

ANNUAL FIRE SAFETY AND SECURITY REPORT

(Published 2026)



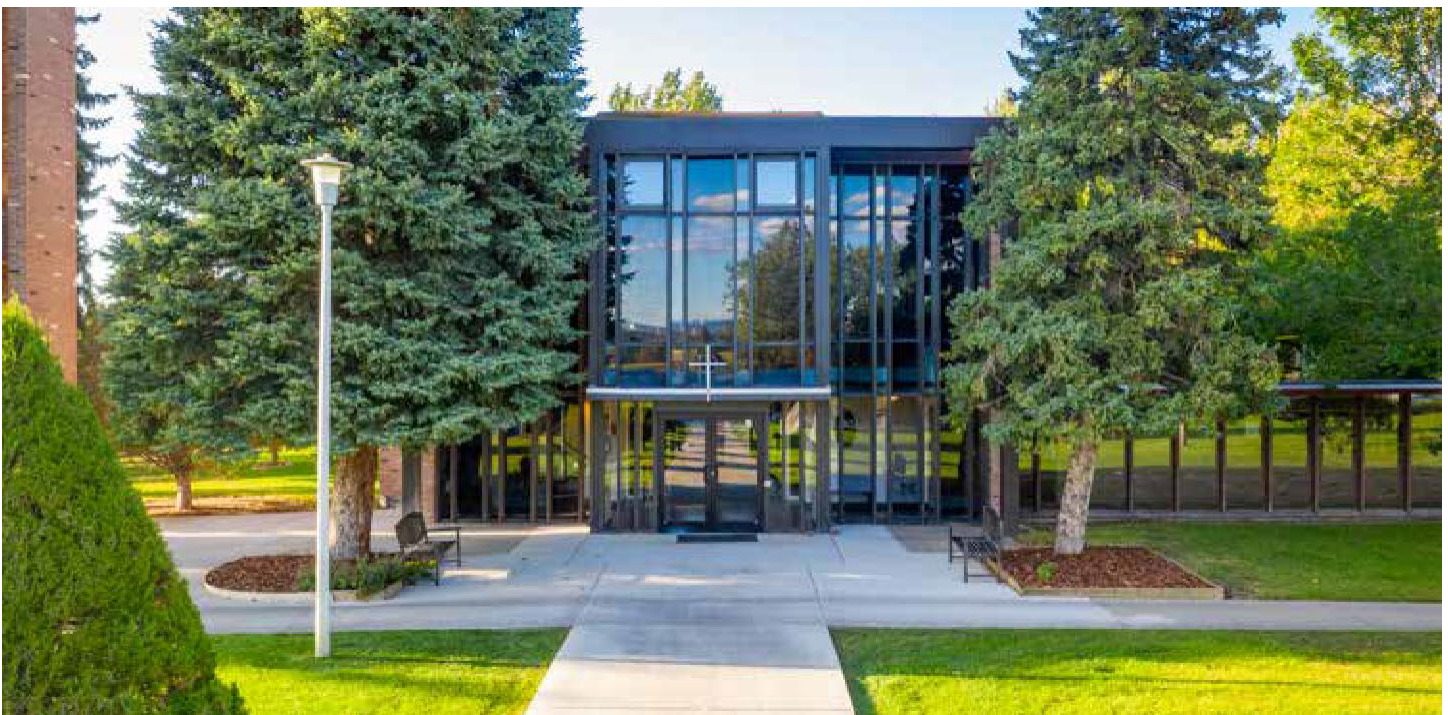


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FROM THE CHIEF OPERATING OFFICER

To the University Community –

On behalf of the members of the University's Campus Safety Department, I want to thank you for your interest in our Annual Safety and Fire Safety Report. We publish this report because it contains valuable information for our campus community. We also publish the report to comply with the important provisions of the Clery Act. Campus safety and security, and compliance with the Clery Act, should be a part of everyone's responsibility at the University. We encourage you to review the information we have made available to you in this brochure. You will find information about our organization including descriptions of certain services that we provide. You will also become familiar with our strong commitment to victims of crimes and the specific extensive services we make available to crime victims. Lastly, you will find important information about security policies and procedures on our campus, crime data, and crime prevention information. We take great pride in the commitment to foster a secure and supportive environment at the University. We are proud to be an integral part of the University's tradition of excellence. Campus safety and security is a collaborative effort at the University. We partner with the many departments at the University that have a critical role in fostering campus safety, including Student Engagement, Faculty Leaders and Representatives, Student Government, Argo Athletics, and many other University offices. It has always been our goal to provide the highest quality of public safety services to the University community, and we are honored to collaborate with that community. The personnel within the University Campus Safety Department are committed to making the University campus a safe place in which to live, work, and study.

Brittany Budeski, Chief Operating Officer

ACCESSIBILITY TO INFORMATION AND NON-DISCRIMINATION STATEMENT

In keeping with its long-standing traditions and policies, the University considers students, employees, applicants for admission or employment, and those seeking access to University programs on the basis of individual merit. The University does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, age, status as an individual with a disability, protected veteran status, genetic information, or other protected classes under the law (including Title IX of the Education Amendments of 1972).



PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS

This report has been prepared to comply with the Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics of 1990, the 2008 Higher Education Opportunity Act, and the 2013 Campus Sexual Violence Elimination Act (Campus SaVE Act). This publication is part of UP's effort to provide information and services that help maintain a safe and secure environment for its students, faculty, staff, and visitors.

This information is compiled and distributed annually by the University Department of Campus Safety. Crimes and student conduct referrals reported to the following offices, agencies, and individuals:

- University Department of Campus Safety
- Police Department
- Cascade County Sheriff's Office
- Office of Student Engagement
- Office of Residential Life (and student conduct)
- Department of Athletics
- UP officials who have significant responsibility for campus activities
- UP officials who have authority and duty on behalf of the Institution
- UP officials to whom crimes have been reported

REPORTING CRIMES AND OTHER EMERGENCIES

Personnel from the Departments of Campus Safety and Physical Plant/Maintenance are UP's first responders to an incident on campus. The Great Falls Police Department ("GFPD") is contacted when law enforcement is needed to respond to an incident. The GFPD dispatches an officer to respond to the incident and to document the nature, time, and location of the incident and the names, addresses, and phone numbers of the participants and witnesses of the incident. Each year, in preparation of reporting on Clery, a request is made by the University to the GFPD regarding incidents on campus and occurring on UP property or the surrounding vicinity to campus. The information from the GFPD is included in the Campus Crime Statistics at the end of this report, if available. Campus Safety is a function of the Operations area and falls under the overall leadership of the Chief Operating Officer.

UP community members and students are encouraged to report problems, safety concerns, security concerns, crimes, suspected criminal behavior, or suspicious activity to the Campus Safety Department. Safety matters will be responded to twenty-four hours per day, seven days per week.

If a crime is observed in progress by Campus Safety Officers, they are instructed to notify local law enforcement authorities immediately, followed by notification to the appropriate individuals. If someone other than a Campus Safety Officer discovers a crime, it should be immediately reported to Campus Safety Officers (406-791-5911). Crimes may be reported directly to local law enforcement authorities by dialing 911.

Disciplinary complaints that do not rise to the level of law enforcement, can be reported. Disciplinary complaints can be reported to anyone within the Office of Campus Safety

or any Student Engagement and Residential Life staff member in person, by phone, or by the use of the Incident Report page found at the bottom of the page at <https://www.uprovidence.edu/about/campus-safety/>.

If a crime or other incident is suspected, a specific incident report should be filled out by the observing person, a UP staff member, or by Campus Safety Officers. Safety Officers will note the incident in their daily log. Incident Report forms are available on the UP website and in the Campus Safety Office. Copies of logs and incident reports are filed in the Campus Safety Department (406-791-5911) and/or the Office of Human Resources (791-5977).

REPORTING TO OTHER CAMPUS SAFETY AUTHORITIES

While UP prefers that community members promptly report all crimes and other emergencies directly to the University Campus Safety Department at 406-791-5911, we also recognize that some may prefer to report to other individuals within UP offices. The Clery Act recognizes certain UP officials and offices as "Campus Safety Authorities (CSA)." The Act defines a CSA as an "official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution."

While UP has identified a number of CSAs at UP, we officially designate the following offices as places where campus community members should report crimes:

1. Emergency, 911
2. Campus Safety, 406-791-5911
3. Residential Life 406-791-5279
4. Director of Physical Plant 406-791-5283
5. Police Department 406-455-8599 (non-emergency) or 911
6. Title IX Coordinator 406-791-5207 (UC 251)
7. Rape Crisis Line 406-453-4357 (HELP) or 1-888-587-0199

VOLUNTARY, CONFIDENTIAL REPORTING

If crimes are never reported, little can be done to help other members of the community from also being victims. We encourage the UP-community member to report crimes promptly and to participate in and support crime prevention efforts. The UP community will be much safer when all community members participate in safety and security initiatives.

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the UP or criminal justice system, we ask that you consider filing a voluntary, confidential report. Depending upon the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. The purpose of a confidential report is to comply with your wish to keep your personally identifying information confidential, while taking steps to ensure your safety

and the safety of others. The confidential reports allow UP to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Safety and Fire Safety Report. In limited circumstances, the Department may not be able to assure confidentiality and will inform you in those cases. You may report to the following individuals, departments, and organizations:

ON-CAMPUS

- Campus Advocate / Counselor
- TimelyCare
- National Sexual Assault Hotline
- On-campus clergy working within the scope of their ordination, including:
 - Campus Ministry including the Vice President for Mission Integration, 406-791-5240

OFF-CAMPUS:

- Licensed professional counselors
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains

REPORTING TO THE UNIVERSITY CAMPUS SAFETY DEPARTMENT

We encourage all members of the UP community to accurately report all crimes and other emergencies to the University Campus Safety Department in a prompt manner, especially when the victim of a crime elects to do so or is unable to make such a report. The University Campus Safety Department has a dispatch center that is available by phone at 406-791-5911 or in person twenty-four hours a day and at the building located at the north end of the Argo Soccer Field. Though there are many resources available, the University Campus Safety Department should be notified of any crime, whether or not an investigation continues, to assure the University can assess any and all security concerns and inform the community if there is a significant threat to the UP community.

EMERGENCY PHONES

UP has installed more than 11 emergency phones throughout the UP campus. Phones are located in public areas of buildings including parking areas, elevators, residence hall complexes, administration buildings, and also numerous outdoor locations. Emergency phones provide direct voice communications to the University Campus Safety Department. For phone locations, please visit www.uprovidence.edu.

PASTORAL AND PROFESSIONAL COUNSELORS

According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by UP to serve in a counseling role are not considered Campus Safety Authorities when they are acting in the counseling role. As a matter of policy, UP encourages pastoral and professional counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them.

CRIME PREVENTION TIPS

While the UP campus is a reasonably safe environment, crimes do occur. In addition to the Clery Act crimes statistics below, other common crimes that occur on campus are outlined below.

THEFT

Theft is a common occurrence on college campuses, oftentimes because theft is a crime of opportunity. Confined living arrangements, recreation facilities, and many open classrooms and laboratories provide thieves with effortless opportunities. Occupants of the residence halls often feel a sense of security and home atmosphere and become too trusting of their peers, while others leave classrooms and laboratories unlocked when not occupied for short periods of time.

It is important to be diligent when it comes to suspicious persons. Never leave items and valuables lying around unsecured. Doors should be locked at all times. The following is a list of suggestions to help you avoid becoming a victim of theft:

- Keep doors to residence halls, labs, classrooms locked when not occupied
- Don't provide access to unauthorized persons in the buildings or classrooms
- Do not keep large amounts of money on hand
- Lock all valuables, money, jewelry, checkbooks in a lock box or locked drawer
- Keep a list of all valuable possessions including the make, model, and serial numbers
- Take advantage of the engraving programs to have all valuables engraved with specific identifying marks
- Don't leave laptop computers or textbooks unattended in labs or libraries, even if it is for a short period of time
- Don't lend credit cards or identification cards to anyone
- Report loitering persons or suspicious persons to the Campus Safety Department immediately

IDENTITY THEFT

Identity theft is a crime in which someone wrongfully obtains and uses another person's personal information in some ways that involve fraud or deception, typically for economic gain. This personal data could be a Social Security number, bank account or credit card information.



Persons involved in identity theft often use computers or other forms of media to assist them.

There are measures you can take to prevent this from happening to you:

- Do not give anyone your personal information unless there is a reason to trust them and the release is for good reason.
- Never give your credit card information, date of birth, or other information over the telephone, unless you can confirm the person receiving that information.
- Complete a credit check frequently to ensure there is no suspicious activity.
- Examine financial information often to ensure all transactions are authorized and accounted for.
- Use of computer security software on computers and installation of firewalls are good.

ABOUT THE OFFICE OF CAMPUS SAFETY

UP employs Campus Safety Officers that are consistently available during regular business hours and who provide twenty-four-hour coverage to campus. Campus Safety Officers are available on campus at all times and reachable by phone at 406-791-5911. The Campus Safety Department is located in its own building located at the north end of the ARGOS Soccer Field. Daily incident logs are filed within Campus Safety to review incidents involving safety or conduct issues. UP is also served by the Great Falls Police Department and Fire and Emergency services. If students or employees need assistance or escort from building to building, they can contact the Campus Safety Department at the above listed number. At the time of this writing UP employs four full-time and one three-quarter-time Safety Officer.

SAFETY, OUR NUMBER ONE PRIORITY

UP takes great pride in the community and offers students, faculty, and staff many advantages. This community is a great place to live, learn, work and study; however, this does not mean that the campus community is immune from all the other unfortunate circumstances that arise. With that in mind, UP has taken progressive measures to create and maintain a reasonably safe environment on campus.

Though UP is progressive with its policies, programs, and education, it is up to each one of us to live with a sense of awareness and use reasonable judgment when living, working or visiting on campus.

ARREST AUTHORITY & WORKING RELATIONSHIP WITH LOCAL, STATE, AND FEDERAL LAW ENFORCEMENT AGENCIES

The State of Montana outlines the arresting authority of a Safety Guard in MCA 46-6-502 Arrest by Private Person:

- a. A private person may arrest another when there is probable cause to believe that the person is committing or has committed an offense, and the existing circumstances require the person's immediate arrest.
- b. The private person may use reasonable force to detain the arrested person.
- c. A private person making an arrest shall immediately notify the nearest available law enforcement agency or peace officer and give custody of the person arrested to the officer or agency.

UP does not currently maintain any current Memorandums of Understanding with local, state, or federal law enforcement. However, Campus Safety and UP maintains a close working relationship with the Police Department, Cascade County Sheriff's Department, Fire Rescue, state and federal law enforcement agencies, and all appropriate elements of the criminal justice system. Assistance and support from these agencies can be obtained immediately. Law enforcement at UP including the main campus, and all residence halls is left strictly to local law enforcement authorities. UP provides safety officers on campus. Safety officers patrol the campus by foot and also by vehicle. Questions concerning Campus Safety, the employees, or services can be referred to the Campus Safety Department or the COO.

CRIMES INVOLVING STUDENT ORGANIZATIONS AT NONCAMPUS LOCATIONS

Since there are no campus groups recognized by UP living off campus, monitoring of any such group is not applicable. All recognized student organizations are required to abide by federal, state, and local laws, and UP policies, guidelines, and procedures.

TIMELY WARNING REPORTS – CRIME ALERTS

The Vice President for Student Engagement (or designee) has ultimate responsibility for decisions that reference timely warnings. When the Vice President for Student Engagement (or designee) is notified of an incident, the process of posting and disseminating a timely warning will begin. Whether to issue a Timely Warning Notice is determined by the President on a case-by-case basis for Clery



Act reportable crimes: arson, criminal homicide, burglary, robbery, sex offenses, aggravated assault, motor vehicle theft, domestic violence, dating violence, stalking and hate crimes, as defined by the Clery Act. Timely Warning Notices may also be issued for other crimes as determined necessary by Public Safety. UP will document and retain the justification for determining whether to issue a Timely Warning Notice for a seven-year period. Timely warnings are posted on UP's website www.uprovidence.edu, and disseminated to faculty, staff, and students through the Campus Alerts Emergency Notification System. Timely Warning Notices typically contain in the subject line the phrase "Timely Warning Notice" or "Crime Alert" depending on the nature and severity of the threat. The body of each Timely Warning Notice will include a short description of the crime or incident giving the time and date, location, reported offense, suspect description, weapon used (if any), suspect vehicle (if any) and method of operation used to facilitate the crime. The notice will also include personal safety information to aid members of the UP community in protecting themselves from becoming victims of a similar crime and to promote overall safety for the UP community. In no instance, however, will a Timely Warning Notice include the name of the victim or other identifying information about the victim. Finally, in developing the content of the Timely Warning Notice, UP will take all reasonable efforts not to compromise on-going law enforcement efforts. In an effort to provide timely notice to the campus community in the event of a Clery Act crime that may pose a serious or ongoing threat to members of the community, the University Campus Safety Department issues "Crime Alerts." The University Campus Safety Department will generally issue Crime Alerts for the following crimes: arson; aggravated assault; criminal homicide; robbery; burglary; sex assaults; and hate crimes. The University Campus Safety Department will post these warnings through a variety of ways, including but not limited to posters, e-mails, and media. UP also has the ability to send text message alerts to those who register their cell phone numbers. The text messaging can be a very effective way to send important information to the campus community.

The purpose of these Crime Alerts is to notify the campus community of the incident and to provide information that may enable community members to protect themselves from similar incidents. UP will issue Crime Alerts whenever the following criteria are met: 1) a crime is committed; 2) the perpetrator has not been apprehended; and 3) there is a substantial risk to the physical safety of other members of the campus community because of this crime. Such crimes include but are not limited to: 1) Clery Act crimes that are reported to any Campus Safety Authority or the local Campus Safety Department; or 2) UP determines that the incident represents an on-going threat to the campus community.

Additionally, the University Campus Safety Department may, in some circumstances, issue Crime Alerts when there is a pattern of crimes against persons or property. At UP, the COO in cooperation with Campus Safety Officers, will generally make the determination, in consultation with other UP offices, if a Crime Alert is required. However, in emergency situations, any Campus Safety Officer may authorize a Crime Alert. For incidents involving off-campus crimes, UP may issue a Crime Alert if the crime occurred in a location used and frequented by the UP population.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

EMERGENCY MANAGEMENT AT THE UNIVERSITY

The UP Emergency Contingency Plan includes requirements for the Comprehensive Emergency Management Plan (CEMP). This plan is designed to be an all-hazards disaster response and emergency management plan that complies with FEMA guidelines for Higher Education that includes planning, mitigation, response, and recovery actions.

Our priorities are:

- Life safety, infrastructure integrity, and environmental protection during an emergency
- Coordination with UP departments to write, maintain, test, and exercise the CEMP
- Cooperation, integration, and mutual aid with local, state and federal planning, response, and public safety agencies and their CEMPs.

DRILLS, EXERCISES AND TRAINING

UP tests the emergency response and evacuation procedures randomly throughout each academic year. Announced or unannounced fire drills are held in conjunction with the Fire Department. Documentation for these drills is available through the Campus Safety Department.

Emergency response and evacuation procedures are posted near the exits of all classrooms, offices, and common areas. Documentation of emergency response drills and training are available from the Campus Safety Department.

EMERGENCY NOTIFICATION

UP is committed to providing a safe and secure environment for students, faculty, staff, and visitors. UP utilizes an emergency communications system 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. UP will, without delay, and considering 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, to respond to, or otherwise mitigate the emergency.

Prior to an Emergency Notification, the emergency will be verified by the President (or designee). This verification can be conducted visually, by electronic means, or by interactions with faculty, students, staff, or safety.

The emergency alert notification system is a multi-modal alert system that can send text messages, emails, and make phone calls. As UP is a small campus, a situation that requires an emergency notification will likely affect the entire campus. Notifications will be sent to the entire campus 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.

In addition to the emergency alert notification system, UP has installed specific software on all UP owned computers. This software takes over the screen of the computer and displays the same emergency message that the emergency alert notification system pushes out. The two software systems are activated by the same interface and are integrated.

Emergency notifications will contain all available information so that the recipients can make the best decision in regard to personal safety.

PROCEDURES USED TO NOTIFY THE CAMPUS COMMUNITY

In the event of a situation that poses an immediate threat to members of the campus community, UP has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of emergency notification to all or a segment of the campus community. These methods of communication include the mass notification system (emergency alert), UP e-mail system, and verbal announcement within a building and public address system on the Campus Safety Department vehicles. UP will post updates during a critical incident on the UP website. If the situation warrants, UP will establish a telephone call-in center to communicate with the UP community during an emergency situation.

CONFIRMING THE EXISTENCE OF A SIGNIFICANT EMERGENCY OR DANGEROUS SITUATION AND INITIATING THE EMERGENCY ALERT NOTIFICATION SYSTEM

The Campus Safety Department and /or other campus first responders may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community. Generally, campus first responders become aware of these situations when they are reported to the Campus Safety Department or upon discovery during patrol or other assignments.

Once first responders confirm that there is, in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, first responders will notify the Department of Campus Safety and Public Safety or other authorized UP offices to issue an emergency notification.

UP authorized representatives will immediately initiate all or some portions of UP's emergency notification system. If, in the professional judgment of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, UP may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, UP will issue the emergency notification to the campus community.

DETERMINING THE APPROPRIATE SEGMENT OR SEGMENTS OF THE CAMPUS COMMUNITY TO RECEIVE AN EMERGENCY NOTIFICATION

UP and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification with determining what segment or segments of the UP community should receive the notification. Generally, campus community members in the immediate area of the dangerous situation (i.e. the building, adjacent buildings, or surrounding area) will receive the emergency notification first. UP may issue subsequent notifications to a wider group of community members. In addition to the emergency notification that may be issued via the UP mass notification system, UP will also post applicable messages about the dangerous condition on the UP homepage to ensure the rest of the campus is aware of the situation and the steps they should take to maintain personal and campus safety. If the emergency affects a significant portion of the entire campus, UP officials will distribute the notification to the entire campus community.

DETERMINING THE CONTENTS OF THE EMERGENCY NOTIFICATION

Those responsible for issuing the emergency notifications include:

- University President
- Provost
- VP for Student Engagement
- VP for Mission Integration
- Chief Operating Officer
- On-duty Safety Officer

UP's Campus Safety Officers will cooperate with the Police Department or proper authorities in the case of informing the community of off-campus situations that may warrant an emergency response.

The individuals responsible for issuing the emergency notification above will, in concert with UP and local first responders, determine the contents of the notification. UP has developed a wide range of template messages addressing several different emergency situations. The individual authorizing the alert will select the template message most appropriate to the on-going situation and modify it to address the specifics of the present incident. In those cases where there are no pre-determined template messages in the system, the individual authorizing the alert will develop the most succinct message to convey the appropriate information to the community. The goal is to ensure individuals are aware of the situation and that they know the steps to take to safeguard their personal and community safety.

PROCEDURES FOR DISSEMINATING EMERGENCY INFORMATION TO THE LARGER COMMUNITY

UP will notify the larger community through the local media outlets working the local public safety agencies' public information officers, and by providing information on social media sites and the UP homepage.

ENROLLING IN THE UNIVERSITY'S EMERGENCY NOTIFICATION SYSTEM

Campus community members are automatically added to the emergency alert notification system when a new campus user is created (as a new employee or student), so long as that user has a listed cell-phone number. There is no access to the system by anyone outside of the UP community.

SECURITY OF AND ACCESS TO THE UNIVERSITY OF PROVIDENCE FACILITIES

During business hours UP (excluding certain housing facilities) will open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all facilities is by key or card, if issued, or by admittance via safety services or residential life staff. Residential halls are secured 24 hours a day. Campus grounds are open to the public, but any non-student, staff member, or guest may be prohibited from campus at any time and is not subject to the disciplinary process described in the student handbook. Campus Safety and the Physical Plant work closely together to ensure the physical safety of buildings and grounds.

All Residential halls are on a card access system that tracks entrance to the buildings. The Library, University Center, Student Center, Sullivan Hall, McLaughlin Center, Donovan Hall, Science Building, and Trinitas Chapel are also on this system.

SPECIAL CONSIDERATIONS FOR RESIDENCE HALL ACCESS

At the UP campus, all residential halls operate under a computerized access control and safety monitoring system. Identification cards are coded so that only students who are residents in a particular hall have authorized electronic access and entry to

that hall; the system denies entry to all unauthorized persons. When any exterior door is left ajar, an audible alarm is activated. Safety Officers are responsible for checking and securing doors, as needed. When a door is malfunctioning, personnel are summoned for immediate repair. Remember to lock your doors and windows. All residential hall and apartment exterior doors are equipped with locks and with crash bars to ensure a quick emergency exit.

Only residents and their invited guests are permitted in the living areas of the residence halls. It is the resident's responsibility to ensure that their guest is aware of the University and residential hall policies. Guests are not provided with room keys or door access cards. Guests must be escorted by a resident of the building at all times. All exterior doors are locked 24 hours a day. It is the responsibility of residents and staff members to challenge or report individuals who cannot be identified as residents or the guests of residents. When the University Campus Safety Department receives a report of an unescorted person in a residence hall, a Campus Safety Officer is dispatched to identify that person.

SAFETY CONSIDERATIONS FOR THE MAINTENANCE OF CAMPUS FACILITIES

UP is committed to campus safety and security. Locks, landscaping, and outdoor lighting are designed for safety and security. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building. Likewise, building entrances are illuminated for the safety and wellbeing of campus stakeholders and guests. Campus maps and routes throughout campus are available on the UP website or in the Campus Safety Department.

Environmental Health & Safety, in conjunction with representatives from the Campus Safety and Public Safety, conducts surveys of the UP property twice each year to evaluate campus lighting. At UP, there are over 2,700 walkway, parking lot and roadway lights that provide illumination on campus.

We encourage community members to promptly report any security concern, including concerns about locking mechanisms, lighting, or landscaping to the University Campus Safety Department.

UNIVERSITY OF PROVIDENCE RESPONSE TO SEXUAL HARASSMENT AND MISCONDUCT

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 the University mission, history, and identity. UP will resolve sexual harassment in a timely and effective manner. Compliance with UP policies and procedures is a necessary step in achieving a safe environment in our educational community.

The policy set forth was 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.

INTRODUCTION

UP is committed to providing a safe learning and working environment. As required by federal law, UP has adopted policies and procedures to prevent and respond to incidents of sexual violence including sexual assault, domestic violence, dating violence and stalking. These guidelines apply to all students, faculty, staff, contractors, and visitors.

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 defining certain behavior as a violation of campus policy, including a sexual misconduct 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 through a separate grievance proceeding.

B. MAKING A REPORT REGARDING 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, by electronic submission, or by email, 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.

Phone: 406-791-5207

Email: title-ix@uprovidence.edu

Such a report may be made at any time (including during non-business hours).

A mandatory reporter is a UP employee designated by the

Title IX Coordinator who is required to report incidents of alleged prohibited conduct under Title IX to UP. This designation applies to all UP faculty and staff, Deputy Title IX Coordinators, as well as certain student employees including, but not limited to, resident advisors, and paid mentors.

C. INITIAL ASSESSMENT

Whenever the Title IX Coordinator receives notice of alleged misconduct, he/she will promptly contact the Potential Complainant regarding the alleged misconduct for an initial assessment. At that point, the Title IX Coordinator 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 Title IX Coordinator 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 nonpunitive 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 the 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.

These services are offered when appropriate and reasonable. They are available to any individual who has experienced or is alleged to have engaged in behavior that may be considered sex or gender-based violence, harassment, or discrimination.

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 Title IX Coordinator:

- 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.

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 another applicable UP policy. In the event of a dismissal, the Title IX Coordinator 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, the University may choose to dismiss the complaint. University 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 Title IX Coordinator will advise. 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 the University'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 Advisor, 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, 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. In the case of the Title IX Coordinator filing a Formal Complaint on the individual's behalf, the Potential Complainant then becomes a Witness and is not entitled to any information and loses the option of supportive measures and access to any and all information related to the case.

Nothing in this Title IX Policy or the Code of Conduct 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 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 an Advisor, who will 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 information resolution 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

External or internal investigators (2 at minimum) will be designated by the Title IX Coordinator to 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, the Title IX Coordinator will send the names of the Title IX Investigator to the Complainant and Respondent. The Complainant and Respondent will have 3 business days to object to the identified Title IX Investigators for bias or conflict of interest.

The Title IX Investigators 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 an Advisor of their choice present with them during any phase of the investigation. UP may, at its discretion, establish restrictions on an Advisor's participation. The restrictions must apply equally to both parties including, but not limited to, barring an Advisor'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:
 - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
 - 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.

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:

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

- 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

Prior to the investigative report being provided to both parties, the parties and their Advisors must sign a Non-Disclosure Agreement which requires parties to not share any documentation or references used throughout 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 immediate withdrawal of that party from the Title IX grievance process. The purpose of the NDA is to prohibit dissemination of the referenced documents since doing so could violate FERPA or lead to a lawsuit for defamation of character or publication of private facts.

After both parties have had an opportunity to review directly related evidence and information, the Title IX Investigators 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 investigators 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 Investigators to comment on the investigative report. The Title IX Investigators 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 Advisor's) 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. 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.

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 an Advisor 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 Decisionmaker 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 an Advisor), 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) will be taken under advisement and given the weight properly due.

If the hearing is held in-person (not virtually), by request of either the Complainant or Respondent, questioning by an Advisor 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

The Decision-makers will determine the relevancy of questions asked during the hearing. If deemed relevant, the question is permissible to be asked during the hearing. If the Decision-makers determine that a question is not relevant, they will state as such 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.

Understanding Relevance

For these adjudications, the basic test for relevance is whether the question posed is probative to the question of responsibility. This includes an Advisor 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-Makers 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-makers 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-makers

- The hearing body will consist of 2-3 Decision-makers.
- The Decision-makers will also not have served as the Title IX Coordinator, Title IX investigator, or Advisor to any party in the case, nor may the Decision-makers serve on the appeals body in the case.
- The Decision-makers 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-makers 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.

Advisor

- Both the Complainant and Respondent have the right to choose an Advisor. The Advisor will be the person 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 Advisor 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 Advisor. As a result, if a party does not select an Advisor, the institution will select an Advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The Advisor 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 Advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party’s Advisor may appear and conduct cross-examination on their behalf.
- If neither a party nor their Advisor appear at the hearing, UP will provide an Advisor 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-makers will give it the weight that’s appropriately due.

Hearing Process

- The hearing may begin with any appeals by the Parties to the Pre-Hearing relevancy determinations, if deemed appropriate by the Decision-makers.
- The Decision-makers will then open the hearing by establishing the rules and expectations. The Decision-makers will then read the charges.
- The Title IX Investigator will then provide a statement summarizing the investigation findings as recorded in the investigative report.
- 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.
- Upon conclusion of any clarification statement, the Decision-makers will ask questions of the Parties and Witnesses.
- Parties will be given the opportunity for live cross-examination after the Decision-makers conduct their initial round of questioning; During the Parties' cross-examination, Decision-makers 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 Advisor ask any approved, relevant questions that have not already been addressed in the investigation or hearing. Should a Party or the Party's Advisor 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-makers. A Party's waiver of cross-examination does not eliminate the ability of the Decision-makers to use statements made by the Party.
- Each Party will have an opportunity to submit additional questions for review by the Decision-makers after the initial oral cross-examination has concluded. Should such questions be approved, the Complainant, followed by the Respondent, may have their Advisor ask any additional approved, relevant questions. There will only be one round of additional questions allowed.
- Oral Direct Examination may be allowed 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.
- Upon completion of questioning, any Party must raise any procedural, substantive, bias, conflict or other perceived irregularity to the Decision-makers attention for review and consideration. Failure to do so will forever waive such complaint.

- Thereafter the Decision-makers will conclude the hearing.

Live Cross-Examination Procedure

Each party's Advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the Advisor 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-makers, 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-makers 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-makers answer in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing, or at the Decision-makers 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-makers.

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-makers purview to make credibility determinations, and the Decision-makers 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-makers 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-makers 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 nonacademic 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-makers 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-makers 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-makers will make a determination of responsibility under the Preponderance of the Evidence standard. The Decision-makers 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-makers 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-makers 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 submitted 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 (by the Title IX Coordinator) comprised of individuals with no connection to the initial determination, which serves as separate Decision-makers. 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 (to the extent possible), 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."

DEFINITIONS

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 University's enrollment.

Hostile Environment – is defined as the following by Title IX: (a) A situation of discriminatory or sexual nature that has occurred and created an adverse setting; (b) An intimidating or offensive environment that causes a person to be fearful; (c) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies, limits, or interferes with a person's equal access to participate in or benefit from a UP program, activity, or job.

Sexual Assault – Means an offense classified as a sex

offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sex offenses include:

- a. Sex Offenses, Forcible: Any sexual act directed against the Complainant, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
- b. Forcible Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of the Complainant, without the consent of the Complainant.
- c. Forcible Sodomy: Oral or anal sexual intercourse with the Complainant, forcibly, and/or against the Complainant's will (non-consensually), or not forcibly or against the Complainant's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- d. Sexual Assault with an Object: The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of the Complainant, forcibly, and/or against the Complainant's will (non-consensually), or not forcibly or against the Complainant's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- e. Forcible Fondling: The touching of the private body parts of the Complainant (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against the Complainant's will (non-consensually), or not forcibly or against the Complainant's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- f. Sex Offenses, Non-forcible:
 - Incest: Non-forcible sexual intercourse, between persons who are related to each other by blood or adoption as prohibited by Massachusetts law.
 - Statutory Rape: Non-forcible sexual intercourse, with a Complainant who is under the statutory age of consent of sixteen-years-old.
- g. Sexual Harassment is unwelcome conduct on the basis of sex, including sexual orientation and gender identity. Sexual harassment includes:
 - 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
 - e. Sexual harassment occurs when any conduct on the basis of sex, 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.

Sexual 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.

ON & OFF CAMPUS RESOURCES

Both the UP and the Great Falls community offer other important resources to the victims of sexual violence including medical treatment, counseling and advocacy they may wish to utilize. The Campus Safety Department and the Student Engagement Office is available to assist any student or employee free of charge and will help them consider their options and navigate through any resources or recourse they elect to pursue. A victim need not make a formal report to law enforcement or to UP to access these resources that include the following.

COMMUNITY RESOURCES

- National Sexual Assault Hotline
<https://www.rainn.org/resources>

UNIVERSITY RESOURCES

- Campus Advocate / Counselor
 406-791-5986
nikki.lewisclark@uprovidence.edu
- Title IX Coordinator
 406-791-5207
titleix@uprovidence.edu
- Campus Ministry
 Student Center
 406-791-5240
- TimelyCare
www.timelycare.com/UP

ACCOMMODATIONS

Whether or not a student or employee reports to law enforcement and or pursues any formal action, if they report an incident of sexual violence, UP is committed to providing them as safe a learning or working environment as possible. Upon request UP will make any reasonably available change to a victim's academic, living, transportation, and or working situation.

In addition, UP will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa assistance, and other services available for victims both within institutions and in the community.

If a victim reports to law enforcement, UP may assist them in contacting the Great Falls Police Department to obtain either a restraining order or a no contact order. UP is committed to ensuring that any such order is fully upheld on all institutionally owned and controlled property. UP is also committed to protecting victims from any further harm, and Campus Safety may issue a temporary no-contact order pending the outcome of any conduct proceeding.

VICTIM CONFIDENTIALITY

UP recognizes the sensitive nature of sexual violence and is committed to protecting the privacy of any individual who reports an incident of sexual violence. Different officials on campus are, however, able to offer varying levels of privacy protection to victims. Reports made to law enforcement, including if criminal prosecution is pursued, may be made public [reference to state law concerning identification of victim in incidents reports or when used in a criminal prosecution will need to be made] and shared with the accused. UP will not release names in the issuance of "Timely Warnings" or "Emergency Notifications", nor in the "Daily Crime Log" each of which are required by the Clery Act, and any accommodation or protective measure will be confidential unless it interferes with the measure's implementation.

Reports made to UP officials will be kept confidential, and identifying information about the victim shall not be made public, unless the report was made to an individual who has been defined as a mandated reporter by Montana regulations and the report met the criteria for reporting. (Mont. Code Ann. §§ 41-3-102, 41-3-201, 41-3-206, 41-3-207). Reports made to medical professionals, licensed mental health counselors, except in cases of imminent danger to the victim or a third party.

BYSTANDER INTERVENTION AND RISK REDUCTION

UP requires training centered on Bystander Intervention and Risk Reduction for faculty, staff, and students on an annual basis.

EDUCATION PROGRAMS

UP is committed to increasing the awareness of and preventing sexual violence. All incoming students and new employees are provided with programming and strategies intended to prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking before it occurs through the changing of social norms and other approaches; that includes a clear statement that UP prohibits such acts, their definitions, the definition of consent, options for bystander intervention, information about risk reduction, and our policies and procedures for responding to these incidents.

UP provides prevention and awareness programs to staff, faculty, and students. These programs include training in:

- Alcohol and drug awareness as well as consent and respect in relationships (these modules are provided by a third party, within our online orientation)
 - Freshman on-site orientation
 - Fire drills
 - Title IX
 - Conflict of Interest

NOTICE OF RIGHTS AND OPTIONS

If you or someone you know is the victim of a sexual assault, you have rights. Also, you can expect to receive information, practical and emotional support, and be able to participate in the criminal justice process. These standards were created to make sure that you are treated with dignity and respect at all times, regardless of your gender, age, marital status, race, ethnic origin, sexual orientation, disability or religion. Your rights include:

- The right to report the incident to the UP Campus Safety Department or local authorities. UP will assist victims in notifying necessary stakeholders. Filing an incident report does not mean the victim must pursue criminal charges. The victim maintains his or her rights throughout the process.
- The right to be told about basic services available to you in your county
- The right to be told about certain court events, including information on bail, escape of offender, release of an offender
- The right to be told about the details of the final disposition of a case
- If a victim of a sexual assault or relationship violence incident requests a change in her or his living arrangements or academic schedule, the VP for Student Engagement (and other offices at UP) will assist the individual with making these changes, as long as they are reasonably available.
- Notice of the arrest of the offender

- Information about restitution and assistance with compensation
- Accompaniment to all criminal proceedings by a family member, a victim advocate or a support person
- The right to provide input into the sentencing decision and to receive help in preparing an oral and/or written victim impact statement and into post sentencing decisions
- In addition to the campus services listed below, there are also several community service organizations that can provide counseling, mental health, and other related services to sexual assault victims.

*For more information about your detailed rights or to file a complaint if you believe your rights have been violated, please contact: <https://law.lclark.edu/live/files/4960-montana>

PROHIBITION ON RETALIATION

UP does not condone retaliation either directly or indirectly by any member of our campus community and will deal swiftly with such violations of policy and federal laws that prohibit it.

SEX OFFENDER REGISTRATION – CAMPUS SEX CRIMES PREVENTION ACT

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 UP 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 by the Vice President for Student Engagement 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 UP, or who are employed or carry on a vocation at UP, either on a full or part-time basis, must register with Student Engagement or Human Resources as applicable.



DISCLOSURE OF DISCIPLINARY PROCEEDING OUTCOME TO VICTIMS (OR NEXT OF KIN) OF SEX CRIMES OR OF VIOLENCE

UP will provide the victim of a crime of violence, [i.e. an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense (18 U.S. Code § 16)] or a non-forcible sex offense, a statement of the results of any disciplinary proceeding conducted by UP against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

CAMPUS SAFETY POLICIES, CRIME PREVENTION & SAFETY AWARENESS PROGRAMS

UP uses mandatory online based training for emergency situations for students, staff, and faculty through Vector LMS. Trainings include, but are not limited to, Active Shooter: “Run”, “Hide”, “Fight”. This course is designed to familiarize course takers with the warning signs that someone may become violent. It will also introduce the concept of “Run”, “Hide”, “Fight” during an active shooter situation. Topics covered include situational awareness, how to assess an emergency, and “Run”, “Hide”, “Fight” procedures. One of the key frameworks in active-shooter training is the “Run, Hide, Fight” method, developed by the U.S. Department of Homeland Security. This straightforward, easy-to-remember strategy outlines the best course of action during an active-shooter situation. The concept suggests that one should first try to escape the situation (Run), if unable to do so, find a secure place to hide (Hide), and as a last resort, confront and try to incapacitate the shooter (Fight).

In addition, the University Campus Safety Department and other UP offices, UP has established a number of policies and procedures related to ensuring a reasonably safe campus community. These policies include:

WEAPONS POLICY

The possession, carrying and use of weapons, ammunition, or explosives is prohibited on UP-owned or controlled property.

The only exception to this policy is for authorized law enforcement officers or others, specifically authorized by UP. The UP Campus Safety Department provides storage for the personal weapons of members of the UP community. Failure to comply with UP weapons policy will result in disciplinary action against violators.

PARENTAL NOTIFICATION POLICY

UP reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. UP may also notify parent/guardians of non-dependent students who are under the age of twenty-one (21) of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.



See the University of Providence website to access the current Code of Student Conduct.

MISSING STUDENT NOTIFICATION POLICY

Each fall, new and continuing students residing in campus housing will be provided with an opportunity to denote the confidential contact person. If a student has not reached their 18th birthday at the time they are reported missing for 24 hours, then the student's custodial parent or guardian will be notified by UP.

The contact information will be confidential, accessible only to authorized UP officials and law enforcement, and may not be disclosed except in a missing person investigation. For a person under the age of 18 (who is not emancipated), and for purposes of missing student notification, the person(s) to be contacted must be a custodial parent or guardian.

REPORTING A MISSING STUDENT

Any concerned person should notify the VP of Student Engagement of a belief that a UP student has been missing for 24 hours.

INVESTIGATION PROCEDURES

UP will initiate an investigation when notified that a student who resides in a campus residence hall is missing, with no reasonable explanation for his/her absence. The investigation will include gathering of all information including discussions with friends and roommate, meal card use around campus, review campus surveillance footage, use of social networking sites if possible, and contacting them by phone or text. Additionally, the Vice President for Student Engagement (or designee) will notify local law enforcement and the designated contacts regarding the situation within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing. In the event the student does not reside in university housing, the appropriate local police authorities will be notified by Campus Safety and an investigation will be initiated.

DAILY CRIME AND FIRE LOG

The UP Campus Safety Department maintains a combined Daily Crime and Fire Log of all crime and fire incidents reported to the Department. The UP Campus Safety Department manages the Daily Crime and Fire Log every day and publishes the information upon request, and within 48-hours of the request. This log identifies the type, location, and time of each criminal incident reported to the UP Campus Safety Department.

The Campus Safety Department is located in an independent building located at the north end of the ARGOS Soccer Field.

THE UNIVERSITY OF PROVIDENCE POLICIES GOVERNING ALCOHOL AND OTHER DRUG

A. STUDENT ALCOHOL AND DRUG POLICIES

STUDENT ALCOHOL POLICY

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

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

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

UP ALCOHOL VIOLATIONS AND REGULATIONS

1. All students and guests must comply with federal, state and city laws and/or UP policy concerning alcohol use. UP does not allow alcohol to be used or served at any student events without prior permission from the Vice President for Student Engagement. Responsibility to assure that a guest is of legal drinking age rests with the resident host(s).
2. 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 is prohibited. Beer bongos, kegs, party bowls and similar items are strictly prohibited within resident rooms.
3. The possession or consumption 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.
4. Students (and/or guests) of legal age shall not act belligerent, exhibit intoxicated behavior, or be visibly intoxicated. The possession and consumption of alcohol shall not infringe upon the privacy or peace of other individuals.
5. Any students of legal drinking age who chooses to room with a student not of legal drinking age may only have alcohol in their assigned bedroom and still must follow all guidelines regarding drinking around minors on campus. Alcohol found in such common spaces of an apartment will be confiscated and all residents will face an alcohol violation. Students in possession of alcohol must carry a valid form of identification on them.
6. Students (and/or guests) under the legal age of drinking shall not buy, drink, exhibit intoxicated behaviors, or possess (even hold) alcohol beverages.
7. UP prohibits any possession or use of kegs, pony kegs, multi-quart containers or alcoholic punches on the UP campus. Drinking games or events (e.g. quarters, beer pong or around the world parties) are strictly prohibited.
8. UP prohibits use of alcohol in its vans, buses and other UP vehicles or rental vehicles.
9. Students of legal drinking age may exercise the option to consume alcohol with no more than six guests of legal drinking age in a room where all guests present are of legal drinking age. Students who are 21 years or older may transport alcohol in an enclosed container to their own apartment/room or the apartment/room of another student of legal drinking age. The consumption of alcohol is limited to the apartment/room and is not authorized to be used in lounges, hallways, common areas or other public spaces on campus such as campus grounds, academic buildings or UP facilities.

10. Attendance at an illegal alcohol gathering is a violation of UP policy. Any alcohol use in unauthorized situations will be confiscated and the individual(s) (regardless of age) will be subject to disciplinary action. Students are required to provide identification to requests by Campus Safety or UP staff. Failure to comply or leaving the scene of the incident without providing identification is cause for disciplinary action.

11. Any student or employee who observes a violation of the UP alcohol policy should immediately report the incident. Violations will be handled through the same disciplinary procedures as other violations of standards of behavior. Student violations will be reported for review, investigation and adjudication as a Code of Student Conduct violation.

STUDENT DRUG POLICY

UP does not tolerate the illegal use of drugs, narcotics or paraphernalia. UP 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 UP community. UP 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 UP's drug policy will be encouraged to seek professional help and their enrollment at UP 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 Safety 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.

B. EMPLOYEE ALCOHOL AND DRUG POLICIES

In compliance with the Drug Free Workplace Act of 1988, UP employees may not manufacture, distribute, possess, or use any illegal drug, or controlled substance, while on the UP's property or worksite. Unless specifically authorized by UP, an employee may not use alcohol or be under the influence of alcohol while performing UP's business or while on UP's property.

Employees who need to use prescribed drugs while at work, and where such use may impair their ability to perform their work safely and effectively, must report this need to their supervisor. Employees must notify UP of any criminal drug or alcohol conviction, including driving while impaired or under the influence, within five days of the conviction. The employee's immediate supervisor is responsible to immediately notifying Human Resources, who will then notify all affected federal agencies within ten days of receiving notice of the conviction in compliance with 34 CFR §84.225(a).

II. HEALTH RISKS OF ALCOHOL AND ILLICIT DRUGS

ALCOHOL

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

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and liver. Alcohol abuse accounts for about 100,000 deaths annually.

Alcoholism is a chronic and potentially fatal disease typified by physical dependency on alcohol, a need for increasing amounts, and organ pathology. It is known to contribute to the development of fatal disorders, including cardiomyopathy (abnormalities of the heart muscle), hypertensive disease, pneumonia, and some cancers. Alcoholism is also responsible for chronic brain damage and alcohol-related brain injury is second only to Alzheimer's disease as a known cause of mental deterioration in adults. There are some findings suggesting that the more a woman drinks, the greater her chances are for developing breast cancer.

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

AMPHETAMINES

Amphetamines produce an artificial stress in the body, similar to that of the "flight or fight" response. Abuse of amphetamines causes over activity, irritability, defective reasoning and judgment, irregular heartbeat, liver damage, paranoia, and possible cerebral hemorrhage. There is also the possibility of a psychotic breakdown. When a user discontinues the use of the drug, severe depression, fatigue, increased appetite, and high fluid intake can result.

BARBITURATES

Barbiturates are downers which depress all excitable nerve tissue, especially that of the brain and spinal cord. Barbiturates reduce the time spent in REM sleep and depress respiration. With high doses, one can fall asleep and then stop breathing. The user of barbiturates becomes sedated, sluggish in thought and action, and possibly free from worries. Barbiturates inhibit dreaming and induce the liver to make more enzymes.

COCAINE

Cocaine use is one of the biggest social and health problems in this country. Surveys show that 5,000 Americans each day try cocaine for the first time and four to six million Americans are compulsive users. Once considered a harmless drug, the risks associated with cocaine have become increasingly clear. Health risks linked to cocaine use include the following:

1. Regular users of cocaine are often restless, irritable, depressed and anxious. Higher doses and chronic abuse often lead to paranoia attacks. In many cases, there is a break with reality, which includes auditory, visual, or tactile hallucinations. One hallucination is known as "coke bugs" where a person has the sensation of insects crawling under the skin. Cocaine psychosis can continue for months, and severe cases can require hospitalization. Use of cocaine may cause nasal congestion and a runny nose. Sores on the nasal membranes can also occur, along with sore throat and hoarseness. Cocaine users can experience shortness of breath, cold sweating, and tremors. Long term use can also damage the liver.
2. Neural damage due to cocaine use is highly likely. The acute hypertension occasionally brought on by cocaine use can burst weakened blood vessels.
3. Heavy cocaine use can cause one to suffer from an irregular heartbeat. Pre-existing coronary heart disease may become worse and heart attack can be caused.
4. Cocaine use can bring on high blood pressure and can cause a blood vessel in the brain to rupture which may lead to stroke
5. Eye doctors have noticed small crystals in the retinas of cocaine users. This may be the reason that chronic users occasionally suffer from "snow lights" or flashes of light in the periphery vision.
6. Since cocaine suppresses the appetite, many users suffer from malnutrition and lose weight. Immune defenses can be lowered, making the user susceptible to tuberculosis, fungal disease, and other infections.

7. Intravenous cocaine users risk AIDS, hepatitis, and other infections and free-base smokers risk lung damage.
8. Cocaine overdose can result in paralysis of the respiratory muscles, abnormal heart rhythms, and repeated convulsions. Sudden death from cocaine use is unpredictable, and can occur in a person who has used only a small amount of the drug.
9. Cocaine use by pregnant women can cause eye and bone defects in their unborn children. Using cocaine can also cause premature and stillbirth. During the baby's first days of life, a baby born to a cocaine using mother is often irritable and jittery. Cocaine can also be transferred to a baby through breast milk.

DESIGNER DRUGS

Designer drugs are synthetic chemical modifications of older drugs of abuse that are designed and manufactured in covert laboratories and sold at great profit for recreational use. These drugs can be several hundred to several thousand times stronger than the drugs they are designed to imitate. Designer drugs similar to opiates include fentanyl, demerol, and "china white." The narcotic analogs of designer drugs can cause symptoms such as those seen in Parkinson's disease - uncontrollable tremors, drooling, impaired speech, paralysis and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating and faintness. Psychological effects include anxiety, depression and paranoia. Withdrawal problems include sweating, diarrhea, fever, insomnia, irritability, nausea and vomiting, and muscle and joint pain.

HALLUCINOGENS

Hallucinogens are chemicals which produce changes in perception, thought and mood. They make people see and hear things that are not there. LSD, a hallucinogen, produces visual and auditory hallucinations so intense as to mimic a psychotic state. LSD can cause dilated pupils, flushed face, chilliness, and a rise in body temperature, increase in heart rate, goose bumps, salivation, and perspiration. LSD is known for producing flashbacks weeks or months after the last dose was taken. Because the consequences of LSD abuse include bizarre behavior and disorientation, there is also a significant risk of accidental injury and death. PCP, another hallucinogen, causes many users to feel tremendous anger. They may inflict violence upon themselves or others. PCP can induce a psychotic state exactly like schizophrenia. The effects of PCP can last up to a month. In severe cases, the user can have convulsions, go into a coma, and die.

HEROIN

Heroin is an illegal addictive opiate associated with very high incidents of overdose. Heroin usage and death from heroin overdose is an epidemic in the United States. Illegal use of heroin has increased in both men and women, all age groups and all socioeconomic groups. The greatest risk factor of heroin addiction is addiction to opioid painkillers. Heroin can cause slow, shallow breathing, coma and death. It is typically injected but can also be snorted or smoked. Those who inject heroin are at risk of

serious long term viral infections such as HIV, Hepatitis B and C, and bacterial infections of the skin, bloodstream and heart. There is no control over the purity of street heroin so the user is never sure of the amount of drug or drugs they are using. Heroin is often mixed with acetyl fentanyl, another very powerful opioid. It can be 5 to 15 times stronger than heroin and can lead to a more rapid onset of overdose that is more difficult to reverse using accepted medical treatment and Narcan.

MARIJUANA

While the harmful effects of marijuana are less obvious than those of cocaine and PCP because overdose is not common, these health effects have been reported: short-term memory impairment; impaired lung function, similar to that found in cigarette smokers; decreased sperm count and sperm mobility; interference with ovulation; impaired immune response; possible adverse effects on heart functions; and by-products remaining in body fat for weeks, with unknown consequences.

METHAMPHETAMINE

Methamphetamine is an addictive stimulant drug that strongly activates certain systems in the brain. Methamphetamine releases high levels of the neurotransmitter dopamine, which stimulates brain cells, enhancing mood and body movement. It appears to have a neurotoxic effect, damaging brain cells that contain dopamine as well as serotonin. Methamphetamine causes increased heart rate and blood pressure and can cause irreversible damage to blood vessels in the brain, producing strokes. Other effects include respiratory problems, irregular heartbeat and extreme anorexia. Its use can result in cardiovascular collapse and death.

PRESCRIPTION OPIOID

Opioid pain killers, such as fentanyl, hydrocodone, oxycodone, lortab, vicodin or other opiate derivatives, either medically prescribed or illicit use, can lead to physical and psychological dependency. Opiate pain medication has been identified as a risk factor and possible gateway drugs for heroin use. Health effects from opiates can include drowsiness, anxiety, nausea, mood swings, impaired judgment, delayed response or reaction, and emotional numbness. Use of opiates while at work or school can threaten productivity, work quality, personal safety and the safety of co-workers, fellow students and the entire campus community.

SYNTHETIC CATHINONES ("BATH SALTS")

The term "bath salts" refers to an emerging family of drugs containing one or more synthetic chemicals related to cathinone, an amphetamine-like stimulant found naturally in the Khat plant. Reports of severe intoxication and dangerous health effects associated with the use of bath salts have made these drugs a serious and growing public health and safety issue. Bath salts are typically taken orally, inhaled, or injected, with the worst outcomes being associated with snorting or needle injection. The synthetic cathinones in bath salts can produce euphoria and increased sociability and sex drive, but some users experience paranoia, agitation, and hallucinatory delirium; some even display psychotic and violent behavior, and deaths have been reported in several instances.

MDMA (ECSTASY OR MOLLY)

MDMA (3,4-methylenedioxy-methamphetamine), popularly known as ecstasy or, more recently, as Molly, is a synthetic, psychoactive drug that has similarities to both the stimulant amphetamine and the hallucinogen mescaline. MDMA is taken orally, usually as a capsule or tablet. It produces feelings of increased energy, euphoria, emotional warmth and empathy toward others, and distortions in sensory and time perception. Health effects include increased heart rate and blood pressure, which are particularly risky for people with circulatory problems or heart disease. MDMA users may experience other symptoms such as muscle tension, involuntary teeth clenching, nausea, blurred vision, faintness, and chills or sweating. Some heavy MDMA users experience long-lasting confusion, depression, sleep abnormalities, and problems with attention and memory.

Please note the above list is only a sampling of drugs, and by no means a complete one. Non-labeled use of prescription drugs, abuse of prescription drugs, unsafe use of prescription drugs, club drugs, nicotine, as well as inhalants are other drugs that pose health risks. For a complete list, go to the National Institute on Drug Abuse web site at <http://www.drugabuse.gov>.

III. PREVENTION PROGRAMS

UP has developed programs to prevent the illicit use of drugs and the abuse of alcohol by students and employees. Programs include dissemination of informational materials as well as special programming designed to educate the campus. Departments involved in the prevention of such uses and abuses include but are not limited to: Student Engagement, Health Services, Residential Life, and Athletics.

B. UP EMPLOYEE SANCTIONS

Employee violations should be reported immediately to the employee's immediate supervisor. The supervisor will investigate the incident and report all violations of policy to the Director of Human Resources. The Director of Human Resources will maintain a record of all violations and sanctions in the employee's personnel file. If an employee appears intoxicated or appears to be under the influence of drugs or alcohol, the employee shall immediately be ordered to stop work by the supervisor. Employees who violate the UP Drug Free and Alcohol-Free Workplace Policy are subject to disciplinary action and may also be subject to criminal prosecution. The supervisor may choose any step listed below, depending on the severity and/or frequency of the violation.

The following disciplinary process will then be initiated by the employee's immediate supervisor in conjunction with the appropriate Vice President. UP regards disciplinary action to be a dimension of performance evaluation. It is a corrective process related to work-related situations. The University establishes procedures to ensure that the disciplinary process is consistent throughout the University.

STEP 1: STAGE 1 WARNING

A supervisor may give an employee an initial warning. The supervisor will meet with the employee and inform the employee of the specific performance problem. The supervisor will document the time, date, and issue involved in writing with a copy to the



employee and a copy will be placed in the employee's personnel file.

STEP 2: STAGE 2 WARNING

A supervisor may give an employee a written warning of unsatisfactory work performance. The written warning should document:

- The extent of the problem.
- The violated rule, policy or procedure.
- Suggested courses of action for improvement.
- A statement of consequences in the absence of improvement.
- Any follow-up action.

The supervisor will give a copy of the written warning to the employee prior to meeting with the employee. The employee may request the Director of Human Resources be present at the meeting. The employee will be asked to sign a written acknowledgement of receipt of this warning. Refusal to sign the acknowledgement by the employee will be noted on the written acknowledgement by the supervisor with the current date and supervisor's signature. The employee may submit a written statement of clarification if he/she chooses.

STEP 3: PROBATION

For a determined amount of time, not less than three (3) months or more than one (1) year, the employee will be required to follow the UP policy in regard to drug and/or alcohol use. During this period, the employee is required to attend either individual or group counseling. A verification of such participation must be submitted to the Director of Human Resources. Education, professional



evaluation, counseling, and/or treatment may also be a requirement of this probationary period. Any required education, counseling or treatment is at the employee's expense.

STEP 4: SUSPENSION

An employee may be suspended from UP employment for a specified period of time. Not less than one month (accrued vacation and/or sick leave may be applied during this period). A professional evaluation for drug and/or alcohol use as well as counseling, and/or treatment will be required of those on suspension. Before resuming employment the employee must show evidence of having successfully completed such treatment and will be required to sign a Back to Work Agreement. UP supports sound treatment and rehabilitative efforts and, therefore, an employee's job will not be jeopardized should this sanction be imposed.

Suspension (with/without pay) – In some cases, including those involving gross misconduct suspension without pay may be a disciplinary action. Suspension is used to impress upon an employee the serious nature of his/her actions. The President or designee must approve this action. If circumstances require an immediate suspension, it may be verbally issued but written notice must follow within three (3) workdays.

STEP 5: DISMISSAL

In those circumstances where an employee is requested to seek professional treatment in lieu of being terminated, refusal by the employee to participate in or complete treatment will result in dismissal. The President or designee must review and approve all disciplinary dismissals. Employees must make their own arrangements for payment of treatment through individual insurance plans or other personal means. Employees may contact the Director of Human Resources for information regarding the Employee Assistance Program. An employee convicted of any

drug violation occurring in the work place is required to notify the Director of Human Resources within five (5) days of conviction. As required by the Drug-Free Work Place Act of 1988, convicted employees are required to satisfactorily participate in a drug abuse rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or appropriate agency. All such convictions will be reported to the appropriate federal



agencies or offices within ten (10) days after UP receives the employee drug conviction notification.

Following any of the aforementioned sanctions, an employee has the right to appeal any decision to the applicable Grievance Committee.

V. CRIMINAL PENALTIES AND SANCTIONS

The unlawful possession, use, abuse or distribution of illegal drugs and alcohol is punishable by sanctions imposed by the US Government and by the state of Montana. Where appropriate or necessary, UP will cooperate fully with the law enforcement agencies.

A. Federal Sanctions for Illegal Possession of a Controlled Substance

- a. 1st Offense: Up to one (1) year imprisonment and fined at least \$1,000, but not more than \$100,000, or both.
- b. After one (1) prior drug conviction: At least 15 days in prison, not to exceed two years, and fined at least \$2,500, but not more than \$250,000, or both.
- c. After two (2) or more prior drug convictions: At least 90 days in prison, not to exceed three years, and fined at least \$5,000, but not more than \$250,000, or both. Special sentencing provisions for possession of crack cocaine: Mandatory at least five years in prison, not to exceed 20 years and fined at least \$1,000, but not more than \$250,000, or both, if: 1st conviction and the amount of crack cocaine possessed exceeds 5 grams.
 - i. 2nd crack conviction and the amount of crack cocaine possessed exceed 3 grams.
 - ii. 3rd or subsequent crack cocaine conviction and the amount of crack cocaine possessed exceeds 1 gram. Special sentencing provisions for possession of flunitrazepam: Up to three years imprisonment and fined up to \$250,000, or both.
- d. Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment. (See special sentencing provisions re: crack cocaine).
- e. Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.
- f. Civil fine of up to \$10,000 (pending adoption of final regulations).
- g. Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses. Up to one (1) year for 1st offense, up to five (5) years for 2nd and subsequent offenses.
- h. Ineligible to receive or purchase a firearm.

- i. Revocation of certain Federal licenses and benefits, (e.g., pilot licenses, public housing tenancy, etc.) are vested within the authorities of individual Federal agencies.
- j. Any alien in the United States who is convicted of violating any state law relating to a controlled substance will be deported.
- k. No suspended or deferred sentences.
- l. An additional fine equal to the reasonable costs of investigation and prosecution of the offender subject to ability to pay.

B. State of Montana Sanctions Concerning Alcohol

- a. Possession Of Or Unlawful Attempt To Purchase Intoxicating Substance: (MCA 45-5-624)
 - i. 1st Offense: Fine not less than \$100 and not to exceed \$300 and shall be ordered to perform community service; shall be ordered, and person's parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets specified requirements; and, if the person has a driver's license, must have the license confiscated by the court for 30 days.
 - ii. 2nd Offense: Fine not to exceed \$200 and may be ordered to perform community service, have the person's driver's license suspended by the court for no more than 60 days if the person was driving or otherwise in actual physical control of a motor vehicle when the offense occurred.
 - iii. 3rd and Subsequent Offense – shall be fined an amount not to exceed \$300 and; may be ordered to perform community service, must have the person's driver's license suspended for not more than 120 days if the person was driving or otherwise in actual physical control of a motor vehicle when the offense occurred, shall be ordered to complete an alcohol information course at an alcohol treatment facility approved by the Department of Public Health and Human Services, which may, in the sentencing court's discretion and upon recommendation of a certified chemical dependency counselor, include alcohol or drug treatment, or both, and in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months.
- b. Sell or give alcohol to person under the age of 21.
 - i. 1st Offense: Imprisonment for up to six (6) months or a fine up to \$500, or both.
- c. Operation of a vehicle and use of alcohol.
 - i. 1st Offense: Imprisonment not less than twenty-four (24) hours or less than 6 months, a fine not less than \$300 and not more than \$1,000, and completion of an alcohol information course at an alcohol treatment program. (MCA 61-8-714)

- ii. If you operate a vehicle in Montana, you have already given consent to being tested for the purpose of determining the alcohol content of your blood. To refuse such a test will result in loss of your driver's license for 90 days.
- iii. It is unlawful to drive with an alcohol concentration in your blood, breath, or urine of 0.08% or more.

C. State of Montana Sanctions Concerning Controlled Substances

- a. Criminal Possession With Intent To Distribute. (MCA 45-9-103)
 - i. 1st Offense: Imprisonment for not less than two (2) years and a potential fine up to \$50,000.
- b. Sale of a narcotic drug or opiate drug to a minor.
 - i. 1st Offense: Imprisonment for not less than four (4) years and a potential fine up to \$50,000.
- c. Possession of dangerous drugs.
 - i. 1st Offense: Marijuana - (Misdemeanor offense): Imprisonment in the county jail for up to six (6) months and a fine of not less than \$100 and no more than \$500.
 - ii. 1st Offense: Opiate - Imprisonment in the state prison for not less than two (2) years and a potential fine up to \$50,000.
- d. Possession of any dangerous drug with intent to sell.
 - i. Opiate: Imprisonment in the state prison for not less than two (2) years and a potential fine up to \$50,000.
 - ii. Other Drugs: Imprisonment in the state prison for up to twenty (20) years or fined up to \$50,000, or both.
- e. Inhaling or ingesting toxic substances with intent to alter mental or physical state. Toxic substances include, but are not limited to; glue, fingernail polish, paint, paint thinners, petroleum products, aerosol propellants, and chemical solvents.
 - i. Imprisonment for up to six (6) months or fined up to \$50,000 or both.
- f. Use or possession of drug paraphernalia (misdemeanor).
 - i. Imprisonment for up to six (6) months, or fined up to \$500 or both.
 - ii. The maximum levels of imprisonment and fine increase with each offense.
- g. NOTE: According to Federal law any non-U.S. citizens in the U.S. who are convicted of violating any state law relating to a controlled substance will be deported.

D. Federal Student Financial Aid Penalties for Drug Law Violations

- a. As prescribed in section 484(r) of the Higher Education Act, a student who, during a period of enrollment for which the student was receiving any Federal grant, loan, or work assistance, is convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any additional grant, loan, or work assistance from the date of that conviction for the period of time specified in the following table:

Offense #	Sale of Illegal Drugs	Possession of Illegal Drugs
1st Offense	1 year from date of conviction	2 years from date of conviction
2nd Offense	2 years from date of conviction	Indefinite Period
3+ Offenses	Indefinite Period	Indefinite Period

(If the student was convicted of both possessing and selling illegal drugs, and the periods of ineligibility are different, the student will be ineligible for the longer period.)

Students denied eligibility for an indefinite period can regain it only after successfully completing an approved rehabilitation program or if a conviction is reversed, set aside, or removed from the student's record so that fewer than two convictions for sale or three convictions for possession remain on the record. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility.

Student Responsibilities if Convicted During Period of Enrollment: If a student is convicted of a drug offense after receiving Federal aid, he or she must notify the Financial Aid Office immediately. If a student has been convicted of a drug offense while applying to receive Title IV Federal financial aid, they are required to report the conviction on item number 23 of the FAFSA.

A. Counseling and Treatment of Substance Abuse

- a. Counseling
 - i. UP, in keeping with its basic mission, requires that its primary response to issues of alcohol and drug abuse be through educational programs, as well as through intervention, individual counseling and referral services. UP further recognizes that alcoholism and drug addiction are illnesses that are not easily resolved and may require professional assistance and/or treatment programs. Participation in such programs may be required of a student or an employee who wishes to continue at UP. UP will adhere to strict policies of confidentiality for all participants in drug or alcohol counseling or treatment. Students and employees who wish to seek counseling related to substance abuse should

contact the Campus Advocate/Counselor.

- ii. Employees should contact the Employee Assistance Program by calling 1-800-854-1446. The Employee Assistance Program is an avenue for employees and their family members to receive confidential assistance for personal problems. Assessment and short-term counseling are available at no out-of-pocket cost to employees and family members. UP recognizes that employees and their family members may, at times, be under stress and in need of assistance.
- iii. Therefore, the Employee Assistance Program is available to assess individual problems such as marital, financial, alcohol, drug, parenting and other concerns. All benefit eligible employees are eligible to utilize this service. These services are confidential. No one at UP will be aware of who specifically uses the program. All records regarding individuals will be maintained by the Employee Assistance Program. UP encourages employees and family members to call for assistance when problems occur. Waiting to seek help usually makes matters worse.
- iv. For further information regarding this program, or to make an appointment, please contact the program at 1-800-854-1446 or for more information; contact the Human Resources Office at (406) 791- 5976.

b. Treatment Centers

i. ROCKY MOUNTAIN TREATMENT CENTER

1. 920 Fourth Avenue North, , Montana 59401, (406) 727-8832
2. This treatment center offers individualized programs as well as programs for family members. The staff consists of physicians, psychologists, addiction counselors, nurses, and other health care providers. Programs are available for alcohol and chemical dependency and other addictive disorders. The fee charged is determined on an individual basis. Rocky Mountain's inpatient program consists of 30 days for adults and 45 days for adolescents. Group therapy is conducted twice a day and patients meet individually with their counselor at least once a week. Rocky Mountain's day treatment program is structured to accommodate individual needs. Individualized counseling, family counseling and weekly group therapy is available.

ii. GATEWAY RECOVERY CENTER

1. 401 Third Avenue North, Great Falls, Montana 59401, (406) 727-2512
2. Gateway Recovery Center is a private, non-profit, outpatient treatment center specializing in the treatment of alcohol and other drug addictions. Programs are available at various times of the day and evening. Length of programming is based on the individual needs of each patient. Services include state-approved programming inclusive of evaluations, intensive outpatient, specific women's groups, adolescent groups, intensive relapse programming, MIP and ACT programs. Reduced-fee services are available upon completion of a financial application. Parenting classes, family services and retreat weekends are also available.

iii. BENEFIS WEST ADDICTION TREATMENT CENTER

1. 500 Fifteenth Avenue South, Great Falls, Montana 59405, (406) 455-2367
2. Benefis West Addiction Treatment Center offers a full range of chemical dependency services. These services include adult inpatient treatment (length of stay determined by the patient's need); adolescent inpatient treatment (length of stay determined by the patient's need); day intensive outpatient treatment; a four-weekend intensive family program; a comprehensive chemical dependency evaluation system; an ACT (DUI) Program; and a structured continuing care program.

iv. CHEMICAL DEPENDENCY \SUPPORT GROUP

1. (All groups can be reached by calling 452-1234)
 - a. Alcoholics Anonymous
 - b. Alanon Alateen
 - c. Narcotics Anonymous





ANNUAL DISCLOSURE OF CRIME STATISTICS

Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. The UP Campus Safety Department maintains a close relationship with all Campus Safety departments where UP owns or controls property to ensure that crimes reported directly to these departments (that involve the University) are brought to the attention of the University Campus Safety Department.

The University Campus Safety Department collects the crime statistics disclosed in the charts through a number of methods. Campus Safety Officers document all reports of crime incidents made directly to the department through an integrated computer aided-dispatch systems/ records management system. After an officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The Department periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only).

In addition to the crime data that the University Campus Safety Department maintains, the following statistics are published in compliance with the federal government's Right To Know and Campus Safety Act of 1990 (Title II of Public Law 101-542), and

are provided for your information. UP is required to provide information regarding its safety policy and procedures and its crime statistics to all persons. If you have any questions, contact Campus Safety at 406-791-5911. The "Reportable Crime" statistics indicate the number of crimes reported in each respective category; the "Other Reportable Crime" statistics are arrest statistics associated with each respective offense. These statistics are calculated on an annual basis and reflect the following crimes/arrests that occurred on the UP Campus and the Residence Halls.



		ON CAMPUS			ON CAMPUS RESIDENTIAL			NONCAMPUS PROPERTY			PUBLIC PROPERTY		
		2023	2024	2025	2023	2024	2025	2023	2024	2025	2023	2024	2025
Primary Offenses	Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
	Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
	Robbery	0	0	0	0	0	0	0	0	0	0	0	0
	Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
	Burglary	0	0	0	0	0	0	0	0	0	0	0	0
	Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
	Arson	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses	Rape	0	0	0	0	0	0	0	0	0	0	0	0
	Fondling	0	0	0	0	0	0	0	0	0	0	0	0
	Incest	0	0	0	0	0	0	0	0	0	0	0	0
	Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses	Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
	Dating Violence	0	0	1	0	0	1	0	0	0	0	0	0
	Stalking	0	0	1	0	0	1	0	0	0	0	0	0
Arrests	Weapons Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
	Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
	Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals	Weapons Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
	Drug Law Violations	4	4	8	4	4	8	0	0	0	0	0	0
	Liquor Law Violations	26	30	15	26	30	15	0	0	0	0	0	0

DEFINITIONS OF REPORTABLE CRIMES

Murder/Manslaughter – defined as the willful killing of one human being by another.

Negligent Manslaughter – is defined as the killing of another person through gross negligence.

Forcible sex offenses – is defined as any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. Including: forcible rape, forcible sodomy, sexual assault with an object, forcible fondling.

Non forcible sex offense – unlawful, non-forcible sexual intercourse, including, incest and statutory rape.

Robbery – is defined as taking or attempting to take anything of value from the car, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault – is defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary – is the unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft – is the theft or attempted theft of a motor vehicle.

Arson – any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Hate Crimes – includes all of the crimes listed above that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes.

Larceny/Theft - includes, pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.

Simple Assault - an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Intimidation - to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/ Vandalism or Property (except Arson)—to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

CATEGORIES OF PREJUDICE:

Race - A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

Gender – A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

Gender Identity – A preformed negative opinion or attitude toward a group of persons because of the gender identify by those persons.

Religion – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

Sexual Orientation – A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.

Ethnicity/national origin – A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions.

National Origin - A preformed negative opinion about a group of persons based upon them being from a particular country or part of the world.

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



ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The following report details all information required by this act for UP.

DEFINITIONS

The following terms are used within this report. Definitions have been obtained from the Higher Education Opportunity Act:

On-Campus Student Housing – A student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within a reasonable contiguous area that makes up the campus.

Fire – Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

FIRE STATISTICS

The Campus Safety Department is responsible for collecting the following fire statistics for UP residence housing:

- The number of fires and the cause of each fire in UP residence housing;
- The number of deaths related to the fire in UP residence housing;
- The number of injuries related to the fire in UP residence housing that resulted in treatment at a medical facility; and
- The value of property damage related to the fire at a UP residence. These statistics are published in the Annual Safety and Fire Safety Report.
- Fire Statistics Disclosure

UP has five on-campus residential facilities:

1. Emilie Hall (1400 23rd Street, Great Falls, MT 59405)
2. Sikora Hall (1411 20th Street, Great Falls, MT 59405)
3. Sr. Rita Mudd Hall (1415 20th Street, Great Falls, MT 59405)
4. Argo Hall (1401 20th Street, Great Falls, MT 59405)
5. Mother Joseph Hall (1301 20th St, Great Falls, MT 59405)

There was 1 reported fire in Sikora Hall in 2024. No reported fires in 2023 or 2025.

FIRE REPORTING PROCEDURES

Fire emergencies should be reported to the local fire department by dialing 911. In addition, Campus Safety should be contacted at 406-791-5911 or 9-911. For purposes of including a fire in the statistics in the annual fire safety report, one of the following offices or individuals should be notified:

- Campus Safety 406-791-5911
- Student Engagement 406-791-5308
- Residential Life 406-791-5225

- University Physical Plant Director 406-791-5283

- VP for Student Engagement 406-791-5261

FIRE LOG

Campus Safety maintains a Fire Log, which lists all fires in UP residence housing that have been reported to Campus Safety for the most recent 60-day period. The Fire Log is updated daily. The Fire Log includes the following information: the date the fire was reported; the nature of the fire; the date and time of the fire; and the general location of the fire. Interested individuals with proper identification may review the Fire Log for the most recent 60-day period at Campus Safety 24 hours a day, seven days a week. Any portions of the Fire Log that is older than 60 days will be made available within two business days of a request for public inspection. Archived Fire Logs are maintained by UP for a period of seven years.

FIRE SAFETY SYSTEMS AND FIRE DRILLS

UP has provided Residential Life areas with comprehensive fire prevention systems. Periodic fire drills and health and safety inspections will be held for the safety of residents with the assistance of the Residential Life Staff and Campus Safety. If a resident is in violation of anything, a confiscation form will be left for the resident and a copy given to the responsible authority in Residential Life overseeing student conduct. In coordination with UP's state-certified campus fire marshal, these drills are performed for your safety. Not leaving residential living areas immediately during an alarm potentially places you and others in harm's way. Fire drills may be performed without notice to residential living students. Emergency procedures and civil defense alerts have been established, and each resident has the responsibility to be informed about them. Each room has an early detection smoke alarm. Additionally, there are fire extinguishers and fire hoses on each floor of the residential living areas.



Building Name	Fire Alarm Monitored by Control Solutions Northwest	Building Equipped with Full Sprinkler System	Building Equipped with Fire Alarms, Smoke Detectors, & Heat Detectors	Evacuation Plans Posted in Each Building	Number of Fire Safety Drills in 2023
Argo Hall	X	X	X	X	2
Emilie Hall	X	N/A	X	X	2
Sr. Rita Hall	X	N/A	X	X	2
Sikora Hall	X	N/A	X	X	2
Building Name	Fire Alarm Monitored by Control Solutions Northwest	Building Equipped with Full Sprinkler System	Building Equipped with Fire Alarms, Smoke Detectors, & Heat Detectors	Evacuation Plans Posted in Each Building	Number of Fire Safety Drills in 2024
Argo Hall	X	X	X	X	2
Emilie Hall	X	N/A	X	X	2
Sr. Rita Hall	X	N/A	X	X	2
Sikora Hall	X	N/A	X	X	2
Mother Joseph Hall	X	N/A	X	X	2
Building Name	Fire Alarm Monitored by Control Solutions Northwest	Building Equipped with Full Sprinkler System	Building Equipped with Fire Alarms, Smoke Detectors, & Heat Detectors	Evacuation Plans Posted in Each Building	Number of Fire Safety Drills in 2025
Argo Hall	X	X	X	X	2
Emilie Hall	X	N/A	X	X	2
Sr. Rita Hall	X	N/A	X	X	2
Sikora Hall	X	N/A	X	X	2
Mother Joseph Hall	X	N/A	X	X	2



OPEN FIRE POLICY

Campfires, bonfires, and trash disposal fires are not permitted on campus or in the city without a written burning permit issued by the City of Great Falls Fire Department. A copy of the fire permit should be submitted with an event form to the Office of Student Engagement at least one week prior to the event.

RESIDENCE LIFE SAFETY AND FIRE REGULATIONS

When you move in, you should become aware of the following:

- Become familiar with fire equipment, fire exits, and evacuation procedures.
- **REMEMBER**—stairwell fire doors in the halls are required by law to be closed at all times. The corridor fire door exits are to be used for emergency evacuation only or with prior arrangement with a Residential Life staff member.
- Keep rooms and public areas free of fire hazards.
- Report all damaged or unsatisfactory fire equipment to the Director of Community Standards and Residential Life.

Common Sense Fire Prevention

- Do not overload electrical circuits.
- No fireworks stored in rooms/apartments.
- No candles or open flames.
- Never store flammable liquids of any kind.
- No firearms or ammunition in residential living areas.

CAUSING FIRES

The setting of fires is strictly prohibited. Violators are subject to immediate referral to the Vice President for Student Engagement and/or the appropriate law enforcement agency for possible legal actions. Students found responsible for intentionally or unintentionally causing a fire are liable for a fine and in addition to other disciplinary sanctions.

TAMPERING WITH FIRE EQUIPMENT

Persons found tampering with or vandalizing fire equipment or alarms are subject to a fine in addition to any costs to fix the equipment, disciplinary action, and possible criminal prosecution. All cases will be referred to the Vice President for Student Engagement in addition to the Director of the Physical Plant.

FIREWORKS

The possession of fireworks and/or other incendiary devices is prohibited. Anyone found detonating fireworks of any type would be subject to a fine and disciplinary action.

OPEN FLAMES

Open flames, including matches, lighters, candles, incense, menorahs, kerosene lamps and stoves, and other similar items, are not permitted in the residence halls. Burnt candles are also subject to a fine.

ELECTRICAL EQUIPMENT

Tampering with electrical equipment (breaker boxes, outlets, elevators, etc.) is prohibited. No electrical outlet is to be overloaded so as to cause repeated tripping of circuit breakers.

DECORATIONS

All decorations must be in compliance with the fire code. No candles or items with an open flame element are permitted. Only artificial Christmas trees or trees that have been treated with fireproofing substances are allowed in residential areas.

SMOKING

Use of chewing tobacco, cigarettes, or other related products is prohibited in all areas of Residential Life as well as within any University owned property.

FIRE SAFETY EDUCATION AND TRAINING

Resident Life staff are trained annually on fire extinguisher use, smoke/fire detection systems, and important procedures in the event of an actual fire. In addition, Residential Life staff addresses fire safety issues with resident students annually at floor meetings.

When a student is identified as accidentally setting off a residential fire system, Residential Life staff addresses fire safety issues during a follow up meeting with the student. Residential Life also provides a media campaign in the residence facility common areas which promote fire safety. Information about fire drill procedures are distributed campus-wide in conjunction with each fire drill.

FUTURE FIRE SAFETY IMPROVEMENTS

Campus fire safety systems are routinely inspected and tested. Results are documented and deficiencies are addressed promptly. Improvements are planned and submitted through the annual capital request process.

FOR MORE INFORMATION

UNIVERSITY OF PROVIDENCE

Human Resources Office: hr.up@uprovidence.edu

Information Services Desk: (406) 791-5976

Website: www.uprovidence.edu

Integrity Hotline: (888) 294-8455

Integrity Online: www.integrityonline.ethicspoint.com

