



UNIVERSITY OF PROVIDENCE

University of Providence- Student Handbook

The University Student Handbook contains the rules, regulations and policies that establish the official parameters for student life at the University. These standards are binding on all University students. It is the student's responsibility to be aware of these expectations and conduct themselves accordingly as members of the University community. All the rules and regulations are in effect for students on and off campus. Responsible behavior is expected of University students wherever they may be. University students are reminded that as members of the University community they are expected to be familiar with all relevant University policies and procedures, including but not limited to those set forth here and in the other volumes of the University of Providence Policy Manual, as well as in the applicable Catalogs

University of Providence- Student Handbook Disclaimer

This University Student Handbook is a document of record issued in 2020. This student handbook contains current information regarding the University Code, institutional policies, residential life policies, and campus life information. It is not intended to be and should not be relied upon as a statement for the University's contractual undertakings. The University reserves the right to modify any University policies and procedures whenever it is deemed necessary or desirable; in any such case, notice thereof will be given as is reasonably practical under the circumstance. An updated digital copy of the Student Handbook can be found on the University's website.

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COVID 19 Information

Like so many across the nation and beyond, we at the University of Providence have been monitoring the spread of the coronavirus.

Our goal is to provide clear, concise and timely information to students, faculty, staff, families on what UP is doing to protect our community.

The information provided on our university website (<https://www.uprovidence.edu/coronavirus/>) is not intended to be all-encompassing and should not be considered medical or legal advice. We encourage proper hygiene and health precautions, but we urge you to consult with a relevant expert for guidance specific to your circumstances

Together as Argos Pledge

The Together as Argos Pledge allows residential and commuter students, as well as faculty and staff, the opportunity to acknowledge responsibilities associated with being a member of the University of Providence campus community in the age of COVID-19.

The Student Pledge is available here: https://www.uprovidence.edu/wp-content/uploads/2020/12/Together-As-Argos-Student-Pledge_final.pdf

Student Engagement

There are many opportunities for all students to get involved on the University of Providence campus. The different areas of Student Engagement provide resources for residential and non-residential students. Student Engagement coordinates the following campus programs and services: Residential Life, the Career Center, Student Health Services, Campus Activities Programming, Student Organizations, Intramural Sports, New Student Orientation, Leadership Development, Student Discipline & Behavior Intervention, Athletics, and others in cooperation with all campus departments.

The Student Engagement staff strive to foster experiential and personal development opportunities that engage students in becoming life-long learners and responsible citizens. The mission of the Student Engagement division is to facilitate student engagement in learning and personal development by providing exceptional services, distinctive co-curricular programs, leadership growth opportunities, and fostering a safe and diverse living/learning community. The programs and services we offer create opportunities and experiences that support students to achieve their academic, career, athletic and life goals. Non-academic Student Engagement at the University of Providence is achieved through collaborative effort across campus but is highlighted by distinct and excellent student programming. Flagship programs offered through our Student Engagement division include Varsity Athletics, New Student Orientation, Intramural Competition, Outdoor Recreation as well as all of our Student Activities and Student Organizations.

Departments

Athletics

Our student-athletes help propel the University of Providence to reach our highest potential. With 17 top-notch NAIA varsity programs, the University of Providence is home to over 285 Argo student-athletes. Our coaches and administrators pride themselves on promoting academic excellence, personal growth and wellness for not only our varsity competitors, but our entire Argo student body.

Dean of Students

The Dean of Students at the University of Providence directly supervises Student Activities, and Residential Life. The Dean of Students office directly administers the Code of Student Conduct and all non-academic disciplinary processes including informal meetings. The Dean of Students also responds to questions and concerns from students regarding non-academic issues. This office will refer a student to the best place for his/her problem resolution and handles complaints that may constitute a violation of the Student Code of Conduct. The Dean of Students office is adjacent to the North entrance of the Student Center.

The Career Center

The Career Center assists students in developing, evaluating and implementing career and life planning. Career development programs are offered in individual and group sessions using career assessment instruments in workshops and in-class presentations. The Career Center assists students in preparing for and locating appropriate internships and cooperative educational experiences. The Career Center is located on the lower level of the student center.

Discovery Base Camp

The Discovery Base camp offers students the equipment they need to explore “Montana as their classroom.” This equipment is available for students to reserve and check out with little or no fee. Located in the heart of the Student Center lower level, the Discovery Base Camp is where many student adventures begin.

New Student Orientation

Students are required to attend New Student Orientation in their first semester of attendance at University of Providence. New Student Orientation programs are held at the beginning of each semester for the purpose of connecting new students to the programs, resources and community of the University. New Student Orientation for the fall semester is a multi-day program that includes, academic advising, meetings with faculty and staff, social events, parent programs, residence hall activities, and outdoor excursions into Montana’s recreational areas. New Student Orientation for the spring semester is conducted in one day and focuses on mid-year transitions to University and academic life.

Campus Activities and Organizations

Campus Activities offer students a wide range of programs and activities that reflect the social, cultural, intellectual, and recreational needs of students within the context of a Catholic University. Clubs, organizations, programs and events provide a full range of activities to get involved on campus and to enjoy the social opportunities at the University. Students learn to develop interests, activities, leadership skills, and community that will positively impact their life during, and after graduation from the university.

Residential Life (Student Housing)

Residential Life is designed to facilitate a safe, healthy, and enjoyable living/learning environment that promotes the spiritual, social, and academic well-being of all residents within the context of the University of Providence Mission Statement. Each resident is expected to learn, accept, and share the responsibilities of living with others and to develop the skills of cooperation and communication.

Key Partnerships

Campus Security

Campus Security provides twenty four-hour security coverage to the University of Providence Great Falls Campus. Security personnel are reachable by phone at 406-791-5911. The security office is located in the student center on the lower level. Daily incident logs are filed with the Chief of Security, and Dean of Students to review for incidents involving safety or conduct issues. The University of Providence is also served by the Great Falls Police Department, Great Falls Fire and Emergency services. If you need assistance or escort from building to building please contact Security at 406-791-5911.

Student Health Services

The University Health Center is located in the lower level of the Student Center and offers limited primary care - diagnostic procedures and treatment of common illnesses; preventive health care; minor musculoskeletal injuries; and immunizations. The center is staffed by a nurse practitioner with prescriptive authority through a partnership with Alluvion Health. All enrolled University students and University faculty and staff are eligible for services AT NO ADDITIONAL CHARGE. There may be a charge for services such as lab tests, vaccines and pharmacy. The health center will not provide third party billing services. As an ambulatory walk-in health care facility on campus visits are anticipated to take approximately 15 minutes. Contact the Health Center Directly at 406-791-5231 to make an appointment. Referrals outside the Health Center, emergency or otherwise, may be covered under an individual medical insurance plan. It is up to the individual to be responsible for any expenses incurred. For any afterhours care or referral, you may need to consult with your primary care physician for pre-authorization to confirm your insurance coverage.

University of Providence
Student Engagement Staff Directory

Student Engagement– Student Center Upper level

Dave Gantt – Vice President for Student Engagement 406-791-5926

Sara Worrall – Student Engagement/Athletics Operations Manager 406-791-5930

Jake Clark- Dean of Students 406-791-5230

Career Center – Student Center Lower Level

Rod Johanson – Director of Career Services 406-791-5216

Residential Life – Emilie Hall Room 110 406-791-5225

Jeddie Herndon – Interim Director of Residential Life, Emilie Hall Cell 406-781-0987

Student Activities/Discovery Base Camp – Student Center Lower Level

Sylvan LaCross – Interim Coordinator of Student Activities 406-791-5944

Other Important Numbers

Security Office – Student Center Lower Level Cell – 406-791-5911

Ross Murphy – Chief of Security 406-791-5223

POLICIES

CODE OF STUDENT CONDUCT

Preamble

The Code of Student Conduct has been established to reflect the mission, vision, and values of the University as a Catholic, liberal arts, and pre-professional university. The Code of Student Conduct establishes the basic behavioral expectations for students pursuing an education. At all times, students of the University of Providence (“UP” or “University”) are expected to maintain standards of personal and social behavior. The University is committed to the concept that the education of individuals includes development of the abilities to make appropriate value judgements and to accept their responsibilities as members of the community.

. The Code of Student Conduct further seeks to develop parameters for student conduct within the contexts of living in community and learning in and out of the classroom. All students are expected to know and abide by the Code of Student Conduct. Unfamiliarity with the rules and regulations is not an acceptable excuse for violations of the Code of Student Conduct.

Article I. Definitions

The term “**UNIVERSITY**” means the University of Providence located in Great Falls, Montana. The term “university premises” includes all land, building, facilities, and property in the possession of or owned, used, or controlled by the University.

The term “**STUDENT**” includes all persons who have accepted their offer of admissions, and/or who are taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, or was enrolled the previous semester and registered for a future semester. Students who are on study abroad or internship/rotations, even if not earning credit, are also considered students. Individuals who have a continuing relationship with the University even if they are on leave or have withdrawn are also considered students, including but not limited to persons who withdraw after allegedly violating the Code of Student Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or those who have been notified of their acceptance for admission are considered “students,” as are persons who are living in University residence halls, although not enrolled in this institution (example: Hall Directors, summer camp participants, staff housing). This Code of Student Conduct applies at all University locations including on-line and study abroad students, any distance locations, and at any off campus University sponsored class or activity.

The term “**MEMBER OF THE UNIVERSITY COMMUNITY**” includes any person who is a student, faculty or staff member, University official, or any other person employed by the University or representing the University.

The term “**UNIVERSITY OFFICIAL**” applies to any employee with assigned administrative or professional responsibilities.

The term “**STUDENT CONDUCT ADMINISTRATOR**” means any individual authorized by the Vice President for Student Engagement to determine whether a student has violated the Code of Student Conduct and to recommend imposition of sanctions.

The term “**ADMINISTRATIVE AGREEMENT**” is an agreement between the institution and a student who accepts responsibility for a violation of University policy. The student agrees to perform the sanctions established upon with a Student Conduct Administrator. Students signing an administrative agreement waive their rights to hearings and subsequent appeals.

“**SANCTION**” is an action affecting the status of a student which is taken by the University in response to misconduct that violates the Code of Student Conduct. The purpose of such action shall be to establish behavioral expectations which uphold the educational mission of the community, as well as to help students recognize acceptable boundaries to their actions and the consequences of future behavior choices. In some circumstances, such actions may also serve to ensure the safety of members of the University community.

Article II. Student Code Authority

Disciplinary authority is vested in University of Providence administrators, faculty members, committees, and organizations, as set forth in this Code of Student Conduct, or in other appropriate policies, rules, or regulations. Specifically, disciplinary authority for academic violations of the Code of Conduct is vested in faculty members, the Academic Division Chairs, and the Provost. Disciplinary authority for all other violations of the Code of Student Conduct is vested in the Vice President for Student Engagement.

Article III: Jurisdiction

By voluntarily choosing to affiliate with the University of Providence, students accept the responsibility to comply with the regulations outlined in the Code of Student Conduct, which apply to behavior both on and off campus. Therefore, the Code of Student Conduct shall apply to student conduct that occurs on University premises and at University sponsored activities, and to off-campus conduct that, in the judgement of the Vice President for Student Engagement adversely affects the University community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Code of Student Conduct shall apply to a student’s conduct even if the student withdraws from the University while a disciplinary matter is pending (see Article VII). The Vice President for Student Engagement shall decide whether the Code of Student Conduct shall be applied to conduct occurring off campus, on a case-by-case basis, in his/her sole discretion.

Note: Study abroad and internship/clinical placement participants are expected to follow the University’s Student Code of Conduct policies, as well those of their study abroad and

internship/clinical programs. Violations of these policies may result in sanctions both at the University of Providence and at the host institution/program.

Article IV: Violation of Law and University Discipline

1. University disciplinary proceedings may be instituted against a student charged with conduct that potentially violated both the criminal law and this Code of Student Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code of Student Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Vice President for Student Engagement.

Note: Incidents involving Sexual Misconduct as that term is defined in the University Sexual Misconduct Policy will be investigated and resolved pursuant to the Sexual Misconduct Policy. In such cases, the University will not wait for the conclusion of a criminal investigation or criminal proceeding to complete its investigation.

Article V: Expectations for Student Conduct

Any student, organization, club, or athletic team found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in the Code of Student Conduct. Moreover, students shall be responsible for the behavior and conduct of any guests that commit or attempt to commit the following misconduct. Any violations of the following acts by a guest may result in the hosting student being subject to the disciplinary sanctions outlined in the Code of Student Conduct.

1. Any violation of local, state or federal laws or regulations. In the event the behavior of any student leads to an arrest, a charge, and/or a conviction by civil authorities, the University reserves the right to apply its own disciplinary procedures and penalties.

It must also be noted that University policies, including this Code of Student Conduct, along with all policies and regulations set by the host institution or program, are in force during a student's time studying abroad.

2. Violating any University policies or procedures including but not limited to Residential Life policies, University catalog, Information Technology policies, parking regulations, and student organization policies. Violation of any University policy, rule, or regulation published in hard copy or available electronically on the University website.
3. Conduct dangerous to oneself or others. Any conduct which constitutes an imminent, serious danger to any person's health, safety or personal well-being, including any physical or mental abuse or immediate threat of abuse. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person. Any act of hazing by an individual or a group.
4. Acts of dishonesty, including but not limited to the following:
 - a. Furnishing false information to any University official, faculty member, or office;
 - b. Forgery, alteration, or misuse of any University document, record or instrument of identification;

- c. Misuse of documents or identification cards. Any forgery, alteration of, unauthorized use of University documents, forms, records or identification cards, including dishonesty of any kind with respect to course assignments, examinations, illegal possession of examinations; or
 - d. Tampering with an election conducted by or for University students.
5. Attempted or actual theft of and/or damage to property of the University or property of a member of the University community or other personal or public property, on or off campus. The unauthorized use, or abuse, destruction, or theft of property of the University or any of its members, guest, neighbors. This regulation covers, but is not limited to, the unauthorized appropriation of common property for personal use.
 6. Use of University property, including but not limited to technology resources, for private business, commercial or political activities, fundraising or advertising on behalf of non-University organizations or make fraudulent offers of products, items, or services.
 7. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions on or off campus, or of other authorized non-University activities when the conduct occurs on University premises.
 8. Pets are not allowed inside buildings, residence halls or on athletic fields. Exceptions are for service animals in campus buildings and approved therapy/emotional support animals which are allowed in assigned residence halls only. All animals on campus must be on a leash and owners are responsible for behavior and clean up. Only fish in tanks of a maximum of five gallons are allowed in residence hall rooms and apartments. See the University's Pet, Service Animal, and Emotional Support Animal policies.
 9. Sexual Misconduct. Violation of the University "Sexual Misconduct Policy."
 10. Hate crimes, which includes offenses and crimes involving bodily injury reported to local police agencies or to a campus security authority that manifest evidence that the victim was intentionally selected because of the perpetrator's bias or because the perpetrator perceived the person to be in one of the protected group categories. The protected group categories include: race, gender, religion, sexual orientation, ethnicity, disability, national origin, and gender identity. For Clery purposes, hate crime offenses and crimes also include any of the following offenses that are motivated by bias: Murder and Non-negligent manslaughter; Forcible sex offenses; Non-forcible sex offenses; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; Arson; Larceny-theft; Simple Assault; Intimidation; Destruction/Damage/Vandalism of Property.
 11. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
 12. Unauthorized possession, duplication or use of keys, security codes, or readers to any University premises or unauthorized entry to or use of University premises. Unauthorized entry into or use of University property, including academic facilities, residence halls, equipment, or resources (example, unapproved access to the roof of a building, removing window screens, or propping open exterior doors.)

13. Violation of the University's Smoking and Tobacco Use policy. Smoking is not allowed anywhere on our smoke-free campus.
14. Tampering with safety equipment. Disturbing or removing, smoke detectors, fire extinguishers, alarmed doors, or other campus safety devices. Creating a fire, safety, or health hazard. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal.
15. The possession or use of any illicit drug or controlled substance, or the sale or distribution of any such drug or substance. The possession of paraphernalia, for the purpose of illegal drug use, including but not limited to bonghs, hookahs, scales, and pipes.
16. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by University regulations), or public intoxication. Possession of empty or decorative alcohol bottles are considered a violation by minors or possession of large quantities of empty bottles for those of legal drinking age. Possession of large quantities of alcohol by those of legal age beyond what is reasonable for individual consumption. Beer bonghs, kegs, party bowls and similar items are strictly prohibited. The possession of alcohol is prohibited by those of legal age in the presence of individuals under the age of 21. Alcohol is not permitted in Emilie Hall regardless of age. For more details, see the complete Alcohol Policy in the Student Handbook.
17. Illegal or unauthorized possession of firearms, explosives, other weapons (long knives, bows, martial arts weapons, whips), facsimiles of weapons (e.g., paint guns, BB guns, airsoft pellets), fireworks, dangerous chemicals on University premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others. See the University Weapon's Policy.
18. Participating in an on-campus or off-campus demonstration, riot, or activity that disrupts the normal operations of the University and/or infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
19. Failure to register a motor vehicle which is used on campus and/or failure to comply with provisions of the University parking regulations. Including obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
20. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by, the University or members of the academic community. Disorderly conduct includes but is not limited to: Any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, shower, restroom or any other location where privacy is reasonably expected.
21. Engaging in illegal or prohibited gambling activities (see the University Gambling Policy).
22. Unauthorized or prohibited use of the University name, logo or seal.

23. Engaging in prohibited political activities in violation of the University's Political Activities Policy.
24. Theft or abuse of computer facilities and resources, including but not limited to:
 - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Use of another individual's identification and/or password.
 - d. Use of computing facilities and resources to interfere with the work of another student, faculty member, or University official.
 - e. Use of computing facilities and resources to send obscene or abusive messages.
 - f. Use of computing facilities and resources to interfere with normal operation of the University computing system.
 - g. Use of computing facilities and resources in violation of copyright laws.
 - h. Any violation of the University Acceptable Use Policy.
25. Failure to comply with lawful directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
26. Failure to comply with the conduct procedure of the University, including failure to respond to the request for a meeting/hearing with a Student Conduct Administrator during the investigation of a violation, and failure to comply with the terms of any disciplinary sanction imposed.
27. Abuse or interference of the Student Conduct system, including but not limited to:
 - a. Falsification, distortion, or misrepresentation of information.
 - b. Disruption or interference with the orderly conduct of an Student Conduct Hearing
 - c. Institution of a Code of Student Conduct proceeding in bad faith.
 - d. Attempting to discourage an individual's proper participating in, or use of, the Student Conduct system.
 - e. Attempting to influence the impartiality of a the Student Conduct administrator prior to, and/or during the course of, a hearing.
 - f. Harassment (verbal or physical) and/or intimidation/retaliation of a member/witness of the conduct process.

A. Alleged Violations of the Code of Student Conduct

1. Any member of the University community may file a complaint against a student, student organization or club, or athletic team ("responding individual") for violations of the Code of Student Conduct. A complaint shall be prepared in writing and directed to the Dean of Students, who will assign the matter to a Student Conduct Administrator. Complaints may also be filed by members of the Student Engagement Division via incident reports, Campus Security reports or citations, or law enforcement reports to the Dean of Students Any

complaint should be submitted as soon as possible after the event takes place. However, the University is not required to respond to, or exclude consideration of, any allegations within a prescribed time limit.

2. The Student Conduct Administrator may conduct an investigation to determine if the complaint has merit and, if so, whether it can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator.
 - a. If the matter is disposed of administratively by mutual consent of the parties, such disposition shall be final and there shall be no subsequent proceedings.
 - b. If the complaint is not admitted to by responding individual and/or cannot be disposed of by mutual consent, the Student Conduct Administrator will conduct an administrative hearing which allows for appeal.
 - c. If the responding individual admits violating the Code of Student Conduct during the initial conference with the Student Conduct Administrator, the Student Conduct Administrator will determine the appropriate sanction(s).

While the responding individual is entitled to have an advisor present at any meetings with the Student Conduct Administrator and any subsequent hearings, the advisor is not permitted to speak or to participate directly in such proceedings. A responding individual may elect to change an advisor(s) during any stage of the Code of Student Conduct process.

Student Conduct Administrative Hearing Procedures

1. The administrative hearing will take place after reasonable attempts to schedule all parties involved.
2. Notice of the hearing will be issued by the Dean of Students and be delivered to the responding student(s) via university email. There will be no second notice delivered. The written notice will include the particular section of the Student Code of Conduct alleged to have been violated

B. Sanctions

At the conclusion of the hearing the Student Conduct Administrator will determine the appropriate sanctions. Possible sanction include but are not limited to:

1. **Warning/Censure** - Notice to a student that continuation or repetition of specified conduct may be cause for other disciplinary action.
2. **Student Misconduct** - A specified period of time during which any further violation of Student Conduct will receive careful scrutiny and will be considered in determination of future disciplinary action.
3. **Disciplinary Probation** - A specified period of time during which any further violation or incident occurs during the probation period, either as repetition of the first act or violation of a different college policy, the recent violation, as well as the act of breaking probation may subject the student to suspension or expulsion. Those on disciplinary probation may be restricted from holding offices in student organizations, hold University committee responsibility, and participate in varsity or intramural sports.

4. **Suspension from University Residence Halls** - Prohibits the student from residing in or visiting any University-operated residence hall on either a temporary or permanent basis. Suspension includes forfeiture of any fee rebate for the remainder of the semester.
5. **Interim Suspension** - Exclusion of a student from access to the campus and other privileges or activities as set forth in the notice of interim suspension, pending final determination of an alleged violation.
6. **Suspension** - Exclusion of a student from the campus and other privileges or activities as set forth in the notice of suspension for a definite period of time. Suspension may be deferred when significant mitigating factors are present. However, if a student receives another disciplinary sanction during this period for a further violation of student conduct, the suspension shall take effect. Conditions for readmission may be specified.
7. **Expulsion** - Permanent separation of the student from the University without possibility of readmission. The student will also be barred from the University premises.
8. **Citation** - Issuance of a fine, according to University policies, which incorporate a fee structure.
9. **Restitution** - Requiring a student who has committed an offense against property to reimburse the University or other owner for damage to or misappropriation of such property.
10. **Community Restitution** - Other sanctions may be imposed instead of, or in addition to, those specified above as restitution to the University community. Sanctions may include work requirements, denial or restriction of privileges, participation in educational tasks/programs, essays, and solutions worked out through arbitration or mediation.
11. **Restriction or Revocation of Privileges** - Restriction or revocation of certain student privileges for a specified period of time. Conduct that results in a charge of a violation of a federal or state criminal law will result in a review by the Dean of Students as to the student's status on campus. This review may result in restrictions placed on the student's activities and presence on campus, if such restrictions protect the community.

Other than University Suspension or Expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's permanent disciplinary record. One year after graduation, the student's disciplinary record may be expunged of disciplinary actions other than University Suspension or University Expulsion.

The following sanctions may be imposed upon groups or organizations:

- a. Those sanctions listed above in Article V(B)(1-11).
- b. Loss of selected rights and privileges for a specified period of time.
- c. Deactivation. Loss of all privileges, including University recognition, for a specified period of time.

C. Interim Suspension

In certain circumstances, the Dean of Students, or a designee, may impose a University or Residence Hall Suspension prior to a disciplinary hearing.

1. Interim Suspension may be imposed only: a) to ensure the safety and well-being of members of the University community or preservation of University property; b) to ensure the student's own physical or emotional safety and well-being; or c) if the student poses an ongoing threat or disruption of, or interference with, the normal operations of the University.
2. During the Interim Suspension, a student can be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate.
3. The Interim Suspension does not replace the regular process, which shall proceed on the normal schedule.

The student will be notified in writing of this action and the reasons for the suspension. The notice will include the time, date and place of a subsequent hearing at which the student may show cause why his or her continued presence on the campus does not constitute a threat.

D. Appeals

1. A decision reached or a sanction imposed by the Student Conduct Administrator may be appealed by the responding student(s) or reporting student(s) to the Dean of Students. A decision reached by the Dean of Students may be appealed by the responding student(s) or reporting student(s) to the Vice President for Student Engagement, within five (5) school days of the decision. Such appeals shall be in writing and shall be delivered to the Vice President for Student Engagement, or his or her designee.
2. Except as required to explain the basis of new information, an appeal shall be limited to a review for the following purposes:
 - a. A procedural (or substantive error) occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures that likely affected the outcome, etc.);
 - b. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. (A summary of this new evidence and its potential impact must be included);
 - c. The sanctions imposed are substantially outside the parameters or guidelines set by the University of Providence for this type of offense or the cumulative conduct record of the responding student.
3. If an appeal is upheld by the Vice President for Student Engagement or the Dean of Students, the matter shall be returned to the original Student Conduct Administrator for reopening to allow reconsideration of the original determination and/or sanction(s). If an appeal is not upheld, the matter shall be considered final and binding upon all involved.
4. The Vice President for Student Engagement is the final authority for all student conduct appeals.

E. Failure to Appear

The judicial processes outlined above are intended to provide the student an opportunity to respond to allegations of violations of the Code of Student Conduct. However, if a student fails to respond to three communications (in the form of written notification, telephone, electronic communication attempting to schedule a meeting or fails to attend a scheduled meeting, the hearing may proceed. The third and final of these communications shall inform the responding individual of the fact that the hearing will proceed and a decision based upon available information may be rendered in absentia.

F. Advisors

The parties may each select an advisor of choice. The advisor may be present during the administrative hearing and any pre and post-hearing conference, however, the advisor(s) shall not address the Student Conduct Administrator. The advisor may confer quietly with the advisee as necessary, as long as they do not disrupt the process. If the advisor fails to respect the limits of the advisor role, the advisor will be asked to leave the conference.

G. Standard of Evidence

The standard of evidence for all Code of Student Conduct proceedings is “preponderance of evidence” or “more likely than not”.

Article VI. Withdrawal and Readmission

If an Accused Student voluntarily withdraws from the University while a complaint is pending, a registration hold will be placed on the Accused Student’s account and he or she shall not be permitted to re-enroll until after the complaint has been resolved. If an Accused Student withdraws after being accused a notation indicating the student withdrew with conduct charges pending will be made on the student’s transcript. Normally, the judicial process shall continue and a decision may be rendered based on available information whether or not the Accused Student is available.

If the complaint cannot be resolved because the reporting individual, witnesses or evidence are not available, re-enrollment shall normally be denied.

Article VII: Interpretation and Revision

- A. Any question of interpretation or application of the Code of Student Conduct shall be referred to the Vice President for Student Engagement or his or her designee for final determination.
- B. The Code of Student Conduct shall be reviewed annually under the direction of the Vice President for Student Engagement.

Disclaimer

University of Providence reserves the right to modify the procedures and the substantive provisions of the Code of Student Conduct at any time.

STUDENT ACCOMODATIONS (ADA) POLICY

It is the policy of the University of Providence to comply with the Americans with Disabilities Act of 1990 (ADA), the Disabilities Amendments Act of 2008 (ADAA), applicable provisions of the Rehabilitation Act of 1973, and applicable local laws that forbid discrimination against qualified individuals with disabilities. Accordingly, the University provides reasonable accommodations to qualified students and applicants for admission who have disabilities where such accommodations would not cause the University undue hardship. The University of Providence strives to foster a culture where such students feel no hesitation about requesting accommodations that will enable them to participate in social, academic, and University-sponsored extracurricular programs.

Residential Life Accommodation Procedures

The University is committed to providing accessibility to all residential housing for students with registered disabilities. To register as a student with a disability, a student must contact the TRiO/Disability Counselor and submit required documentation.

All documentation is kept confidential in accordance with guidelines set forth by FERPA. Requests for disability-related housing accommodations are reviewed by the TRiO/Disability Counselor in consultation with the Director of Residential Life. Each request is reviewed and determined on a case-by-case basis. Determinations are based on the documentation and information received. Complete applications should be submitted by the identified deadline date. An application that is incomplete or received after the deadline may result in a housing assignment that does not meet the applicant's need.

IMMUNIZATION POLICY

In accordance with the Montana immunization law (MCA 20-5-401 through 410), University of Providence students must meet the following two requirements before they will be permitted to register at the University of Providence or any other post-secondary school in Montana:

- Students, who were born after December 31, 1956, must show proof of two measles and one rubella vaccination.
- The measles vaccinations must have been administered after December 31, 1969.
- It is highly recommended that students who live in the residence halls get the meningococcal vaccine. The meningococcal virus is a serious illness which is easily passed in group living and can result in disfigurement or death.

Academic programs may require additional proof of vaccinations. Please consult with program director.

The following students are exempt from the state of Montana regulation:

- Students who are enrolled in less than 6 credits;
- Students who are registered exclusively in Distance Learning and do not attend any classes on campus; and

- Students who qualify for religious or medical exemptions based on criteria or listed in MCA 20-5-401-410.

If a student in one of the above categories changes his/her status, the student must submit proof of immunization at the time of his/her status change.

Immunization may be shown by the written record of a physician, health agency, or a school record. Immunization against measles and rubella can also be shown by a written physician's record of diagnosis of the disease. Proper evidence or documentation of such immunization must be presented before a student will be permitted to register for classes.

Exemption to this Policy can be made only with a statement from a physician or with the form filed when requesting religious exemption.

STUDENT IDENTIFICATION CARDS POLICY

Students enrolled on the main campus are required to carry their University ID Card. ID cards for students enrolled on the main campus, as well as distance learners, are issued by Campus Security to all new full-time and part-time students at registration. A lost or stolen card must be immediately reported to Campus Security. A replacement card can be obtained for a replacement fee.

The ID grants admission to student activities on campus, entry into controlled access buildings on campus, use of the Wellness Center, use of food service, and free admission to all athletic events. A student on campus must show proper identification when asked by any University official. Failure to produce proper identification may result in the person's removal from campus in addition to possible disciplinary sanctions.

STUDENT GRIEVANCE (Non-Academic) POLICY

Students have the opportunity to raise grievances which have remained unresolved after previous attempts to do so, and that these concerns be dealt with in a just and fair manner. Academic grievances are addressed through the University's Academic Affairs Policies. The University extends the right to any student or recognized student club or organization of to file a grievance in writing in accordance with the procedures and guidelines set forth in this Policy.

An action or decision is grievable pursuant to this Policy only if it involves a misapplication or misinterpretation of University policy or procedure, or a violation of state or federal law. This Policy may **not** be used to grieve:

- Claims based on purchases or contracts;
- Claims against a University employee on matters that are unrelated to the employee's job or role at the University;
- Student disciplinary decisions, since this is addressed via the Code of Student Conduct;
- Formal complaints of harassment or discrimination, since there are separate reporting and resolution policies for them; or
- Where any other University standard, policy or procedure could have been used for the matter being grieved (e.g., Grade Grievances, FERPA grievances, etc.).

Any other concern will be treated as a complaint and students are invited to express their viewpoints in an appropriate manner to any University official. Upon request from any student, the Dean of Students will provide guidance about the appropriate system for redress of a particular complaint.

STUDENT EXTERNAL COMPLAINT POLICY

Title 34 CFR §668.43(b) requires that institutions “make available for review to any enrolled or prospective student upon request, a copy of the documents describing the institution’s accreditation and its State, Federal, or tribal approval or licensing. The institution must also provide its students or prospective students with contact information for filing complaints with its accreditor and with its State approval or licensing entity and any other relevant State official or agency that would appropriately handle a student’s complaint.”

In compliance with Title 34 CFR §668.43(b), the University provides multiple alternatives for individuals who wish to submit complaints regarding the above. The University expects that students initially discuss concerns with the University administration or file a formal complaint in accordance with established appeals, complaint, and grievances procedures before resolution is sought from a state agency, an accreditation body, or other outside agency.

CHAPEL USE POLICY

The campus Chapel is a holy and sacred place of quiet prayer and reflection. The Chapel is used primarily for Catholic Mass and Catholic worship. However, other uses that are not incompatible with the quiet sacred nature of the space may be authorized by the Vice President for Mission Integration or designee. Because of the holiness of the Altar table, Ambo (pulpit) and the Tabernacle, those sacred objects may never be moved under any circumstances except by the Vice President for Mission Integration or designee. All requests to use the Chapel must be approved by the priest Chaplain or, in his absence, the Vice President for Mission Integration.

RESIDENCY POLICY

To be eligible for University housing, the student must be enrolled full-time, or with approval by the Director of Residence Life as a part-time student, for the upcoming academic semester. Any student who leaves the University due to either disciplinary reasons or an official leave of absence shall be required to vacate the room and remove all personal property within twenty-four hours of such action being taken, or immediately if circumstances dictate.

The University does not have established graduate, married, or family housing options. All unmarried students on campus under the age of 21, including transfers, are required to live on campus for two (2) academic years.

All unmarried student athletes are required to live on campus for three (3) academic years and are encouraged to live on campus for all four (4) years. All unmarried athlete transfer students are required to live in campus housing for a minimum of two (2) academic years. Failure to live on campus for the stated times may result in loss of athletic scholarships.

Requests for exception to this policy must be filed in writing to the Residential Life Office and should be made prior to housing assignments. Exceptions may include:

- Student living with parents, legal guardian, or immediate relative within 50 miles of the University of Providence campus; or
- Student who has valid reasons with supporting professional documentation may be allowed to live off campus.

All students are required to make a housing damage deposit which is refunded (if no damages are occurred) upon leaving the University.

Meal Plan Requirements

All students residing in University residence halls are required to have a meal plan. If a student does not live on campus, University meal plans are optional and available for purchase. More information regarding meal plans can be sought at either the Residential Life or Business office, located in the Student Center on campus.

A full list of Residential Life Policies and procedures are available in the Residential Life Handbook on the University of Providence web site here: <https://www.uprovidence.edu/student-life/campus-residential-life/>

CLUBS AND ORGANIZATIONS POLICY

Official University recognition is required for all Student Clubs and Organizations to receive and maintain privileges on campus. When students are functioning in the capacity of members of a recognized student club and organization, they are accountable for their conduct individually and collectively and must adhere to the University Code of Student Conduct, as well as applicable University policies and federal, state, and local laws.

STUDENT CLUBS AND ORGANIZATIONS EVENT POLICY

It is the policy of the University of Providence to promote safe events and activities on University property by recognized student clubs and organizations. As such, a Recognized Student Club or Organization seeking to hold an event either on and off campus are required to the adhere to the policy guidelines and procedures set forth in this Policy, as well as the University's Facilities Use and Rentals Policy

STUDENT CLUBS AND ORGANIZATIONS TRAVEL POLICY

It is the policy of the University of Providence to promote safe travel to events and activities occurring beyond the boundaries of University property by recognized student clubs and organizations that are officially representing the University. As such, Recognized Student Clubs and Organizations seeking to travel off-campus are required to adhere to the policy guidelines and procedures set forth in this Policy.

Note: This Policy does not apply to travel undertaken by individual students attending out of town athletic/recreational events as a non-participant (except when traveling on behalf or with the financial support of a recognized student organization as described above), engaging in study

abroad travel, academic field trips, student teaching, internships, observations or research, or participating in intercollegiate athletics competitions under the auspices of the Department of Athletics.

FREEDOM OF EXPRESSION POLICY

As a Catholic University, the University of Providence fosters an environment in which a variety of ideas can be reasonably proposed and critically examined. Faculty and students have a right to invite speakers to campus within reasonable limitations applied by the University (see Guest Speakers and Performers Policy). The University recognizes that the free exchange of ideas and expression may produce conflict. This exchange is an important element in the pursuit of knowledge and a necessary part of the Catholic Intellectual Tradition (CIT). Implicit in the pursuit of this exchange is the privilege to dissent and demonstrate in a peaceful and non-disruptive manner without unreasonable obstruction or hindrance in a manner consistent with the University's Mission, Catholic identity, federal and state laws, and University policies. The University expects that those who enjoy this privilege also accept the responsibility for their actions and for maintaining order. The University also recognizes the rights of those who desire not to protest and who wish to continue to participate in the normal activities of the University. As responsible participants in the University community, students, alumni, and employees can expect fair and impartial treatment in their relations with the University and their dealings with University officials.

GAMBLING POLICY

Gambling while on University property or at University-sanctioned events is neither acceptable behavior nor permitted. The following forms of gambling or bookmaking are prohibited on University property or as part of any University activities:

- Betting on, wagering on, or selling pools on any athletic event, whether professional or amateur; or betting on brackets, fantasy leagues, video game tournaments, or internet gambling;
- Possessing on one's person (or in a room, car, etc.) any card, book, or other device for registering bets;
- Using or knowingly permitting the use of one's premises, computer, telephone, or other electronic communication device for illegal gambling;
- Knowingly receiving or delivering a letter, package, parcel, or electronic communication related to illegal gambling;
- Offering, soliciting, or accepting a bribe to influence the outcome of an athletic event;
- Involvement in bookmaking with respect to sporting events or games of chance;
- Playing cards or other games of chance for money;
- Participation in unauthorized raffles or lotteries; and
- Any similar acts of gambling or betting, as those terms are commonly understood or as identified under Montana or federal law.

In addition to the restrictions listed above, Athletics Department staff and student-athletes must adhere to NAIA regulations, and are therefore prohibited from participating in any sports gambling activities, whether on- or off-campus, concerning any intercollegiate or professional athletics team or competition on any sport in which the NAIA sponsors a championship in any division. Moreover, University employees may not gamble while on duty regardless of location. These prohibitions apply without regard to whether the activities are legal under federal or state laws.

The University may hold, or authorize others to hold, gaming events (such as casino nights and raffles) for fundraising or other legal purposes upon approval.

GUEST SPEAKERS AND PERFORMERS POLICY

All speakers and/or performers who are not employees of the University must be approved in accordance with the procedures and guidelines set forth within this Policy before speaking or performing on campus or at off-campus University events. The University reserves the right to adopt and enforce rules and regulations as it may deem necessary and proper in regard to the issuance of invitations to outside or off-campus speakers or performers in order to serve the interest of health and safety, prevent disruption of the educational process or working environment, and to protect against the invasion of the rights of others. Moreover, the University President may cancel any event or lecture that creates a public health or safety concern, or disrupts the educational or working environment. See the University's Freedom of Expression Policy. Finally, an invitation to speak or perform at the University of Providence does not include license for unlawful activity or activity that endangers or imminently threatens to endanger the safety of any member of the community or any of the community's physical facilities, nor any activity that disrupts or obstructs the functions of the University or imminently threatens such disruption or obstruction.

Note: This Policy and corresponding procedures do not apply to speakers invited by course instructors to address students enrolled in a course they are teaching, or to internal faculty, staff, and/or student seminars, workshops, conferences, or colloquia. The instructor's Division Chair must approve speakers or visitors in individual classes and/or seminars, workshops, conferences, or colloquia.

NON-DISCRIMINATION AND HARASSMENT POLICY

The University of Providence, mindful of its mission as Catholic and Sisters of Providence institution, strives to provide an educational and working environment that is free from all forms of unlawful discrimination and harassment and is committed to providing an environment that values diversity and emphasizes the dignity and worth of every individual, an environment in which every individual is treated with respect. As part of this commitment, the University does not discriminate on the basis of age, race, religion or creed, color, sex, national or ethnic origin, sexual orientation, marital status, military status, genetic predisposition or carrier status, gender identity, familial status, domestic victim status, pregnancy, citizen status, disability, or any other status protected by state or federal law in administration of its educational policies, employment

practices, admissions policies, scholarship and loan programs, and athletic and other school administered programs.

This Policy applies to all applicants, students, faculty, staff, and third parties. Furthermore, the University forbids retaliation and/or any form of harassment against an individual as a result of filing a complaint of discrimination or harassment or as a result of participating in an investigation of a complaint of discrimination or harassment.

The Senior Director, Business Operations has been designated to handle discrimination or harassment inquiries regarding this Policy:

Kylie Carranza

Senior Director, Business Operations
University of Providence
406.791.5305

Title IX of the Educational Amendments of 1972 provides that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

The Title IX Coordinator has been designated to handle sex or gender-based inquiries regarding the University’s Sexual Misconduct Policy:

Title IX Coordinator

Kylie Carranza

Senior Director, Business Operations
University of Providence
406.791.5305

Ombudsperson for Civil Rights & Disability Complaints

In addition, the President shall appoint Ombudspersons to assist students or employees of the University of Providence who wish to file and have advice in alleged civil rights violations. Where appropriate, a specialist in a particular civil rights area may be appointed. The ombudspersons will be announced by the President on an as needed basis. The Ombudspersons are charged:

1. To monitor the University of Providence Affirmative Action Plan itself, and the Human Resources Office for compliance with the plan; and
2. To be advisors for those employees or students who wish to press a complaint in respect to Equal Opportunity or Sexual Harassment or Affirmative Action alleged violations by the University or by individuals on civil rights issues.

DEFINITIONS

Discrimination—conduct that is based upon an individual’s age, race, religion or creed, color, sex, national or ethnic origin, sexual orientation, marital status, military status, genetic predisposition or carrier status, gender identity, familial status, domestic victim

status, pregnancy, citizen status, disability, or any other status protected by state or federal law that is so severe, persistent or pervasive that it excludes an individual from participation in, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, or participation in a University program or activity.

Listed below are examples of conduct that can constitute discrimination if based on an individual's protected characteristic. This list is not all-inclusive; in addition, each situation will be considered in light of the specific facts and circumstances to determine if Discrimination has occurred.

- Singling out or targeting an individual for different or adverse treatment (e.g., more severe discipline, lower salary increase) because of his or her actual or perceived protected characteristic.
- Failing or refusing to hire or admit an individual because of his/her actual or perceived protected characteristic.
- Terminating an individual from employment or an educational program or activity based on his/her actual or perceived protected characteristic.

Other Forms of Discrimination—In addition to the above, the following acts of Discrimination are prohibited by this Policy:

- Causing physical harm, verbal abusing, intimidating or engaging in other conduct that threatens the health or safety of any member of the University community based on his or her actual or perceived protected characteristic.
- Hazing (defined as acts likely to cause physical or psychological harm or social exclusion or humiliation) any member of the university community based on his or her actual or perceived protected characteristic.
- Bullying (defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or degrade another person physically or mentally) any member of the University community based on his or her actual or perceived protected characteristic.

Hostile Environment Harassment—the unlawful harassment against an individual on the basis of his or her age, race, religion or creed, color, sex, national or ethnic origin, sexual orientation, marital status, military status, genetic predisposition or carrier status, gender identity, familial status, domestic victim status, pregnancy, citizen status, disability, or any other status protected by state or federal law when the conduct is either: (a) sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit the individual's ability to participate in or benefit from the university's programs or activities; or (b) the conduct has the purpose or effect of unreasonably interfering with an individual's employment or education.

The determination of whether an environment is "hostile" must be based on all of the circumstances, giving consideration to whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Also, the following factors will be considered: (a) the degree to which the conduct affected one or more students' education or individual's employment; (b) the nature, scope, frequency, duration, severity, and location of incident or incidents; and (c) the identity, number, and relationships of persons involved.

A single or isolated incident of Hostile Environment Harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment.

Retaliation—taking adverse action against an individual making a complaint under this Policy or against any person cooperating in the investigation of a complaint under this Policy. Retaliation includes intimidation, threats, harassment, and other adverse action including adverse job action and adverse academic action against any such complainant or third party.

Intimidation—implied threats or acts that cause an unreasonable fear of harm in another.

PROCEDURES/GUIDELINES

I. Reporting Unlawful Discrimination, Harassment or Retaliation to the University

The University can take corrective action only when it becomes aware of problems. Therefore, any individual who believes he or she has experienced or witnessed discrimination, harassment, or an incident of retaliation is encouraged to come forward promptly with their inquiries, reports, or complaints and to seek assistance within the University. Individuals also have the right to pursue a legal remedy for discrimination or harassment that is prohibited by law in addition to or instead of proceeding under this Policy.

Individuals who wish to make a formal complaint (“complainant”) to the University about alleged discriminatory or harassing behavior or retaliation not involving sex or gender may contact the following individual:

Kylie Carranza

Senior Director, Business Operations

University of Providence

406.791.5305

In addition, the University Ombudsperson for Civil Rights & Disability Complaints may be contacted.

A complaint may be submitted at any time following an incident, although the University’s ability to take any action may be limited by the matriculation or employment status of the alleged respondent.

False and malicious complaints as opposed to complaints that even if erroneous, are made in good faith, may be subject to appropriate disciplinary action up to and including termination or expulsion.

II. External Complaint Procedure for alleged Non-Compliance of the University

An individual desiring to file a complaint with the United States Department of Education alleging that the University is not complying with Federal Civil Rights regulations should contact:

United States Department of Education
REGION VIII Acting Director
(303) 844-3677
1244 Speer Blvd., Suite 310
Denver, CO
80204-3582

III. University’s Response to Discrimination, Harassment and Retaliation Complaints

The procedure utilized in the investigation of any complaint of Federal or State Civil Rights Law, infringement, harassment, or disability (Section 504 of the Rehabilitation Act of 1973 or the Americans with Disability Act) will be the same as those used for the investigation of a complaint of sexual harassment (see the University’s Sexual Misconduct Policy below).

IV. Equity in University Intercollegiate Athletics Programs

The University seeks to fully and effectively accommodate the interests of both sexes in the administration of its athletic programs and to provide equity both among student athletes and programs. Title IX requires equity for men and women with regard to participation and treatment in athletics programs. Equity refers to how men as compared to women are treated in the aggregate given the unique features of their sports. Men and women are treated equitably across multiple programs when considering the unique requirements of each, such as different equipment, medical attention, and numbers of coaches; however, it is not expected that such treatment will be identical.

Those students who wish to compete on a varsity sport that is not currently offered at the University may file a petition with the Vice President for Athletics or the Title IX Coordinator to gain varsity status. Petitions will be reviewed annually. Factors considered include but are not necessarily limited to gender equity, interest and ability, intercollegiate competitive opportunities, facility space and available resources.

Individuals who believe that a student or students have been denied equitable treatment in intercollegiate athletics should report their concerns to the Title IX Coordinator.

SEXUAL MISCONDUCT POLICY (Title IX)

I. PURPOSE

The University of Providence (hereinafter collectively referred to as “UP”), seeks to maintain a safe learning, living, and working environment for all members of its community. In addition, UP subscribes to all federal, state, and institutional laws and regulations necessary to ensure that goal.

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX’s prohibition on sex discrimination

broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of “sexual harassment” (including forms of sex-based violence)
- Addresses how this institution must respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution must follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

Based on the Final Rule, UP has implemented the following Title IX Policy as of the effective date of August 14, 2020.

As such, this policy is meant to work in harmony with other applicable UP policies and procedures that address sexual and discriminatory misconduct. In the event that the alleged violation falls within the scope of Title IX, this policy serves as the operating process for addressing the violation while also subscribing to any regulations or reporting requirements of other federal and state laws addressed in the UP Sexual Misconduct Policy (Community Policies 2.1.12).

II. POLICY

All areas of the UP community seek to foster a collegial atmosphere where students are nurtured and educated through close faculty-student relationships, student camaraderie, and individualized attention. Sexual Harassment of any kind, is detrimental to UP's mission, history, and identity. UP will resolve any Covered Sexual Harassment in a timely and effective manner. Compliance with UP's policies and procedures is a necessary step in achieving a safe environment in our educational community.

The policy set forth were developed to promote a safe educational environment in compliance with Final Rule under Title IX of the Educational Amendments of 1972. Those believing that they have been subject to Sexual Harassment, as defined in the Final Rules under Title IX, should immediately contact the Title IX Coordinator. When the Title IX Coordinator has received a Formal Notice of the occurrence, UP is compelled to take immediate and effective corrective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

III. DEFINITIONS

1. ***Gender Discrimination*** is defined as the following by Title IX:

- a. Discrimination or harassment based upon one's gender (sex)
- b. Unfair treatment, attitudes, or behaviors towards an individual based upon their gender (sex)
- c. Gender identity discrimination as covered by Title VII
- d. Sexism, sexist attitudes, and sex stereotyping

e. Unproportioned athletic programs or activities offered to all genders in relationship to the college's enrollment

2. **Sexual Harassment** is defined as the following by Title IX:

- a. Unwanted sexual behavior, advances, or requests for favors
- b. Unwelcomed verbal, visual, or physical sexual conduct
- c. Offensive, severe, and/or frequent remarks about a person's sex
- d. Harassment of a sexual nature which interferes with an individual's right to an education and participation in a program or activity

3. **Sex Violence** is defined as the following by Title IX:

- a. Sexual abuse or assault, battery, or coercion
- b. Unwanted sexual contact that stops short of rape or completed rape
- c. Use of force or manipulation of unwanted sexual activity
- d. Physical acts where a person is incapable of giving consent or is against a person's will

4. **Retaliation** is defined as the following by Title IX:

- a. A strike back in response to another's action or accusation
- b. a form of revenge or reaction because of a filed complaint against a person
- c. refusal to promote, advance, or accurately support/qualify a person due to a complaint filed

5. **Hostile Environment** is defined as the following by Title IX:

- a. A situation of discriminatory or sexual nature that has occurred and created a adverse setting
- b. An intimidating or offensive environment that causes a person to be fearful
- c. A setting that denies, limits, or interferes with a person's ability to participate in or benefit from a program, activity, or job

IV. PROCEDURES/GUIDELINES

A. HOW DOES THE TITLE IX POLICY IMPACT OTHER CAMPUS DISCIPLINARY POLICIES?

In recent years, “Title IX” cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, UP must narrow both the geographic scope of its authority to act under Title IX and the types of “sexual harassment” that it must subject to its Title IX investigation and adjudication process. Only incidents falling within the Final Rule’s definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Policy defined below.

UP remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, our campus has: A Code of Conduct that defines certain behavior as a violation of campus policy, and a separate Sexual Misconduct Policy that addresses the types of sex-based

offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses.

To the extent that alleged misconduct falls outside the Title IX Policy, or misconduct falling outside the Title IX Policy is discovered in the course of investigating covered Title IX misconduct, the institution retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Code of Conduct or Sexual Misconduct Policy through a separate grievance proceeding.

B. MAKING A REPORT REGARDING COVERED SEXUAL HARASSMENT

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Kylie Carranza
1301 20th Street South
Great Falls, MT 59405
Phone: 406-791-5305
Email: kylie.carranza@uprovidence.edu

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

C. INITIAL ASSESSMENT

Note: Until it is determined whether the alleged misconduct falls under the Title IX policy, UP's Sexual Misconduct policy, or other relevant policy or procedure the "Responsible Administrator" can be the Title IX Coordinator, Compliance Officer or any other individual designated to investigate claims. When a determination is made such that the alleged misconduct meets the relevant requirements under the Title IX policy, only the term Title IX Coordinator will be used. In addition, an individual who makes a report of alleged misconduct is referred to as the "Potential Complainant" until he or she makes a written, formal complaint, as required by the Title IX regulations, at which point only the term "Complainant" will be used under this Title IX Policy.

Whenever the Responsible Administrator receives notice of alleged misconduct, they will promptly contact the Potential Complainant regarding the alleged misconduct for an initial assessment. At that point, the Responsible Administrator will (in no particular order):

- assess the nature and circumstances of the report;
- assess immediate concerns including physical safety and emotional well-being of the Potential Complainant;
- discuss the Potential Complainant's right to contact law enforcement and right to seek medical

treatment;

- provide the Potential Complainant information about resources (on-campus and off-campus) and the availability of appropriate and supportive measures;
- advise on UP's policy regarding confidentiality and retaliation; and
- explain the process and requirements for filing a formal complaint under Title IX.

By law, a formal written complaint must be made before the Title IX process can begin. Before a Potential Complainant can file a formal complaint under Title IX, the Responsible Administrator will determine whether:

- the alleged misconduct can be classified under Title IX;
- the Title IX Coordinator has the ability to file a formal complaint on behalf of the Potential Complainant;
- the alleged misconduct should be handled under a separate college policy or procedure.

D. NON-INVESTIGATORY MEASURES AVAILABLE UNDER THE TITLE IX POLICY

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from UP regardless of whether they desire to file a complaint. Supportive measures are non-disciplinary and non-punitive and may include, but are not limited to, the following as appropriate:

- Counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the parties (no contact orders)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus
- Emergency Removal

UP retains the authority to remove a respondent from UP program or activity on an emergency basis, where UP (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If UP determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal.

UP retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process.

E. DETERMINATION OF TITLE IX RESPONSE

If a complaint is to be addressed under Title IX, the alleged misconduct must first meet the definition of Covered Sexual Harassment, as defined under Title IX, which includes any conduct on the basis of sex that satisfies one or more of the following:

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
- Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
- Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
- Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under applicable state and local domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State or local jurisdiction.
- Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the UP Code of Conduct or other relevant policy.

If the alleged misconduct meets the Title IX definition of Sexual Harassment provided above, the Title IX grievance process below then applies to the conduct of members of the UP community, including students, employees, and third parties, who are located in the United States, and occurred in:

- Any on-campus premises
- Any off-campus premises that UP has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of UP's programs and activities over which UP has substantial control.

For Avoidance of doubt, the Title IX process will apply when all of the following elements are met, in the reasonable determination of the Responsible Administrator:

- The conduct is alleged to have occurred on or after August 14, 2020;
- The conduct is alleged to have occurred in the United States;•The conduct is alleged to have occurred in UP’s education program or activity; and
- The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If the alleged misconduct meets these requirements, then the Title IX grievance process applies and the Potential Complainant may file a Formal Complaint or their prior Complaint submission will become a Formal Complaint.

If the alleged misconduct does not meet these Title IX requirements, it requires a mandatory dismissal under Title IX, but it may be addressed by the broader UP Sexual Misconduct Policy or another applicable UP policy. In the event of a dismissal, the Responsible Administrator will provide written reasoning for the dismissal determination to the Potential Complainant with information on how to appeal, if desired.

F. DISMISSAL OF COMPLAINTS

Under Title IX, there are instances when complaints are dismissed. These dismissals fall into two categories: (1) mandatory dismissals and (2) discretionary dismissals.

Mandatory Dismissal

A mandatory dismissal occurs in the event that the conduct:

- is alleged to have occurred before August 14, 2020;
- does not meet the Title IX definition of Sexual Harassment;
- did not occur in UP’s education program or activity; or
- did not occur against a person in the United States.

If any of these three situations are present, then UP must dismiss the complaint under Title IX. UP will provide notice of dismissal to the Parties, including information on how to appeal the dismissal. At the same time, if applicable, the alleged conduct may be addressed under another UP policy.

Discretionary Dismissal

A discretionary dismissal may occur in a few situations:

- the Complainant wishes to withdraw or does not submit the formal complaint,
- the Respondent is no longer enrolled at or employed by UP, or
- the specific circumstances prevent UP from gathering sufficient evidence to investigate or make a determination toward the allegations; or
- Does not follow the process or protocols established in this Title IX policy.

In these events, UP may choose to dismiss the complaint. UP will provide notice of the dismissal to the parties currently involved and information on how to appeal the dismissal.

G. FORMAL COMPLAINT

Filing a Formal Complaint

If the alleged misconduct meets the Title IX requirements, the Responsible Administrator cedes responsibility of the Title IX complaint process to the Title IX Coordinator. The Title IX Coordinator will then advise the Potential Complainant on the process to proceed with a Formal Complaint.

For the purposes of this Title IX Policy, “Formal Complaint” means a document – including an electronic submission - filed by a Complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within UP’s education program or activity and requesting initiation of the procedures consistent with the Title IX Policy to investigate the allegation of sexual harassment.

The timeframe for the Title IX Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, provided that the Process may be extended in situations that, include but are not limited to, the absence of a party, a party’s Process Support Person, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of UP, including as an employee. For complainants who do not meet this criteria, UP will utilize existing policy in the Code of Conduct, Sexual Misconduct Policy or any other relevant policy.

If a Potential Complainant chooses not to file a Formal Complaint and the matter is determined to fall under Title IX, the Title IX Coordinator may, in their sole discretion, choose to file a Formal Complaint on the individual’s behalf. The Title IX Coordinator must determine that failure to file the Formal Complaint would be clearly unreasonable and not in the best interests of the UP community. UP will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in this Title IX Policy or the Code of Conduct, Sexual Misconduct Policy or any other UP policy prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

Notice of Formal Complaint

If a Potential Complainant chooses to file a Formal Complaint in a Title IX matter, their status will be adjusted to Complainant. UP will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate. The notice of the Formal Complaint will be sent promptly to all relevant parties, as soon as practicable, after the institution receives a Formal Complaint of the allegations if there are no extenuating circumstances, which includes:

- the identities of the parties involved in the alleged incident, if known;
 - the alleged conduct constituting Sexual Harassment;
 - the date and location of the alleged incident, if known;
 - the prospective grievance process and next steps;
 - a statement that the Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at conclusion of the grievance process;
 - a statement informing both parties that they may choose a Process Support Person, who will be their advisor, who may be, but is not required to be an attorney;
 - any measures taken by UP that affects both parties;
 - a notice informing parties of any provisions of other UP policies that prohibit knowingly making false statements, or knowingly submitting false information; and
 - a notice of UP's retaliation policy.
- The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither.

After notice of the Formal Complaint has been received by both parties, and UP has provided sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview, the Title IX Coordinator, or their designee, will initiate the Title IX informal review process or investigation process.

H. INFORMAL RESOLUTION PROCESS

At any time after a Formal Complaint is filed, the Title IX Coordinator or their designee may, in their discretion, choose to offer and facilitate an Informal Resolution process, so long as both Parties give voluntary, informed, written consent to attempt Informal Resolution. UP may not require the Parties to participate in an Informal Resolution process or require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal Investigation and adjudication of Formal Complaints of Title IX Prohibited Conduct. Any person who facilitates an Informal Resolution will be experienced and trained in dispute resolution and trained on this Title IX Procedure.

Withdrawing from an Informal Resolution Process

At any time prior to agreeing to an Informal Resolution, any Party has the right to withdraw from the Informal Resolution process and resume the process with respect to the Formal Complaint.

Matters Not Eligible for Informal Resolution

- No Informal Resolution process will be offered before a Formal Complaint is filed.
- No Informal Resolution process will be offered to resolve Formal Complaints involving a student as Complainant and a staff or faculty member as Respondent.

I. INVESTIGATION

General Rules of Investigations

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute Covered Sexual Harassment under Title IX after issuing the Notice of Allegations.

UP cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. UP will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

Process

As a first step in the investigation process, a Title IX Investigator will be designated to conduct a prompt, thorough, and impartial investigation into the alleged conduct identified in the Formal Complaint.

The Title IX Investigator will, at a minimum, interview both the Complainant and the Respondent who will each have an equal opportunity to:

- speak about the complaint;
- to submit any inculpatory or exculpatory evidence or information; and
- to identify witnesses who may have information directly related to the alleged conduct.
- The Title IX Investigator may also interview any relevant witnesses and interested parties, and reinterview the Complainant or Respondent, if appropriate.

Both parties may also have a Process Support Person of their choice present with them during any phase of the investigation. UP may, at its discretion, establish restrictions on a Process Support Person's participation. The restrictions must apply equally to both parties including, but not limited to, barring a Process Support Person's participation during the interview process.

Relevant Evidence and Questions

“Relevant” evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

“Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior

unless:

- o They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
- o They concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

- Evidence and questions that constitute, or seek disclosure of, information protected under a legally recognized privilege (g., attorney-client privilege).
- Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent.

Investigation – Review of Information

Upon completion of the investigation, but prior to completing the investigative report, the Title IX Investigator will provide both the Complainant and Respondent evidence and information gathered directly related to the alleged misconduct in the Formal Complaint. The evidence and information will be provided in a manner equally accessible to both parties.

Both parties will then be given a ten (10) business day review period to examine the evidence and information. At the conclusion of the ten (10) business day review period, each party has the right to submit a written response to the Title IX Investigator commenting on the evidence and information that can be considered before completing the draft investigative report.

Inspection and Review of Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the relevant evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;

2. inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

Investigation – Investigative Report

After both parties have had an opportunity to review directly related evidence and information, the Title IX Investigator will then draft an investigative report that compiles and fairly summarizes all of the relevant evidence.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

Both the Complainant and Respondent will then be given a ten (10) business day review period to examine the draft of the investigative report. At the conclusion of the ten (10) business day review period, each party has the right to submit a written response to the Title IX Investigator to comment on the investigative report.

The Title IX Investigator will prepare the final investigative report for the adjudication phase of the grievance process.

Confidentiality/Destruction of Evidence, Information and Documents

Each Party is responsible to keep private (by not disseminating beyond Support Persons) documents, materials, and information received from UP during this process. Failure to comply will be considered a violation of UP policy and may incur separate sanctions. Additionally, the responsibility to destroy, when so directed by UP, evidentiary materials and/or writings submitted by the other Party as party of the process.

J. ADJUDICATION/HEARINGS

General Rules of Hearings

UP will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless otherwise resolved through an informal resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at UP's sole discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through Zoom or other appropriate video conferencing tools available at the time. This technology will enable participants simultaneously to see and hear

each other. At its discretion, UP may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through either recording and/or transcript. The choice of medium is at UP's sole discretion.

Prior to obtaining access to any evidence, the parties and their Process Support Person must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn. Failure to sign or adhere to this agreement may result in a negative inference against the party and the immediate withdrawal of that Process Support Person from the Title IX grievance process.

Notice of Hearing

Upon completion of the investigation, and after the investigative report is complete, the Complainant and Respondent will be notified in writing of:

- the date, time, and location of the live hearing;
- the applicable grievance process;
- that both Parties can have a Process Support Person of their choice;
- that they may inspect and review evidence obtained in the investigation;
- the allegations and conduct that potentially constitute Sexual Harassment;
- the identities of the Parties involved (if known); and
- the date and location of the alleged offense (if known).

Depending on the circumstances and, at the sole discretion of UP, the hearing may be conducted in-person or virtually, but will always be conducted in real-time. Permission to postpone a hearing may be granted provided that the request to postpone is reasonable.

Prior to the scheduled hearing, a trained Decision-maker will be appointed to be the fact-finder of responsibility for the alleged conduct. The Title IX Investigator will provide the Decision-maker with the finalized investigative report for review prior to the hearing.

While the Complainant, Respondent and witnesses are expected to be present and fully participate in the hearing (including being subject to questioning by a Process Support Person), it is the right of any and all parties to choose not to participate in the hearing of the alleged conduct. In the event that any party chooses not to participate fully in the hearing process, their statements (including those made in the investigation stage) may not be considered in the Decision-maker's determination of responsibility.

If the hearing is held in-person (not virtually), by request of either the Complainant or Respondent, questioning by a Process Support Person can be conducted in separate rooms with technology available that enables the other party to see and hear the questioning in real-time. The entire hearing will be recorded, either by electronic means or transcription. The recording will be made available, upon request, for inspection and review to both Parties. This recording will be kept on file by UP in accordance with applicable rules and regulations.

Continuances or Granting Extensions

UP may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, UP will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

Before the Hearing

Prior to the Hearing, each party will be required to submit any questions, that have not already been addressed in the investigation, that they wish to ask at the oral-cross examination to the Title IX Coordinator no later than twenty-four (24) hours before the Hearing is scheduled to begin.

The Title IX Coordinator will provide the questions to the Decision-maker, who will determine the relevancy of each of the questions. If deemed relevant, the question is permissible to be asked during the hearing. If the Decision-maker determines that a question is not relevant, they will provide a brief reasoning for that decision and the question will not be permitted to be asked during the Hearing. Parties may appeal the relevance determinations at the beginning of the Hearing. The Decision-Maker will endeavor to provide their relevancy determinations at least one hour prior to the Hearing, but no later than the commencement of the Hearing.

Understanding Relevance:

For these adjudications, the basic test for relevance is whether the question posed is probative to the question of responsibility. This includes a Process Support Person asking questions that addresses the credibility of the party. However, there are some topics that are presumptively never relevant unless an exception applies or a party has waived a privilege. These topics include questions and evidence:

- about the Complainant's sexual predisposition or prior sexual behavior, unless offered to prove that someone other than the Respondent committed the alleged conduct;
- that concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent, unless offered to prove consent;
- that would traditionally be protected by a legally recognized privilege (e.g., attorney-client privilege), unless the party has waived the privilege;
- in reference to a party's psychological or medical records unless the party has given voluntary, written consent.

Participants in the Live Hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

Complainant and Respondent (The Parties)

- The parties cannot waive the right to a live hearing.

- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a “statement” by that party.
- UP will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party’s participation.
- If a party does not submit to cross-examination, the Decision-Maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a “statement” by that party.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross examination or other questions.

The Decision-maker

- The hearing body will consist of a single Decision-Maker.
- The Decision-Maker will also not have served as the Title IX Coordinator, Title IX investigator, or Process Support Person to any party in the case, nor may the Decision-Maker serve on the appeals body in the case.
- The Decision-Maker will not have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The Decision-Maker will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a Decision-Maker’s actual or perceived conflicts of interest or bias at the commencement of the live hearing.

Process Support Person

- Both the Complainant and Respondent have the right to choose a Process Support Person. The Process Support Person will be the advisor of choice for such Party at the Hearing and may be, but does not have to be, an attorney. An attorney acting in this role has no different role in the process and serves in the same capacity as a non-attorney.
- The Process Support Person of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- The parties themselves are not permitted to conduct cross-examination; it must be conducted by the Process Support Person. As a result, if a party does not select a Process Support Person, the institution will select a Process Support Person to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The Process Support Person is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The Process Support Person is not prohibited from being a witness in the matter.

- If a party does not attend the live hearing, the party's Process Support Person may appear and conduct cross-examination on their behalf.
- If neither a party nor their Process Support Person appear at the hearing, UP will provide a Process Support Person to appear on behalf of the non-appearing party.

Witnesses

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation.
- If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing.

Hearing Process

1. The hearing will begin with any appeals by the Parties to the Pre-Hearing relevancy determinations by the Decision-maker.
2. The Decision-maker will then open the hearing by establishing the rules and expectations. The Decision-maker will then read the charges.
3. The Title IX Investigator will then provide a statement summarizing the investigation findings as recorded in the investigative report.
4. Either party (Complainant or Respondent) that has provided a statement that is included in the investigative report may subsequently request to provide a brief statement of additional clarification of no more than five (5) minutes in duration.
5. Upon conclusion of any clarification statement, the Decision-Maker will ask questions of the Parties and Witnesses.
6. Parties will be given the opportunity for live cross-examination after the Decision-Maker conducts its initial round of questioning; During the Parties' cross-examination, Decision-Maker will have the authority to pause cross-examination at any time for the purposes of asking their own follow up questions; and at any time necessary in order to enforce the established rules of decorum. The Complainant, then followed by the Respondent, may have their Process Support Person ask any approved, relevant questions that have not already been addressed in the investigation or hearing. Should a Party or the Party's Process Support Person choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision-Maker. A Party's waiver of cross-examination does not eliminate the ability of the Decision-Maker to use statements made by the Party.
7. Each Party will have an opportunity to submit additional questions for review by the Decision Maker after the initial Oral Cross-Examination has concluded. Should such questions be approved, the Complainant, followed by the Respondent, may have their Process Support Person

ask any additional approved, relevant questions. There will only be one round of additional questions allowed.

8. There shall be no Oral Direct Examination at any point in the hearing process. The only time it is may be allowed is if a Party identifies, and provides sufficient justification for, an “Expert Witness” prior to the Hearing. If an “Expert Witness” is identified by one party, the other party will have an opportunity to Cross-Examine that “Expert Witness”, if they so choose.

9. Upon completion of questioning, any Party must raise any procedural, substantive, bias, conflict or other perceived irregularity to the Decision-Maker’s attention for review and consideration. Failure to do so will forever waive such complaint.

10. Thereafter the Decision-maker will conclude the hearing.

Live Cross-Examination Procedure

Each party’s Process Support Person will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the Process Support Person will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Cross-examination questions that are duplicative of those already asked, including by the Decision-Maker, may be deemed irrelevant if they have been asked and answered.

Newly-discovered Evidence

As a general rule, no new evidence or witnesses may be submitted during the live hearing.

If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The Decision-Maker will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the Decision-Maker answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing, or at the Decision-Maker’s sole discretion an adjournment, to review the evidence or prepare for questioning of the witness.

K. DETERMINATION OF RESPONSIBILITY

Standard of Proof

UP uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Policy occurred.

General Considerations for Evaluating Testimony and Evidence

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.

Decision-Makers shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

It is well within the Decision-Maker's purview to make credibility determinations and the Decision-Maker will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that UP allow parties to call "expert witnesses" for direct and cross examination. UP does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the Decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that UP allows parties to call character witnesses to testify. UP does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the Decision-Maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that UP admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the Decision-Maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision Maker may draw an adverse inference as to that party or witness' credibility.

Components of the Determination of Responsibility

Upon reviewing the investigative report and considering the statements and questions made by the Parties at the Hearing, within a reasonable time thereafter, the Decision-maker will make a determination of responsibility under the Preponderance of the Evidence standard. The Decision-maker will provide a written determination of whether the respondent is found to be responsible or not responsible. This written determination will be provided to both the Complainant and the Respondent simultaneously. The Decision Maker's written determination will also include the following information:

- identification of the allegations potentially constituting Sexual Harassment;
- a description of the procedural steps taken from receipt of the formal complaint through the making of the determination;
- the findings of fact used to make the determination;
- conclusions regarding the application of UP's Code of Conduct to the facts;
- a statement, and rationale for, the result of each allegation, including a determination regarding responsibility, any disciplinary sanctions, recommendation of or referral for disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to UP's education program or activity will be provided to the Complainant; and
- information on the procedures and permissible bases for parties to appeal the determination.

While both the Complainant and Respondent will be made aware of the determination of responsibility and the specifics of sanctions imposed on the Respondent (if any), any remedies provided to the Complainant will only be specified in the event that the remedy implicates and affects both parties. Further, the Title IX Coordinator has the responsibility to ensure the effective implementation of any remedies set forth in the written determination.

The decision is considered served and delivered on the date it is transmitted electronically to the Complainant and Respondent at their UP provided email address. The time to appeal shall run from and including the date of such transmission.

L. APPEALS

The Complainant and Respondent will both be provided with at least one level of appeal. The Complainant and Respondent are eligible to file an appeal to the final determination based on:

- a procedural irregularity that affected the outcome of the matter;

- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;
- the Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent that affected the outcome of the matter; or
- the sanction imposed is disproportionate to the violation.

The Complainant and Respondent may also appeal the mandatory or discretionary dismissal of a complaint based on the first three points listed above.

The request for an appeal must include the grounds for which the request is based and be submitted in writing to the Title IX Coordinator within seven (7) business days following the date of the written determination. The appeal should also state the remedy sought by the appealing party. Upon receipt of the appeal, the other party will receive notification of the appeal and be provided opportunity to respond in writing. Written responses to the other party's appeal must be submitted within three (3) business days following the delivery of notice of the appeal.

In order to ensure a neutral and unbiased review, a party's request for appeal will be sent to an Appeals Panel comprised of individuals with no connection to the initial determination, which serves as a separate Decision maker. An appeal decision will be rendered within twenty (20) business days after the receipt of the formal appeal request. The appeal decision will be provided in writing to both parties.

Finality

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" above, or if an appeal is not filed, the date on which the opportunity to appeal expires.

M. RETALIATION

UP will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute or FERPA regulations or as required by law, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations. No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

Complaints alleging retaliation may be filed with UP Human Resources Department at hr.up@uprovidence.edu.

N. PRIVACY AND CONFIDENTIALITY

References made to confidentiality refer to the ability of identified confidential resources (e.g. priests/clergy) to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to confidentiality or privacy mean UP offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. UP will endeavor to limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality or privacy cannot be honored.

O. DISABILITY ACCOMMODATIONS

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

P. NON-DISCRIMINATION IN APPLICATION

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about UP's policy or process may contact the 24/7 Integrity Hotline at 888-294-8455 or www.integrityonline.ethicspoint.com.

Q. TRAINING

Section 106.45(b) of the 2020 Final Title IX Rules require the sharing of "All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A recipient must make these training materials publicly available on

its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public.”

V. ENFORCEMENT

This policy applies to all members of the University of Providence, including students, faculty, and administrators as well as third-parties (including, but not limited to, vendors, invitees, etc.).

This policy applies to events that occur in the United States in any on-campus premises, any off-campus premises that UP has substantial control over or in any activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of UP’s programs and activities over which UP has substantial control.

VI. POLICY MANAGEMENT

The Office of Risk and Compliance oversees and manages this policy. The Compliance Officer reports directly to the President and has a dotted line to the UP Board of Trustees.

VII. EXCLUSIONS

N/A

VIII. EFFECTIVE DATE

This Title IX Policy became effective on August 14, 2020, and only applies to formal complaints of sexual harassment alleged to have occurred on or after August 14, 2020. Alleged conduct that occurred prior to August 14, 2020 will be investigated and adjudicated according to the Title IX and Sexual Misconduct Policy then in effect.

POLITICAL ACTIVITIES AND SPEAKERS POLICY

The University of Providence is a tax-exempt institution, qualified by the Internal Revenue Service as a 501(c)(3) corporation. It is absolutely essential that the University protect its tax-exempt status, as it exempts the University from the payment of real property and sales taxes and it qualifies contributions from alumni and friends as charitable deductions.

As a tax-exempt institution, the University as an entity and members of the University community individually are not permitted to use University resources in the pursuit of political objectives and Political Activities (see Definition section below). Individuals are permitted to make political contributions and work on campaigns, but University resources may not be used in political campaigns. Accordingly, on campus distribution of promotional campaign literature for political candidates (by University employees, students, or others) is prohibited. Moreover, as a tax-exempt organization, the University may not provide financial or other forms of campaign support to any candidate, political action committee, or political party; may not provide political endorsements or non-endorsements; and is prohibited from distributing materials such as voter guides, candidate questionnaires and various forms of voter education materials prepared by other organizations. Similarly, University facilities cannot be used to host political fundraisers.

Apart from the tax-exempt issue, as a general policy, members of the University community must refrain from using University stationery or University e-mail addresses as a return address when expressing personal political views. Again, individuals are free to express their own views, but it is essential that personal views not be construed as being the views of The University of Providence. See the Political Activities Guidelines below for additional information.

STUDENT RECORDS (FERPA) POLICY

The Family Educational Rights and Privacy Act (“FERPA”) (20 USC Section 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Additional information on FERPA is available online at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>. The guiding principle of FERPA is that education records are private and that students have the right to limit their disclosure to third parties.

It is the policy of the University of Providence to comply with the requirements of FERPA. Consistent with FERPA, University students will be granted access to their Education Record and, except in limited circumstances as set forth in the Procedures/Guidelines section of this Policy, a student’s Education Records will not be disclosed without the student’s consent.

VOLUNTEERS POLICY

University divisions may use volunteers to accomplish certain work as well as extend their budgets. Volunteer services must be properly authorized by the host department and Human Resources. Authorized volunteers are agents of the University, therefore qualifications, background and suitability of the individual must be considered before offering an opportunity to volunteer. Unauthorized volunteers may not be permitted to perform any duties or services on behalf of the University. Moreover, any individual listed on a sex offender registry or who has been convicted of an offense for which he or she must register as a sex or violent offender may not serve as a Volunteer. No department may discriminate in selecting Volunteers based on age, race, religion or creed, color, sex, national or ethnic origin, sexual orientation, marital status, military status, genetic predisposition or carrier status, gender identity or expression, familial status, domestic victim status, pregnancy, citizen status, disability, or any other status protected by state or federal law.

Under federal law, individuals holding F-2, J-2 and H-4 visa statuses are prohibited from volunteering in the same departments and on similar projects as paid University employees. Individuals holding B-1 or B-2 visas are prohibited from volunteering in any capacity at the University.

ALCOHOL AND DRUG PREVENTION PROGRAM POLICY

Pursuant to the Federal Drug-Free Schools and Communities Act Amendments of 1989, the University of Providence has a drug and alcohol prevention program in place for its students and employees. The program includes an annual disclosure to each student and to all employees

outlining the standards of conduct expected of students and employees respectively in relationship to the possession, use, or distribution of illicit drugs and alcohol on campus or as part of any University activity; a description of the applicable legal sanctions under local, state and federal law which may arise from the unlawful possession or distribution of illicit drugs; a description of the health risks associated with the use of illicit drugs; and a clear statement of the disciplinary sanctions which may be imposed by the University upon students and employees for violations of the standard of conduct.

The University's Alcohol and Drug Prevention Program is reviewed biennially by the Office of Student Engagement to determine effectiveness and to implement changes (if needed) to ensure that the University's disciplinary sanctions are consistently enforced. The biennial review includes a determination as to: (a) the number of drug- and alcohol-related violations and fatalities occurring on campus or as part of University-sanctioned activities that are reported to campus officials; and, (b) the number and types of sanctions the University imposed on students and employees as a result of such violations or fatalities.

STUDENT DRUG POLICY

University of Providence does not tolerate the illegal use of drugs, narcotics or paraphernalia. The University considers the use, possession, manufacture, distribution or sale of illicit drugs, narcotics or paraphernalia as detrimental to the welfare of the individual and to the health, security and safety of the University community. The university has a responsibility to maintain a safe and secure environment for students to pursue their educational goals free from the use and/or presence of illicit drugs. Additionally, federal and state drug abuse control laws are applicable to all members of the campus community. Violators of the University's drug policy will be encouraged to seek professional help and their enrollment at University of Providence maybe terminated.

Alcohol or Drug Intoxication or Overdose Emergencies

Individuals concerned about a person's intoxication, condition, consciousness, or safety, should call 911 and/or take the individual to a hospital emergency room. Also, please contact Campus Security or, if the incident involves a resident student, a staff member from residential life.

After calling 911, turn the person on his or her side, with their arm extended and supporting their head. Never allow an intoxicated or drugged person to "sleep it off."

Walk or drive an intoxicated person(s) home. Do not let or leave anyone alone outside when intoxicated. Make certain intoxicated individuals are safe **INSIDE** once home.

Signs of Alcohol Poisoning

- Person is known to have consumed large quantities of alcohol in a short period of time;
- Person is unconscious and cannot be awakened;
- Person has cold, clammy, unusually pale, or bluish skin;
- Person is breathing slowly or irregularly – usually this means less than eight times a minute or eight seconds or more between any two breaths;

Person vomits while unconscious and does not wake up during or after.

SMOKING AND TOBACCO USE POLICY

It is the policy of the University to provide a tobacco-free environment on campus, in campus facilities, and in vehicles in which University functions or services are carried out. Smoking of any material is prohibited on campus, including University-owned and leased vehicles.

Use of chewing tobacco, cigarettes, or other related products is prohibited in all areas of Residential Life. Disposal of the tobacco in destructive or unsanitary means will be cause for disciplinary response.

In addition, University employees may not smoke or use smokeless tobacco while performing the University's business.

CAMPUS LAW ENFORCEMENT POLICY

Law Enforcement Authority

The University of Providence provides 24-hour security coverage through Campus Security department. Security officers are available on campus at all times and reachable by phone at 406-791-5911. The security office is located in the lower level of the Student Center.

Law enforcement at the University of Providence, including the main campus, and all Residence Halls is left strictly to local law enforcement authorities. University of Providence provides security officers on campus; however, the officers do not have arrest powers. Security officers patrol the campus by foot and also by vehicle. Questions concerning Security, their employees or services can be referred to Kylie Carranza at 406-791-5305 or kylie.carranza@uprovidence.edu.

All new students and employees are informed on how to access security services as part of their orientation. Signs and email communication continually inform the campus of changes in security services and serve as a reminder for the entire campus.

REPORTING A CRIME

406-791-5911 or 911

Security	406-791-5911, Student Ctr. Lower Level
Residential Life	406-791-5225, Emilie Hall Room 110
University Physical Plant Director	406-791-5283, Physical Plant
Great Falls Police Department	406-771-1180 (non-emergency) or 911
Title IX Coordinator	406-791-5305, University Center
Rape Crisis Line	406-453-4357 (HELP) or 1-888-587-0199

CAMPUS PHONES FOR EMERGENCY CALLS (dial 9-911)

Inside:

Sullivan Hall (middle of first floor)
McLaughlin Center (in foyer)
Science Building (inquire of a staff member)
Founders Room (in foyer)

Emilie Hall (first floor by main entrance)
Theater (in foyer)
Chapel (in hallway behind side door)
Providence Hall (in foyer)

CAMPUS SECURITY AND FIRE SAFETY REPORT POLICY (Clery)

It is the policy of the University of Providence to comply with the Jeanne Clery Disclosure of Campus Security Policy and the Campus Crime Statistics Act by providing information regarding the University's security policy and procedures and crime statistics to all persons on an annual basis. This information is disclosed annually via the University's Annual Security and Fire Report (ASR), and includes crime prevention, public safety, law-enforcement authority, crime reporting policies, and other important matters about security on campus. Also included in the ASR are statistics for three previous calendar years of reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by the University, and on public property within or immediately adjacent to and accessible from the campus.

In addition, it is the policy of the University of Providence to retain the records included in the ASR for seven years from the latest publication of the ASR to which they apply. Support records must also be retained, including Crime and Fire Logs. These records include but are not limited to: incident reports and referrals for disciplinary action; timely warning and emergency notification reports; correspondences to and from local police, CSAs, and the Department of Education having to do with Clery Act compliance; copies of notices to students and employees about the availability of the ASR. All documentation will be dated.

FIRE SAFETY POLICY

The University of Providence complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Higher Education Opportunity Act of 2008 fire safety policies and reporting requirements by (i) maintaining a fire log and statistics regarding any fires in on-campus housing facilities; (ii) maintaining fire safety systems in all student housing facilities; (iii) conducting regular fire drills in residence halls; (iv) maintaining evacuation plans for each residence hall; (v) providing and publicizing fire safety and training programs for students and employees; and (vi) annually disclosing fire statistics and fire safety program information as part of the University's Annual Security and Fire Safety Report. The components of University's fire safety program are set forth more fully in the Procedures/Guidelines section of this Policy.

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

It is the policy of the University of Providence to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Higher Education Opportunity Act of 2008 and applicable implementing regulations by conducting annual programs that: (i) inform students and employees about the University's campus security procedures and practices; (ii) encourage students and employees to be responsible for their own security and the security of other; and (ii) inform students and employees about crime prevention practices. A summary of the University's programs shall be published annually in the Annual Security and Fire Safety Report.

CHILD ABUSE AND NEGLECT POLICY

Members of the University of Providence community who interact with, supervise, chaperon, or otherwise oversee children in University sponsored programs, activities, and/or residential facilities, as well as those employees classified as Mandatory Reporters pursuant to Montana law, have an affirmative obligation to report immediately suspected cases of Child Abuse or Neglect in accordance with the reporting procedures set forth in this Policy. Moreover, any member of the University community may report a concern if they have Reasonable Suspicion that a child has been abused or neglected. The duty to report may not apply to certain communications where a recognized legal duty of confidentiality applies.

EMERGENCY NOTIFICATION AND RESPONSE POLICY

The University of Providence is committed to providing a safe and secure environment for students, faculty, staff and visitors. The University will utilize an emergency communications system, EverBridge, to communicate with students, staff and faculty in the case of an emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The university will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

TIMELY WARNINGS POLICY

It is the Policy of the University of Providence to issue a Timely Warning Notice in the event it receives notice of an alleged Clery Act crime occurring on campus, on public property within or immediately adjacent to the University's campus, or in or on non-campus buildings or property controlled by the University, where the University determines, in its judgment, that the allegations present a serious or continuing threat to the University community.

MANDATORY REPORTERS POLICY

Pursuant to Title IX, employees at the University are required to report sexual misconduct incidents to the Title IX Coordinator. All members of the University community are strongly encouraged to report concerning behaviors, discrimination, sexual misconduct, and crimes to the Title IX Coordinator or Campus Security.

MISSING STUDENTS POLICY

Higher Education Act Reauthorization with Higher Education Opportunity Act – 2008 Section 485(j) (“the Act”) requires all institutions of Higher Education that participate in any Title IV program and provide on-campus housing to students to establish both a Missing Student Notification Policy and Official Notification procedure for handling missing persons that apply to missing students reports of student who reside on campus. In compliance with the Act, the University will investigate any report of a missing student and take appropriate action to ensure all notifications and actions comply with legal mandates.

REGISTERED SEX OFFENDERS POLICY

The federal Campus Sex Crimes Prevention Act (“the Act”) requires institutions of higher education to issue a statement to the campus community about where to find information on registered sex offenders in the state.

In compliance with the Act, it is the policy of the University of Providence to notify students and employees of the location of information pertaining to individuals employed or enrolled on campus who have been convicted of violent sex offenses or criminal offenses against minors.

The website address for Montana’s sexual and violent offender registry is:

<https://app.doj.mt.gov/apps/svow/default.aspx>. A copy is kept on file in the Dean of Students Office and is updated each semester. Unlawful use of the information for purposes of intimidating or harassing another may be a crime and punishable by law.

The Act also requires convicted sex offenders to notify the state and police in the jurisdiction in which they live if they are enrolled, carry on a vocation or are employed in a post-secondary institution. Further, convicted sex offenders who attend the University, or who are employed or carry on a vocation at the University, either on a full or part-time basis, must register with Student Engagement or Human Resources as applicable.

SECURITY CAMERAS POLICY

Responsibility for determining the appropriateness of installing authorized security cameras on campus that will be used for non-instructional purposes, and for disseminating and implementing this Policy is delegated to Chief of Security.

Security camera use on campus for non-instructional purposes is considered appropriate when it enhances:

- The protection of individuals, equipment and facilities;
- The monitoring of public areas; the monitoring of building entrances and exits; and
- The investigation of criminal activity.

Security camera use on campus is considered inappropriate when it entails:

- The monitoring of private areas; and
- Filming as a means of surreptitiously evaluating employee performance.

Note: The existence of this Policy does not imply or guarantee that security cameras will be monitored in real time continuously or otherwise.

ACCEPTABLE USE POLICY

All Authorized User, by virtue of their use of University Technology Resources, accept the responsibility for using such resources only for appropriate activities consistent with the University’s mission and other applicable University policies that may be implemented from time to time, as well as all federal, state, and local laws, including copyright and licensing laws. Authorized Users are responsible for reading, understanding, and behaving in a manner consistent with this Policy and other related policies pertaining to the University’s Technology Resources. Within reason and in a manner consistent with the University’s educational mission, freedom of speech and unimpeded access to information will be honored. Authorized Users who violate the law or University policy regarding the use of the University’s Technology Resources

are subject to loss of access to those resources as well as to University disciplinary and/or legal action as outlined in this Policy.

Electronic Mail

Authorized Users of University email accounts are responsible for using and maintaining their email account in accordance with the procedures and guidelines set forth in this Policy.

Passwords

It is the policy of the University that anyone who has been issued authentication credentials for an account on any Technology Resource system, has access to the University network, or stores any Institutional Data adhere to the password policy guidelines set forth in this Policy. At no time may an Authorized User grant access to the user's account by providing someone else the password.

Wireless Access Points

In order to provide wireless access to authorized users, the Office of Information Technology (IT) installs wireless "access points" in and around the campus. These access points are generally small, antenna-equipped boxes that connect directly to the local area network (LAN), converting the LAN's digital signals into radio signals. The radio signals are sent to the network interface card (NIC) of the mobile device (e.g. smartphone, iPad, laptop, etc.), which then converts the radio signal back to a digital format the mobile device can use. All Authorized Users employing wireless methods of accessing the University's network must use the University's approved access points. Personally-owned and unauthorized wireless access points that are installed without the knowledge or permission of IT and used by individuals to gain unauthorized access to the University's network are strictly prohibited. Any unapproved personal access point discovered in operation and connected to the University's network is subject to being disabled and/or removed immediately and indefinitely. Use of the University's wireless network is subject to the University's Acceptable Use Policy and Information Security Program.

BICYCLES, HOVERBOARDS, SKATEBOARD AND SKATES POLICY

Every person riding a bicycle within the campus has all the rights and is subject to all the duties of a driver of an automobile. Bicycles must be operated in a safe manner and may not be ridden in campus buildings. Bicycles can be stored in offices or locked on bike racks located outside of buildings. Bicycles may not be secured to trees, light poles, posts, handrails, or buildings. In addition to the above, the following policies have been established for the safety of the University community:

- Riding bicycles, rollerblades, skateboards, skates, in-line skates/blades, hoverboards, or other conveyances in rooms, hallways, courtyards, lounges, and lobbies, as well on all steps and stairways is prohibited;
- Bicycles, skateboards, skates, in-line skates, hoverboards, or other conveyances may not be ridden on sidewalks or walkways where there is a likelihood that such operation will duly interfere with pedestrian traffic; caution is to be exercised at all times and the right of way yielded to pedestrians;

- Unauthorized motorized vehicles, other than wheelchairs, may not be operated on sidewalks;
- Bicycles, skateboards, skates, in-line skates/blades, hoverboards, or other conveyances may not be ridden on any artificial or specially prepared surface (i.e., running tracks and basketball courts);
- All persons operating bicycles, skateboards, skates, in-line skates/blades, hoverboards, or other conveyances on campus are expected to comply with and are subject to state and local ordinances, including adhering to all posted warning, caution, or speed limit signs;
- In the absence of posted speed limits, operators are expected to act in a responsible manner and in respect of local conditions; and
- No person traveling upon riding bicycles, rollerblades, skateboards, skates, in-line skates/blades, hoverboards, or other conveyances is permitted to cling to or attach themselves to any other moving vehicle or golf cart on campus.

CHILDREN IN THE CLASSROOM AND WORKPLACE POLICY

University grounds and infrastructure are designed to provide an environment conducive to the University's Mission as an institution of higher education. For reasons that include the safety of Minor Children and assuring the efficient performance of academic pursuits, administrative operations and services, the University has adopted the following policies:

- Minor Children must be supervised at all times by a parent, guardian, or caregiver while on campus or participating in a University-sponsored program or activity. During these visits, the Minor may not be left unattended or with other employees or students;
- The University does not allow the continued or reoccurring presence of a non-enrolled minor child in the workplace or classroom setting for the following reasons: (1) the potential for interruption of work; (2) health and safety concerns; and (3) liability to the University;
- Minor Children may be brought to the workplace by parent or caregiver employees in the case of unforeseen or emergency situations or when common sense would dictate that it is more efficient for the employee to bring the Minor Child into the workplace (e.g., following or before a physician's appointment if child is not contagious). Such arrangements should be infrequent and only to be temporary in nature;
- Minor Children are generally not permitted in classrooms while classrooms are in session unless permission is granted by the course instructor. Should a Minor Child become disruptive, the student and Minor Child may be asked to leave by the course instructor.
- The University allows for reasonable break times for lactating mothers to express milk and provides accommodations shielded from view to do so. In addition, mothers who choose to breast feed their infant at the workplace are allowed to do so as an exception to this Policy.
- Employees and students who bring Minor Children to the workplace or classroom are responsible for all aspects of the child's behavior. The employee or student is responsible for the Minor Child's safety and is financially responsible for any damages caused by the child. The University does not accept liability for injuries to children or visitors on University premises in violation of this Policy.
- Minor Children are generally permitted in general use areas and facilities (athletic fields, Public Spaces, academic buildings, food service areas, etc.) with a parent, guardian or

caregiver, but may be restricted from certain areas of these areas and facilities or from utilizing certain equipment.

- A Minor Child with an infectious disease should never be brought to campus.
- Even when accompanied by a parent, guardian or caregiver, Minor Children not participating in a University -sponsored program or activity are prohibited from high-risk areas such as: laboratories, shops, studios, mechanical rooms, power plants, garages, food preparation areas, or any areas containing power tools or machinery with exposed moving parts.

This policy is not intended to prohibit participation in a University-sponsored event, such as “Take Your Child to Work Day” or other events where families are invited and encouraged to participate.

CREDIT CARD MARKETING POLICY

The University prohibits the advertising, marketing, or merchandising of credit cards to students on University owned, operated, or controlled property, and at any University-sponsored events. This prohibition applies to all banks and other commercial entities (including their third-party representatives) that engage in the on-campus marketing of credit cards to students through solicitation activities.

DEMONSTRATIONS ON CAMPUS POLICY

Demonstrations by members of University community must be registered and approved in writing 72 hours in advance by the President’s Office, which will then notify Campus Security of the approval. Demonstrations may be organized and led only by members of the University community.

Demonstrations or other forms of expression may not compromise the rights of other members of the University community, nor interfere materially with the general operation of the University. Free speech is a cherished foundation of academia. Forms of expression, however, may not be contrary to the University Mission, Catholic identity, or demean or degrade individuals on the basis of a protected class as set forth in the University’s Notice of Non-Discrimination Statement.

Sponsorship or participation in demonstrations in no way relieves the individuals or organizations involved in such activities of responsibility for their conduct. Individuals and organizations sponsoring or participating in demonstrations are accountable for compliance with applicable laws, this Policy, and other applicable University policies.

PARKING OF MOTOR VEHICLES POLICY

Parking a vehicle on the University campus is a privilege. Any person who parks a vehicle on campus agrees to abide by posted parking regulations. Failure to abide by the regulations may, at the University’s sole discretion, result in the imposition of fines, impoundment of the vehicle, towing, and storage of the vehicle at the owner’s expense, disposition of an abandoned vehicle, or any combination of these repercussions. Any unauthorized vehicle parked in a space marked “Handicap,” “reserved”, or in a fire zone will be immediately ticketed and towed at the owner’s expense.

POSTINGS AND NOTICES POLICY

Bulletin boards are one of the major means of communication on campus. For this reason, some coordination and regulation is needed. Notices for University related functions may be posted on University bulletin boards after stamped approval in the Student Activities Office. The sponsor must be clearly stated on the notice and remove the notice when it is outdated. They must be confined to bulletin boards unless otherwise authorized. No postings are permitted on trees or vehicles.

The Student Activities Office must approve all posters, flyers, newsletters, brochures, notices, and banners, especially those of off-campus and commercial advertising. The name of the sponsoring organization must appear on all advertising. Postings without the permission stamp will be removed.

The Athletics office must approve all McLaughlin Center notices. Notices will be posted on bulletin boards located near each entrance for a maximum of 30 days. and must be compatible with the University's Mission as a Catholic Institution, as well as adhere to all University policies.

Employees may only post University-related materials on University non-student bulletin boards. Employees may not post or remove anything on or from University student public postings without authorization from the University Dean of Students. Employees must check the University's bulletin boards, emails, and web page periodically for new or updated information and must follow the rules set forth in all posted notices.

Violations of this Policy will result in material being removed and appropriate disciplinary action.

UNMANNED AIRCRAFT SYSTEMS (DRONES) POLICY

All University students, employees, volunteers, contractors, vendors, and visitors are prohibited from operating Unmanned Aircraft Systems, also known as drones, without appropriate permission from the University. If permission is received, operators of an Unmanned Aircraft Systems must comply with the University's appropriate and prohibited uses guidelines (see Procedures/Guidelines). Any operation or use of an Unmanned Aircraft Systems that violates the appropriate and prohibited uses guidelines or any applicable law or regulation is prohibited. It is the responsibility of the operator of the Unmanned Aircraft Systems to ensure that all relevant guidelines, laws, and regulations are adhered to during operation of the Unmanned Aircraft Systems.