-4711.

Educational videos and books about substance abuse are available through Instructional Media Services (IMS). Pamphlets with information about many aspects of substance abuse are available in the SOS office at Curry Health Center.

### **CAMPUS RESOURCES**

Twelve Step groups are frequently offered on campus in the University Center during the academic year. Check the "Today" sign located at all UC entrances or call 243-4711 for locations and times.

### **HEALTH ENHANCEMENT**

The Department of Health Enhancement at Curry Health Center helps students identify and develop healthy behaviors now and in the future. Excessive use of alcohol is a prevalent risk factor that affects student success. Interactive, educational programs and social marketing campaigns that address safe and legal use of alcohol are priorities for the department. Health Enhancement works collaboratively with many departments on campus to implement comprehensive strategies to impact the college drinking culture. These strategies include consistent enforcement of related laws and policies, alcohol-free alternative events, and risk reduction strategies to help students who choose to drink do so safely and responsibly.

### **PEER EDUCATORS**

#### **PROS (PEERS REACHING OUT)**

Research shows that students are more effective than professionals in educating and influencing other students. They are also a source of original and innovative ideas. Peer educators are students who receive professional training and academic credit to help other students.

Peer Educators provide:

- Educational programming
- Individual outreaches
- Referrals as needed
- Input at campus Drug and Alcohol Advisory Committee (DAAC) meetings

Peers Educators gain:

- Practical experience
- College credit
- Training in group facilitation, individual outreach, and public presentations
- New friends
- Skills in how to empower their fellow peers to make safe choices around alcohol use

PROs is a group of UM peer educators trained in health and wellness topics who want to make a positive impact in the health of other students. After a semester-long training these students present a variety of interactive programs to dorms, student groups and classes. The programs are designed to help students explore life choices and associated risks they face in common social settings that often involve alcohol. Activities are designed to help students identify their personal wellness strategies as well as protective factors for partying safe, if they choose to use alcohol.

For more information, call the Curry Health Center Health Enhancement Office at 243-2809.

**GRIZZLY PERSONAL SAFETY**

Grizzly Personal Safety (GPS) is a free, student-staffed safety service. The GPS objective is to ensure that no campus member has to walk campus alone after dark. When called, GPS members will meet the caller at their location and walk with them to their destination. GPS members travel campus in pairs, wear distinctive clothing, and carry radios and flashlights. This nighttime service is available seven days a week when school is in session. If GPS is unavailable Public Safety Officers will provide the same service. Please call 243-2777 for more information or to have GPS staff accompany you across campus.

**COMMUNITY RESOURCES**

**St. Patrick Hospital Addiction Treatment Program**

327-3015 or 1-800-527-1679

Intensive outpatient program, standard outpatient treatment, family program, education and support, MIP and adolescent services.

**Turning Point – Western Montana Addiction Services**

1325 Wyoming, Missoula; 532-9800

Intensive outpatient and continuing care treatment.

**Missoula Indian Center**

Building #33, Fort Missoula, 370-2745, 24-hour drug and alcohol crisis line

Intensive outpatient and continuing care treatment.

**Community Twelve Step Groups**

Alcoholics Anonymous	543-0011
Al-Anon	721-5818
Narcotics Anonymous	1-800-990-6262
Gamblers Anonymous	549-7354
Overeaters Anonymous	721-7354

**DRUG AND ALCOHOL ADVISORY COMMITTEE**

Students, faculty, staff and representatives of the Missoula community comprise a committee that annually reviews campus policies, procedures and enforcement relating to drugs and alcohol. The committee also reviews the effectiveness of drug and alcohol programs and services. Members of the Drug and Alcohol Advisory Committee can be contacted via the Office of the Vice President for Student Affairs at 243-5225.

**REFERENCES**

Refer to Board of Regents Policy 503.1 MCA 16-4-109; University of Montana Facilities Rental and Use Policies; General Control and Use of University Property, # 10.0; Service of Alcoholic Beverages, #40.1; Tailgate Parties, #40.2; The University of Montana Student Conduct Code; The University of Montana Men’s and Women’s Fraternities Relationship Statement; All-Greek Alcohol Agreement; The University of Montana Residence Halls Handbook; The University of Montana Personnel Policy, Drug-Free Workplace, #58.0; Drug Education and Testing Policy for University of Montana Student Athletes; Alcohol on Campus: A Compendium of the Law and a Guide to Campus Policy, Donald D. Gehring and Christy P. Geraci, College Administration Publications Inc., 1989, Drug-Free Workplace Act of 1988; Drug-Free Schools and Communities Act of 1989; and Complying with Drug-Free Schools and Campuses Regulations-A Guide for University and College Administrators, The Higher Education Center for Alcohol and Other Drug Prevention, Publication No. ED/OPE97.

## OBSERVATION GUIDE FOR COMMUNITY SAFETY

### HOW TO USE THIS GUIDE

Use these tips to observe and report crime and suspicious activities. Record your observations on the incident, suspect, or vehicle descriptions while they are still fresh in your mind.

An officer might not be dispatched to the scene in cases where there is no risk to any individual, no threat of property loss or damage, or where there is no need for an on-site investigation. In such cases, the operator will take a full report of the appropriate facts by telephone.

### POLICE EMERGENCY

On-Campus (University Police)..... 6131 or 4000

On-Campus (Missoula Police)..... 911

Off-Campus (University Police)..... 243-6131

Off-Campus (Missoula Police).....911

### REPORTING PROCEDURES

- Briefly indicate:
  1. Your name and telephone number.
  2. Where you are presently located.
  3. What the problem is by describing the incident.
  4. When the incident happened.
  5. Who and how many suspects are involved.
  6. Which direction the suspect went.
  7. Whether there are any injuries, vehicles or weapons involved.
- If the dispatcher is sending an officer to the scene, stay where you are. Do not discuss what happened with others. Your impressions should be kept untainted until you have talked with authorities.

### DESCRIBE THE SUSPECT

Sex\_\_\_ Race\_\_\_ Age\_\_\_ Height\_\_\_ Weight\_\_\_ Hat\_\_\_  
Hair\_\_\_ Eye color\_\_\_ Glasses\_\_\_ Complexion\_\_\_

Shirt\_\_\_ Tie\_\_\_ Coat\_\_\_ Weapon\_\_\_ Distinguishable  
walk or limp\_\_\_ Pants and shoes\_\_\_ Tattoos, amputations,  
scars or marks\_\_\_ Speech problems or accents\_\_\_

### SUSPICIOUS ACTIVITIES

The following is a list of suspicious activities that should be reported to the police. It doesn't include everything. Use your own judgment.

- Someone shouting HELP, FIRE or RAPE.
- Shots, alarms, or windows being broken.
- Someone with a weapon.
- Someone trying to enter a neighbor's residence by a window or a back door.
- A strange vehicle left running and parked in a parking lot.
- Someone entering or leaving an academic or business building before or after hours.
- Someone carrying items of value from a residence hall or academic building before or after hours.
- Someone who appears to be moving household items late at night.
- Someone tampering with a vehicle.
- An elderly or disabled person who appears neglected, frightened, or disoriented.
- A child who appears to be lost.

### DESCRIBE THE VEHICLE

Make and model \_\_\_\_\_  
Color \_\_\_\_\_  
Year \_\_\_\_\_  
Body Style (2 door, conv., etc.) \_\_\_\_\_  
Identifying dents, scratches, etc. \_\_\_\_\_  
License Number \_\_\_\_\_  
State of issue or identifying colors \_\_\_\_\_

## BOMB THREAT

Report threat immediately – see police emergency telephone numbers above in left column.

### Questions to ask:

1. When is the bomb going to explode?
2. Where is it right now?
3. What does it look like?
4. What kind of bomb is it?
5. What will cause it to explode?
6. Did you place the bomb?
7. Why?
8. What is your address?
9. What is your name?

### Exact wording of the threat:

Sex of caller:      Age:  
Length of call:  
Number at which call was received:  
Time:      Date:

### Remarks:

### Caller's voice:

\_\_\_Calm \_\_\_Angry \_\_\_Excited \_\_\_Slow \_\_\_Rapid \_\_\_Soft \_\_\_Loud  
\_\_\_Laughing \_\_\_Crying \_\_\_Normal \_\_\_Distinct \_\_\_Slurred \_\_\_Nasal  
\_\_\_Stutter \_\_\_Lisp \_\_\_Raspy \_\_\_Deep \_\_\_Ragged \_\_\_Clearing throat  
\_\_\_Familiar \_\_\_Cracking voice \_\_\_Deep breathing \_\_\_Disguised \_\_\_Accent  
If voice is familiar, who did it sound like?\_\_\_

### Background sounds:

\_\_\_Voices \_\_\_Kitchen \_\_\_PA System \_\_\_Street noises \_\_\_House noises  
\_\_\_Animal noises \_\_\_Music \_\_\_Motor \_\_\_Static \_\_\_Clear \_\_\_Booth  
\_\_\_Local \_\_\_Factory machinery \_\_\_Office machinery \_\_\_Long distance  
Other \_\_\_

### Threat language:

\_\_\_Well spoken (educated) \_\_\_Recorded \_\_\_Foul  
\_\_\_Irrational \_\_\_Message read by threat maker

*The University of Montana policy requires that all occupants leave any facility where a fire alarm is activated as promptly as possible via the nearest available exit. In facilities without alarm systems, all occupants must leave whenever it becomes clear that an emergency exists which necessitates evacuation for their own safety.*

### **REPORTING FIRES AND OTHER EMERGENCIES**

If evacuation is needed, pull the fire alarm. Report all emergencies to University Police by calling extension **4000** or by calling **911**. Give the operator your name, department, location and nature of incident. Stay on the line until the operator hangs up.

### **FIRE EVACUATION GUIDELINES**

Should you discover **SMOKE** or **FIRE** or hear the fire alarm:

1. Call the University Police (4000).
2. Pull the fire alarm, if it's not already sounding.
3. Notify other people.
4. Immediately leave the building by means of the nearest available exit.
5. Before opening the door, see if it is hot by placing the palm of your hand against it.

**IF DOOR IS HOT**, remain in the room.

- a) If you are on a ground floor, **CAREFULLY** exit through a window, if possible.
- b) If you are on an upper floor, call 911 and give the operator your location.
- c) Block the entrance from smoke and heat. Open the window. Do not exit onto ledges.
- d) **REMAIN CALM**. Firefighters will assist you as soon as possible.

**IF DOOR IS COOL**, open the door slightly and check for smoke in the corridor.

- a) If the corridor is smoke-free, proceed to the nearest available exit (exterior door or stairwell). Stay low, near the floor, to avoid smoke and heat. Close doors behind you.
- b) If the corridor is too smoky to reach the stairway or an exit, remain in the room.
- c) If you have evacuated the building, get clear of the entire area.

### **EMERGENCY ACTION PLANS - EMPLOYEES**

Unless you know the source of the fire and have training in extinguisher use, do not attempt to fight the fire. Inform others in the building who may not have responded to the alarm to evacuate immediately. If the alarm stops, continue the evacuation. Elevators cannot safely be used for emergency egress and are typically

programmed to cease operating when a fire alarm is activated. A wheelchair can impede the evacuation of others using the stairway and, if so, may need to be abandoned. There are specific techniques that enable two people to safely carry a third person down stairs, but these must be learned and practiced prior to an actual emergency and are therefore impractical for occupants of a transient nature such as students.

Notify either the University Police or fire fighters on the scene if you know or suspect that someone is trapped inside the building.

Evacuate to a distance of at least 500 feet from the building and out of the way of emergency equipment and personnel. Do not return to the building until instructed to do so by University Police.

### **FIRE SAFETY FOR PEOPLE WITH DISABILITIES**

There are three areas of concern in emergencies involving members of the campus community with disabilities: *vision, hearing, and mobility*.

1. People with visual impairments may require guidance to the primary or secondary exit.
2. People with hearing impairments may not hear the evacuation alarm. They may require alerting and guidance to the primary or secondary exit.
3. People with mobility impairments could face additional evacuation difficulties. Evacuation from basements or upper floors might be difficult because elevators may not be used during emergencies. The following guidelines are suggested for people with mobility impairments:
  - a) Proceed to an enclosed, fire-rated stairwell or a designated area of rescue location and wait for assistance. Report your location to the nearest emergency responder or by dialing 911.
  - b) Remain in the room. If the hazard is not near the location and the room is well constructed, this may be the best choice. Report your location to the nearest emergency responder or by dialing 911.

Faculty and staff should be aware of how they can provide assistance during emergencies. They may assist people with mobility impairments in using the stairs to evacuate. However, great care should be used in moving a person in a wheelchair.

Because of the many disability variables, it is impossible to develop one set of fire safety procedures for people with disabilities. For that reason, individual emergency planning is essential.

### **AREAS OF SAFE REFUGE**

Areas of safe refuge have been identified within many University of Montana facilities (typically inside the protected emergency egress stairways) which wheelchair users can reach on their own, and where they can safely await assistance from public safety personnel, which does not impede or prevent emergency egress by other occupants. Other occupants who have evacuated should make public safety personnel aware of anyone needing assistance. On campus, the stairway landing in most buildings is large enough to accommodate at least one wheelchair occupant and still be viable as a means of emergency egress for others. While not all stairways fully qualify as an area of safe refuge as defined by code, they are usually safer than any other area of the building, especially areas where exposure to heat, smoke and products of combustion presents a hazard. Pre-identifying and trying out an area of safe refuge is an acceptable alternative to assisted evacuation.

If you see materials stored in or blocking stairways or landings, please alert Public Safety at 243-6131.

### **RESCUE AND MEDICAL DUTIES**

No one is expected to endanger him/herself in order to assist with evacuation of others, but everyone has a duty to ensure that other occupants are aware of an emergency. Similarly, it is expected that individuals will aid anyone requiring assistance to safely evacuate. When faced with a medical emergency, notify University Police at 243-4000 or call 911. Provide as much information as possible regarding the nature of the injury or illness and the state of the person needing assistance. Officers will arrange for an ambulance if required.

Return to the person and administer any first aid you can. Keep the person as calm and comfortable as possible. You should know the names of people who are trained in first aid or CPR. Know the location of the nearest first aid kit if one is available. Do not move a seriously injured person unless it is a life-threatening situation.

### **HAZARDOUS MATERIAL EMERGENCIES**

Hazardous material emergencies pose special concerns to the campus community. Hazardous substances can be found in many forms in numerous locations. Areas

containing biological or chemical hazards must be placarded and inventoried according to the Environmental Health and Risk Management Office at 243-2881.

Medical emergencies in these areas can pose special problems. Only trained professionals should deal with leaks, spills and biological contamination. Call University Police at 243-4000 or call 911. If instructed to evacuate, move a safe distance away from the building (a minimum of 100 yards). Stay upwind at all times.

### **WORKERS' COMPENSATION CLAIM REPORTING PROCEDURES**

Each employee must report any work-related accident or injury immediately to his/her supervisor, unless precluded by emergency medical treatment. The supervisor must complete the *First Report of Injury and Occupational Disease* form within 24 hours. If an employee is hospitalized, the supervisor must notify Environmental Health and Risk Management (EHRM) immediately at 243-2842. The *First Report* form is available at: <http://www.umt.edu/research/eh/wc>.

### **NON-EMPLOYEE OR UM OWNED AUTO ACCIDENTS**

Timely reporting of accidents and claims is critical in order to protect the interests of the University and its employees. To report non-employee personal injury accidents or auto accidents involving UM owned/driven vehicles, contact the Office of Public Safety at 243-6131 and/or Environmental Health and Risk Management at 243-2700. Instructions for filing a claim can be found at: <http://www.umt.edu/research/eh/accidents.htm>.

### **ERGONOMICS INFORMATION**

Proper workstation design and use can prevent injuries. For help in assessing your workstation, call Environmental Health and Risk Management at 243-4503 or go to: <http://www.umt.edu/research/eh/ergo.htm>.