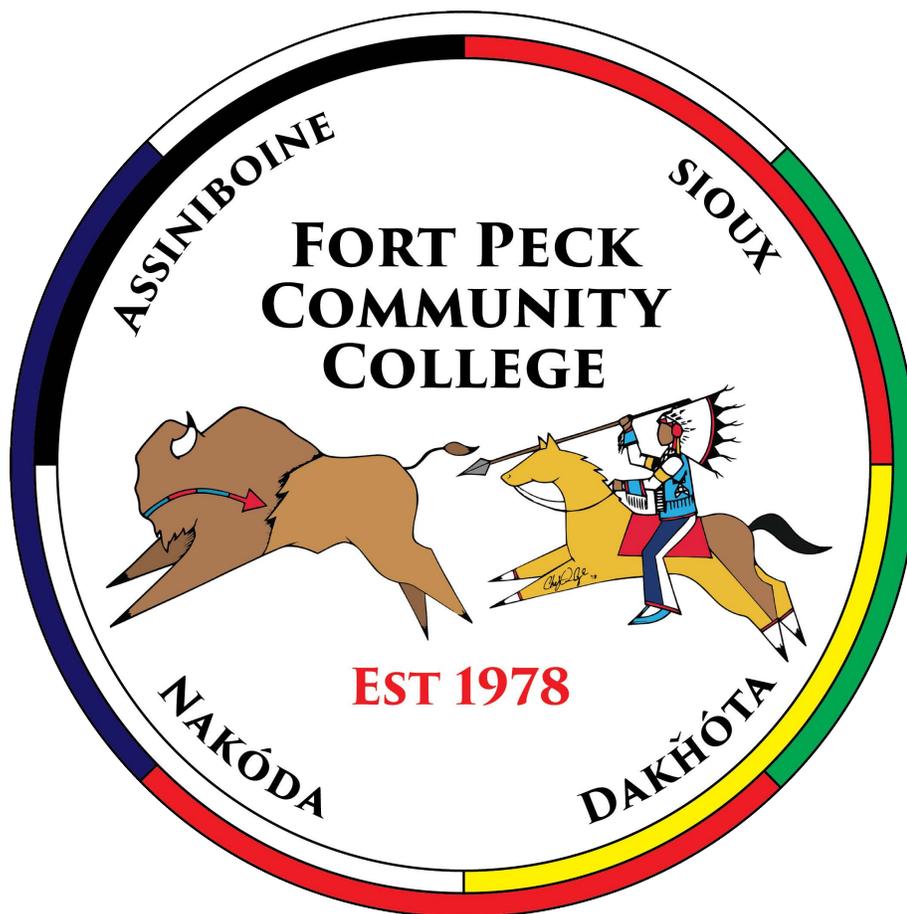


# Annual Security Report (Drug & Alcohol Abuse Prevention Program/Annual Fire Safety Report) Fall 2021

Fort Peck Community College is an equal opportunity educator and employer.



This document is available in alternative formats to individuals with disabilities by calling Disability Services at (406) 768 6346 (voice).

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## **Welcome**

Fort Peck Community College is committed to providing you with a quality educational experience. The faculty, administration and staff are partners with students in this effort. There are many services, resources and information available to assist you. The following pages provide Fort Peck Community College's annual compliance and security reports. This information is distributed to registered students annually in compliance with several federal and state laws including the Drug- Free Schools and Community Act, the Student Right to Know Act, the Campus Security Act, the Drug-Free Workplace Act and the Family Educational Rights and Privacy Act, and is available to prospective students upon request. It will also be made available in alternate format upon request. Contact Disability Services at (406) 768-6346.

All students and staff are encouraged to familiarize themselves with these compliance reports. In addition, other important information on topics that contribute to a positive campus environment is presented. Additional important information appears in the Fort Peck Community College catalog and on our website at [www.fpcc.edu](http://www.fpcc.edu).

Fort Peck Community College sincerely wants students to have a positive learning experience. If you have any questions about this document or other issues related to the educational process, please feel free to contact us at Student Services, WEV Building or call (406) 768 6370.

## **Elijah Hopkins**

**Vice President for Student Services / Title IX Compliance Officer Preparer of 2021  
Campus Security Report**

### **Introduction & Purpose of this Report**

Fort Peck Community College prepares this report annually to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report is located on our website at:

You will also be able to connect to our site via the FPCC Home page at [www.FPCC.edu](http://www.FPCC.edu). This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus, housing, and various related departments on campus. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to local law enforcement agencies, designated campus officials (including but not limited to administration, deans, advisors to students/organization, and coaches) and local law enforcement agencies. These statistics may also include crimes that have occurred in private residences or businesses and are not required by law. Spiritual advisors on campus inform students of the procedures to report crime to local law enforcement on a voluntary or confidential basis, should they feel it is in the best interest of the student. Spiritual advisors are not mandatory reporters.

Each year, notification is made to all enrolled students providing the web site to access this Report. Faculty and staff receive similar notification. The Annual Security Report (Drug & Alcohol Abuse Prevention Program/Annual Fire Safety Report) are published for viewing and

printing on the college web site and are available at all times at: <https://www.fpcc.edu/about-fpcc/consumer-information/>

Printed copies of the report are available on campus in the James E. Shanley Tribal Library, President’s Office, Reception Desk at Dumont Building, Student Services Office, Academic Affairs Office, Human Resources Office, Campus Student Housing Resident Assistant Office, and at the Information Desk.

All Clery Act geography is located on the campus of Fort Peck Community College as outlined below: (Clery Report Map)

## FPCC Clery Reporting Map

- 1 Greet the Dawn
- 2 War-Eagle-Vision
- 3 Jim Shanley Tribal Library
- 4 FPCC Bookstore
- 5 RLS Building
- 6 Computer/Science Labs
- 7 Old Main
- 8 Tatanka Tibi
- 9 Student Housing
- 10 Vocational Building
- 11 Institutional Development
- 12 Dumont Building

### Poplar Campus



### Wolf Point Campus



Clery Map Legend	
Clery On Campus	
Clery Non-Campus	
Clery Student Housing	
Clery Public Properties	

## Campus Security Report

The Vice President for Student Services at Fort Peck Community College prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crimes Statistics Act of 1998. This report is prepared in cooperation with local law enforcement agencies responsible for our campus locations. Internally, departments such as Student Services, Academic Affairs, Human Resources, and others provide information to comply with the Act. Campus crime, arrest and referral statistics include those reported to Fort Peck Community College's Vice President for Student Services, designated campus officials, and local law enforcement agencies.

Pursuant to the *Student Right to Know* and Campus Security Act, Fort Peck Community College monitors criminal activity, publishes this report, and maintains a three-year statistical history on the main campus and at off campus property locations or facilities owned or used by Fort Peck Community College.

The annual report includes reported crimes alleged to have occurred on the campus, at facilities owned or used by Fort Peck Community College and/or recognized student organizations/clubs and the immediately adjacent surrounding public area. The Vice President for Student Services serves as the primary liaison between the Campus Student Services Department and all law enforcement agencies. In order to accurately report crimes alleged to have occurred on public areas immediately adjacent to the campus, the Vice President for Student Services annually requests crime statistics from local law enforcement agencies. A record of these inquiries is housed in the Vice President for Student Services Office.

The annual report includes the following reports of crime:

- Murder and non-negligent manslaughter
- Negligent Manslaughter
- Sex offenses
- Robbery
- Aggravated Assault
- Burglary
- Arson
- Motor Vehicle Theft
- Sexual Assault/Rape
- Domestic violence
- Dating violence
- Stalking

The report also includes arrests or persons referred for campus disciplinary action for the following:

- Liquor law violations
- Drug abuse violations
- Weapons possession
- Hate crimes
- Prejudice
- National origin
- Gender identity

- Non-prejudice
- Sexual Assault
- Domestic violence
- Dating violence
- Stalking

Other reported crimes involving bodily injury to any person, and reported crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim, must be reported as hate crime statistics. These reported offenses are recorded as such in this report whether it is an on or off campus crime.

Fort Peck Community College will notify employees, current students and prospective students of the availability of this report and will provide a copy of the report upon request.

Printed copies of the report are available on campus in the James E. Shanley Tribal Library, President's Office, Vice President for Student Services Office, Vice President for Academic Affairs Office, Nursing/Law Enforcement Office, Human Resources Office, Campus Student Housing Resident Assistant Office, and at the Information Desk.

Under the Clery Act, Fort Peck Community College is required to report annual crime statistics showing reported occurrences of specific types of crime for the benefit of current/prospective students and employees.

Statistics pertaining to referrals for disciplinary action reflect those incidents of alcohol, drugs, and weapons violations that were referred to the Vice President for Student Services for student disciplinary action.

Statistics for off-campus crime are not collected by the Wolf Point or Poplar Police Department, Tribal Police or the Roosevelt County Sheriff's Office for Clery reportable offenses or arrests.

**Definitions.** *The following Clery geography definitions apply to the Crime Statistics Report on pages 6-9.*

**On-campus** is defined as “any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including student halls; and property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).”

**\*On-campus Subset: On-campus Student Housing** is defined as “any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up campus.”

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

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

### **Crime Statistics Collection**

In accordance with the Jeanne Clery Disclosure of Public Safety Policy and Campus Crime Statistics Act (the Clery Act) of 1998 and the Higher Education Amendments of 1992 and 2008, FPCC collects and reports crimes on campus, non-campus sites owned or maintained by FPCC and/or recognized College organizations, and public property. FPCC prepares a three-year statistical report of these incidents and provides this report to FPCC students and employees through publication on the FPCC website and specific notifications sent annually referring current and prospective students and employees to the report.

The current reported crime statistics are found on pages 8-10 and can also be accessed by going to the Department of Education’s Security Statistics search site at <http://www.ope.ed.gov/security>

### Crime Statistics for 2020

Offense (Reported by Hierarch)	Year	On Campus	Non-Campus	Public Property	Total	Residential Facilities
Murder/Non Negligent Manslaughter	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Manslaughter by Negligence	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Sex Offense, Rape	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Sex Offense, Fondling	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Sex Offenses, Statutory Rape	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Robbery	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Aggravated Assault	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Burglary	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0

Offense (Reported by Hierarchy)	Year	On Campus	Non-Campus	Public Property	Total	Residential Facilities
Arson	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Simple Assault	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Larceny-theft	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Intimidation	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Destruction/damage/ Vandalism of property	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Domestic violence	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Dating Violence	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	1	0	0	1	0
Stalking	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
# of Arrests						
Weapons: carrying, possessing, etc.	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Drug Abuse Violations	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0

Liquor Law Violations	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
# of Persons Referred for Disciplinary Action						
Weapons: carrying, possessing, etc.	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0

### Unfounded Crimes

Fort Peck Community College had no hate crimes in 2018, 2019, or 2020.

### Section 1: Campus Crime Report Information Crime or Emergency Reporting

Crime is a reality at Fort Peck Community College. Preventing crime is everyone's responsibility. Unreported crime is a criminal's greatest ally. If you suspect a criminal act has taken place, follow these steps to report campus crime:

1. Immediately contact local law enforcement. For emergencies call 911, for non-emergencies call the Roosevelt County Sheriff's Office at 406-653-6230 or Tribal Police at 406-768-5565.
2. Contact the Vice President for Student Services at (406) 768 6371 and fill out a campus crime report form. Campus Crime Reporting forms are available at Student Services WEV Building and online: <http://www.fpcc.edu/wp-content/uploads/Campus-Crime-Reporting-Procedure.pdf>
3. If possible have witnesses write a statement as to their involvement and/or their witness thereof and attach to report form.
4. If warranted, Student Services will contact the law enforcement agency for a full report.
5. All documents will be filed in the office of Student Services for reporting purposes.

Suspicion of crime does not require proof. If you suspect a crime has been committed or is being committed, call law enforcement immediately. Make a difference, call. Only concerned citizens can prevent crime.

If you are a victim or witness of a crime: Report the incident immediately to law enforcement. If you can, gather pertinent information, such as sex, race, hair color, length and texture, body size, clothing description, scars and other noticeable characteristics, modes of travel, type of vehicle, color and license information.

Suspicious persons: If you see anyone acting suspiciously, call 911. Do not approach the individual yourself. Report the type of suspicious behavior and the location. Relay pertinent

information concerning the involved person including: age, sex, dress, vehicle and direction of travel.

Bomb threats: If you receive a bomb threat, it is important to obtain as much information as possible from the caller.

Things to ask are: (1) location of bomb, (2) time of explosion, and (3) type of bomb. Make mental notes about the caller's voice, and background noises which you may hear. Call 911 immediately. Do not panic. Law enforcement will search the area, notify properly trained personnel, and notify emergency services. Law enforcement, in conjunction with the building supervisor and administration, will determine if evacuation is necessary.

What to Report: When calling law enforcement to report an incident, please provide the following information:

1. Your name
2. Location of incident
3. Type of incident
4. Description of suspect, vehicles or other pertinent information
5. Return telephone number

### **Campus Security and Access**

During business hours, Fort Peck Community College (excluding housing) will be open to students, parents, employees, contractors, guests, and invitees. Access to campus buildings is limited to normal business hours. Normal campus hours are 8:00 a.m. to 4:30 p.m. Monday through Friday.

During non-business hours access to all college facilities is by key, if issued, or by admittance via the Maintenance Office or Administration. In the case of periods of extended closing, the college will admit only those with prior approval to all facilities. Student housing is secured 24 hours a day. Over extended breaks, the doors of student housing will be secured around the clock.

Emergencies may necessitate changes or alterations to any posted schedules. Administrators, Maintenance, Housing and others will review these results. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year the Director of Facilities, Management, Housing and/or Administration meet weekly to discuss issues of concern.

Facilities and grounds are routinely inspected to ensure all security related equipment is in good working order. Annual inspections and testing are performed, or all systems required for code compliance. Security needs are addressed in all phases of construction planning and development. Public access to buildings is only available during normal hours of operation.

Keyed access is available to administration, staff, and faculty with prior authorization. The campus provides video surveillance and is maintained by authorized personnel. The Campus Safety Committee meets as required to plan, address and review safety/security.

The Fort Peck Community College campus is for the use of the students, faculty, staff, visitors and those on official business with Fort Peck Community College. All others are subject to being charged with trespassing.

Department labs, facilities, classrooms or suites will not be opened for unknown individuals without prior written approval from the department supervisor. Keys are issued to authorized faculty and staff. Students are issued keys on a temporary and very limited basis.

Exterior building doors must not be blocked open when the doors are locked. Individual classrooms are available during normal business hours for scheduled classes and scheduled special events. Room reservations can be made by contacting the Front Desk at GTD.

No students are allowed in any building after business hours. Personnel, other than Facilities, must vacate the campus no later than the designated closing times noted, as a standard safety measure, except for previously authorized events scheduled through the Vice President for Student Services.

Faculty or staff members who believe they are the last persons in a building should ask unauthorized people to leave the premises. If a problem arises regarding people in the buildings after hours dial 911 to report. Employees must secure all required areas upon departure.

### **Law Enforcement Authority**

Student Services staff are employees of Fort Peck Community College; they are not certified or sworn peace officers. Fort Peck Community College does not have any on campus security personnel office.

The Vice President for Student Services and the Campus Safety Officer work with the Tribal Police and the Roosevelt County Sheriff's Department, and State and Federal law enforcement agencies to track and respond to on campus or near-campus criminal activity.

Fort Peck Community College recognizes that laws and rules are necessary for society to function and supports the enforcement of law by governmental agencies and rules by officials of the College. All persons on campus are subject to these laws and rules at all times. While the college is private property, and constitutional protections apply, law enforcement officers may enter the campus to conduct business as needed. Additionally, the officers are invited to patrol the campus to assist in deterring crime. All law enforcement agencies are expected to contact Administration. To date, FPCC does not have a Memorandum of Understanding with local law enforcement agencies.

Annually, Fort Peck Community College requests summary for the year of all crime occurring on campus (including immediately adjacent public property & throughways). For the 2020 ASR (reporting year 2019) a good faith effort was made to both tribal and Roosevelt County law

enforcement agencies to receive such statistics. Neither law enforcement agency was able to provide such data.

### **Prompt and Accurate Crime Reporting**

Community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents to Administration and/or local law enforcement in a timely manner. To report a crime or an emergency on campus, call 911. To report a non-emergency security or public safety matter call the Vice President for Student Services at (406) 768-6371. Contact local law enforcement to report a crime or an emergency concerning an off-campus activity/event. Fort Peck Community College Administration looks to local law enforcement to report to the college all off campus crime, emergency or safety issues concerning FPCC students.

### **Monitoring and Recording Activity at Off-Campus Locations**

All Fort Peck Community College-recognized organizations that are off campus will still be monitored by the appropriate local law enforcement department. Local law enforcement agencies are expected to share crime information with Fort Peck Community College. Fort Peck Community College includes off campus student organizations' events/activities reported crime statistics in its annual security report. Students are subject to the Student Code of Conduct while participating in school sponsored activities at off campus locations — any violations of the Student Code of Conduct while participating in any such activities will be investigated by the Vice President for Student Services.

The Student Services Department maintains contact with recognized student clubs and organizations. Criminal activity at recognized student clubs and organizations' events/activities off-campus is monitored by appropriate local law enforcement.

Fort Peck Community College works with local law enforcement Police when violations of federal, state, or local laws surface. This cooperative team approach addresses situations as they arise as well as future concerns.

### **Mandatory Reporting**

All employees who become aware of an allegation or violation of college policy, student code of conduct, civil or criminal law should report the allegation to their supervisor and to Vice President for Student Services. Campus Security Authority can receive incident reports of crimes on and off campus and is defined as: Contracted campus security services or any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department. The Vice President for Student Services notifies campus security authorities on an annual basis of their reporting requirements and documents such notification in the Student Services Department. Individuals considered to be Campus Security authorities include:

Vice President for Student Services, Coaches, Resident Assistants, Club/Organization Advisors. An official of the college who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

If such an official is a spiritual advisor or professional counselor, the official is not considered a campus security authority when acting as a spiritual advisor or professional counselor. As a result of the negotiated rule making process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Spiritual Advisor" (pastoral counselors), when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. Counselors are asked to provide information relating to crimes on campus but may continue to honor the confidentiality of victim.

## **Personal Safety and Security**

Fort Peck Community College encourages students and employees to be responsible for their own security and the security of others.

### **A. Personal Security Recommendations:**

**(1)** Campus staff are available to assist you in protecting yourself by providing regular foot and/or vehicle patrols, safety and security programs, as well as various safety and security posters and brochures. However, only you can protect yourself by being aware of your surroundings and taking appropriate steps in preventing crime from happening.

**(2)** Call for an escort! Call the Information Desk at (406) 768-6300 or the Vice President for Student Services, (406) 768-6371, between 8:00 a.m. and 4:30 p.m. weekdays. Campus Safety Officer (406) 768-5476

**(3)** Protect yourself! Never walk alone at night; always walk in well-lit areas; always have keys in hand when approaching your car; always have gas in your car. Refrain from taking shortcuts, walk where there is plenty of light and traffic. Call for an escort (daytime hours 8:00 am - 4:30 pm: (406) 768-5476 or (406) 768-6300. After 4:30 p.m. call (406) 768-7102 (RA office in dorms) or (406) 768-6318 (maintenance cell).

### **(4) Protect your room or apartment:**

- Lock your door, even if you are only going to be gone for a short time or a short distance. It only takes 8 seconds to walk into your room and steal your valuables.
- Always lock your door when you are asleep. You are also encouraged to lock your door when you are awake.
- Do not prop open locked exterior building doors. These doors are locked for your protection and for the protection of other residents.
- Never open exterior doors of the building for strangers or nonresidents; always escort your guests to and from the main entrance doors.
- Protect all valuables in your room or office. Do not leave valuables in plain view.
- Take all valuables home with you during vacations.
- You are encouraged to open a savings or checking account rather than allow large sums of money to accumulate in your room. If you open a checking account,

remember the number of the last check written. The theft of a single check can go undetected until a bank statement discloses a forgery.

- Park your bike where you can keep an eye on it if possible. Always lock your bike. There are several good anti-theft devices available. Case hardened heavy locks and chains afford the best protection.

**(5) Protect your automobile:** Always lock your car doors and never leave your keys in the vehicle. Try to park your car in a well-lit area. Avoid leaving property where it is visible in your car.

**(6) Protect yourself when walking and jogging:** Avoid walking and jogging alone after dark. If you must travel alone at night, use FPCC's escort (daytime hours 8:00 am - 4:30 pm: (406) 768-5476 or (406) 768-6300. After 4:30 p.m. call (406) 768-7102 (RA office in dorms) or (406) 768-6318 (maintenance cell). \*Based upon availability of staff\* Use well-lit routes. Be alert to your surroundings, if you suspect that you are being followed, run in a different direction, go to the other side of the street and yell for help, head quickly for a lighted area or a group of people. Have your keys ready when returning to your student dorm, apartment, or vehicle, and keep your personal or valuable items concealed and close to your body.

**(7) Help us protect you:**

- Watch for suspicious people in and around campus buildings and in parking lots. Do not pursue them.
- Call 911 if you should enter your room and find a stranger, regardless of the "cover story" supplied.
- If you see any suspicious activity or persons on or near campus, immediately call 911. If the Vice President of Student Services is not available, go to the college's Information Desk and request to see an administrator. After 4:30 p.m. call 911 (emergency only) or Roosevelt County Sheriff's Department: (406) 653-6230 or Tribal Police: (406) 768-5565 (non-emergency).
- Do not assume that what you observe is an innocent activity or that it has already been reported.
- Do not assume that the person is a visitor or FPCC staff member that you have not seen before. Suspicious persons may be: Loitering about at unusual hours and locations; running, especially if something of value is being carried. Exhibiting unusual mental or physical symptoms. The person could be under the influence of drugs or otherwise needing medical or psychiatric assistance. Carrying property that might be suspicious, depending on the circumstances, going from room to room trying door handles.
- Door-to-door soliciting is not permitted in campus residence facilities. Violations of this rule should be reported to your hall director immediately.
- Report all thefts and property loss immediately to the Vice President for Student Services.
- Be security conscious at all times.
- Security considerations of campus facilities
- Building access and maintenance: The FPCC campus is for the use of the students, faculty, staff, and their escorted guests and those on official business with FPCC. All others are subject to being charged with trespassing. Access to campus buildings is limited to normal business hours. Students, faculty, staff, and visitors are encouraged to report needed repairs to the maintenance department for all academic areas.

- Policies & procedures for safe access to buildings: Keys are issued to authorized faculty, staff, and students only. Exterior building doors should not be blocked open when the doors are locked. Building evacuation is mandatory for all fire alarms. The academic building is normally open from 8:00 a.m. until evening classes end (8:00 p.m.) and for scheduled weekend classes and special events. Employees and students in buildings after normal working hours should have a campus ID in their possession and present the ID when requested. For staff who appear to be the last person(s) in a building should ask unauthorized persons to leave the premises or contact maintenance. The building should be secured when the last employee departs. In buildings that have outside windows, employees should close and lock the windows before leaving the building. On-campus telephones are located in most building hallways or classrooms for emergency calls. These phones may also be used to contact 911. Problems related to people in buildings after hours should be reported. Call the Tribal Police: (406) 768-5565 or Sheriff's Department: (406) 653-6230
- Policies and procedures for safe access to residence halls: After the first class day of fall semester, residence hall exterior doors are normally locked. Residents are encouraged not to prop doors open and not to open these doors to anyone other than their guests. Residents who lock themselves out of their rooms should contact their respective residence assistant. After hours, contact a member of the residence life staff. All nonresidents of the buildings should be escorted. Escorted visitors of the opposite sex should not be in student rooms and/or student foyer between the hours of 11:00 p.m. and 8:00 a.m. Residents are not allowed to have overnight guests from 11:00 p.m. and 8:00 am

In addition to the Student Services Department, you may also report crimes to the following Campus Security Authorities (CSA's):

- AIBL (American Indian Business Leaders): Advisor: Jarett Medicine Elk
- Bluestone Indian Club: Advisor: Leigh Melbourne
- Student Senate: Advisor: Elijah Hopkins, Rose Atkinson
- Video Game Club: Advisor: Martel Reum
- Student Housing Director: Elijah Hopkins
- Financial Aid Director: Lanette Clark
- TRIO Student Support Services Director: David James
- Recruitment & Retention Officer: Nourah AbuShaban
- Campus Safety & Fire Officer: Steve Harada

### **Maintenance of Daily Crime Log**

On campus housing will keep and maintain an easily understood crime log, recording all crimes reported to the Fort Peck Community College administration. The crime log will include information such as the nature, date, time, and general location of each crime in student housing, and the disposition of the complaint if known. The crime report log will include reported crimes that occurred in campus housing facilities.

All entries shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection during normal business hours. 8-4:30 P.M. Monday -Friday

The campus student housing crime report log is available upon request. Any portion of the on campus housing crime report log older than sixty (60) days must be available within two (2) business days of the initial report being made to the Vice President for Student Services and Student Housing Director. If new information regarding a log entry becomes available to the Student Housing Director or Vice President for Student Services, the log entry will be updated accordingly to reflect the most current information available.

The campus student housing crime report log is located in the Student Housing Director Office located in Student Services War Eagle Vision building and may be requested for review at any time during regular business office hours Monday through Friday 8 a.m. to 4:30 p.m.

### **Voluntary Confidential Reporting**

Law enforcement will respond to reports of crime against persons and all property owned, controlled, leased or operated by Fort Peck Community College. On a 24 hour basis, dispatchers can instantly dispatch the law enforcement, Fire Response Services, Emergency Medical Services.

All reports of criminal activity occurring within the jurisdiction of FPCC will be investigated and, if the investigation confirms a violation of the state criminal code, the matter will be referred to the Roosevelt County Attorney or Wolf Point and/or Poplar City Attorney or Tribal Attorney for prosecution. Reports of criminal activity received by Student Services occurring outside of its jurisdiction will be referred to the appropriate city or county law enforcement agency.

FPCC will make timely reports to the campus community regarding the occurrence of crime on campus. A log of daily crime reports and incidents are maintained and available for review by the campus community and the public at large. This crime log can be accessed at the customer service desk of the Student Services Department.

### **Campus Security Authorities**

Students and employees should report criminal offenses described in the law to designated Campus Security Authorities (CSAs) or local law enforcement for the purpose of making timely warning reports and annual statistical disclosure. Under the Clery Act, FPCC must designate certain individuals and organizations as CSAs. CSAs include College personnel and officials who have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. Crimes reported to any CSA will be included in the annual crime statistics.

As explained above, students, employees, and visitors are encouraged to promptly report crimes to law enforcement and Student Services. However, students may contact any CSA for appropriate assistance in reporting crimes. Confidentiality of crime reports made to CSAs cannot be promised. Clery requires statistical reporting, but CSAs are also reporters under the requirements of Title IX and as such may not be able to maintain confidentiality. There may be instances where FPCC must act regardless of the wishes of the complainant or reporter. Nevertheless, in such cases FPCC will take care to protect identities to the extent allowed by the circumstances and law.

### **Annual Disclosure of Crime Statistics**

Under the Clery Act, Fort Peck Community College is required to report annual crime statistics showing reported occurrences of specific types of crime for the benefit of current/prospective students and employees.

Statistics pertaining to referrals for disciplinary action reflect those incidents of alcohol, drugs, and weapons violations that were referred to the Vice President for Student Services and/or the Director of Student Housing for student disciplinary action.

Statistics for off-campus crime are not collected by local law enforcement departments or Roosevelt County Sheriff's Office for Clery reportable offenses or arrests. The Student Services Department has requested the information for public property and non-campus buildings or property within the jurisdiction of each agency. However, the agencies have not complied with our request.

### **Safety and Security Awareness Programs**

Campus Security Officers provide safety and security education through numerous presentations to on-campus groups and other presentations upon request.

Educational programs concerning security awareness, personal safety, and crime prevention, including prevention of sexual assault, date/acquaintance rape, other forcible and non-forcible sex offenses and personal safety techniques are offered by a variety of groups and individuals on campus each year. Presentations include:

- Alcohol awareness
- Drug awareness
- Crime Prevention covering crimes such as rape, acquaintance rape, domestic violence, dating violence, sexual assault, sexual intercourse without consent, relationship violence, privacy in communications, and stalking
- Run, Hide, Fight - Active shooter protocol
- Workplace violence protocols
- New Employee Orientation
- Internet Safety and Security
- Facility Intruder Awareness for Secure Facilities
- Property security
- Personal safety
- Bicycle safety
- Stranger Danger

- Identity theft
- Others upon request

Students living in student housing are provided with security brochures at check-in. Student Housing staff regularly address residence hall safety and security rules and precautions, and personal safety considerations with all residents at floor and hall meetings. Safety and security rules and guidance are provided in the Student Dormitory Handbook.

### **Crime Prevention Programs**

The College's crime prevention program stresses community awareness and interaction through the dissemination of materials and presentations designed to familiarize students, faculty and staff with their responsibility in reducing criminal opportunity.

Fort Peck Community College stresses that preventing crime is a shared responsibility. Everyone in the campus community should play an active role in making the College environment safe and secure from criminal activity.

### **Definition of Crime Categories**

Criminal Offenses are defined as outlined by the U.S. Department of Justice, FBI National Incident-Based Reporting System:

- **Murder & Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. Any death caused by injuries received in a fight, argument, quarrel, assault, or commission of a crime is classified as murder and non-negligent manslaughter.
- **Negligent Manslaughter** – Is defined as the killing of another person through gross negligence. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities, are not included in the category Negligent Manslaughter.
- **Forcible Sex Offense:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - A. **Rape** - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
    - 1) **Sodomy**- Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
    - 2) **Sexual Assault With An Object**- To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. (An “object” or “instrument” is anything used by the offender other than the offender’s genitalia, e.g., a finger, bottle, handgun, stick.)
  - B. **Forcible Fondling**- The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances

where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. (Because there is no penetration in fondling, this offense will not convert to the SRS as Rape) • Non-forcible Sex Offense:

- C. Incest- Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- D. Statutory Rape- Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- E. Robbery: The taking, or attempted taking, of anything of value from one person by another, in which the offender uses force or the threat of violence.
- F. Aggravated Assault: An attack by one person upon another, in which the offender uses or displays a weapon in a threatening manner or the victim suffers severe injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- G. Burglary: The unlawful entry into a building or other structure with the intent to commit a felony or a theft.
- H. Motor-Vehicle Theft: The theft of a motor vehicle, including automobiles, trucks, motorcycles, and mopeds.
- I. Arson: The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, or aircraft, personal property of another, etc.
- J. \*Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that persons acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- K. \*Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and, where the existence of such a relationship shall be determined by the victim with consideration of the following factors: (1) The length of the relationship, (2) The type of relationship, (3) The frequency of the interaction between the persons involved in the relationship.
- L. \*Stalking: a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.
- M. Liquor-Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned offenses. Drunkenness and driving under the influence are not included in this definition.
- N. Drug-Law Violations: Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin,

codeine); marijuana; synthetic narcotics (demerol, methadone); and dangerous non-narcotic drugs (barbiturates, benzedrine).

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

**Hate Crime** is defined as a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability. For Clery Act reporting purposes, hate crimes include any offense in the following list that is motivated by bias:

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

#### **Hate Crime Bias**

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

#### **Section 2: Missing Student Policy**

The purpose of this policy is to establish procedures for the college's response to reports of a missing student, as required by the Higher Education Opportunity Act of 2008. If a student, staff or faculty member of Fort Peck Community College has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify the Vice President for Student Services (406) 768 6371. FPCC will generate a missing person report and initiate an investigation. In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by FPCC in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, FPCC will notify that individual no later than 24 hours after the

student is determined to be missing. A student who wishes to identify a confidential contact can do so by contacting the Director of Housing and Student Services. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.

For purposes of this policy, a student may be considered to be a "missing student" if the person's absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include a reasonable/reliable report or suspicion that the missing student may be endangered. Examples include, but are not limited to, possible victim of foul play, expression of suicidal thoughts, alcohol or other drug abuse, a life-threatening situation, or recent contact with persons who may endanger the student's welfare.

### **Procedures for designation of emergency contact information**

1. Students age 18 and above and emancipated minors. Residential students will be given the opportunity upon check in to a college operated residence hall/apartment, to designate an individual or individuals to be contacted by the college no more than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. A designation will remain in effect until changed or revoked by the student.
2. Students under the age of 18. In the event a student who is not emancipated is determined to be missing pursuant to the procedures set forth below, the college is required to notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing in accordance with the procedures set forth below.

### **Official Notification Procedures for Missing Students**

1. Any individual who has information that a student may be missing must notify the Vice President for Student Services as soon as possible. Note: In order to avoid jurisdictional conflicts, the Vice President for Student Services will immediately notify local law enforcement authorities. The Fort Peck Community College will assist external authorities with these investigations as requested.
2. The Vice President for Student Services will work with campus offices, the reporting person(s) and the student's acquaintances to gather all essential information about the student (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the student's physical and mental well-being, an up-to-date photograph, class schedule, etc.). Appropriate campus staff will be notified to aid in the search for the student.
3. If the above actions are unsuccessful in locating the student or it is apparent immediately that the student may be endangered (e.g., witnessed abduction), the Dean of Student Services will contact the appropriate local law enforcement agency to report the student as a missing person and the local law enforcement agency will take charge of the investigation.
4. No later than 24 hours after determining that a student is missing, the Vice President for Student Services, or designee, will notify the emergency contact (for students 18 and over) or the parent/guardian (for students under the age of 18) that the student is believed to be missing.

5. For missing students who are 18 years of age or older, and did not designate an individual to be contacted, the Vice President for Student Services will act in accordance with FERPA and Montana Government Data Privacy guidelines with regard to contacting a parent/guardian.

In cases involving missing persons, law enforcement personnel are trained to provide information to the media in a manner designed to elicit public assistance in the search for a missing person. Therefore, all communications regarding missing students will be handled by outside law enforcement authorities, who may consult with the College Public Information Office. All inquiries to the college regarding missing students, or information provided to any individual at the College about a missing student, shall be referred to the President/Dean, who shall refer such inquiries and information to law enforcement authorities.

Prior to providing the College community with any information about a missing student, the College Public Information Office shall consult with the Vice President for Student Services, local law enforcement authorities, and the Office of the President to ensure that communications comply with FERPA and Montana Government Data Privacy guidelines and do not hinder the investigation.

The purpose of this policy is to establish procedures for the college's response to reports of a missing student, as required by the Higher Education Opportunity Act of 2008. This college policy applies to students who reside in college operated Student Housing.

A student may be considered to be a "missing student" if their absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include a reasonable/reliable report or suspicion that the missing student may be endangered. Examples include, but are not limited to, possible victim of foul play, expression of suicidal thoughts, alcohol or other drug abuse, a life-threatening situation, or recent contact with persons who may endanger the student's welfare. All information provided will be registered confidentially. This information will be accessible only to authorized campus officials and it will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

If a student has gone missing for more than 24 hours, please contact the following people:

- Vice President for Student Services: (406) 768 6371

### **Emergency Response and Timely Warnings**

In the event of an emergency incident affecting campus, Fort Peck Community College will, without delay and taking into account campus safety make the best effort possible to assist victims or contain/respond/mitigate the emergency. A small group consisting of two or more of the emergency alert designees (listed below) will quickly confer in person or via technology to assess the situation and determine a timely and appropriate action, including if an emergency alert will be distributed. The small group of designees will determine the method of communication depending on the immediacy/severity of the current situation. Delivery methods can be but not limited to a written notice, campus email messages, notice on college web site, or initiating an emergency alert using the Regroup Mass Notification System.

Upon determining the need to issue an emergency alert, this group will identify the content of the notification (i.e. weather conditions cause campus closing; person with weapon on campus, etc.) and then will share that information with all of the emergency alert designees, who will then use the order of designee responsibility to initiate and distribute the emergency alert message in a timely manner.

## **Emergency Alert System**

The Regroup Mass Notification System is the emergency notification messaging system used by Fort Peck Community College. The system uses text, voice, and email messaging to notify students and employees of campus-related emergencies.

The Campus Alert System is an opt-in system and students and employees must register in order to receive emergency alerts. In the event of an emergency, a text and/or voice message will be sent to the phone number and/or an email will be sent to the email address provided.

Fort Peck Community College students are asked to sign-up for the Campus Alert System during new student orientation and employees are asked to register during new employee orientation and/or staff duty day meetings.

In the event of an actual emergency the campus community will be notified through phone, email, and the Fort Peck Community College website. Students should take responsibility for regularly checking their e-mail. In order to receive campus wide email announcements, students must have a college email account, which may be obtained from Information Technology staff located at the JES Tech Center. All students have an opportunity to sign up at orientation, the signup notification is run regularly on the two electronic message boards, paper flyers are hung on campus bulletin boards, and emails such as the following are periodically sent out.

All students, faculty, and staff are encouraged to sign up for the emergency notification system to receive text, voice, and email alerts of campus-wide emergencies and school closings. The emergency notification system is an opt-in system and students must register to receive alerts. Students are encouraged to sign up for this service to keep informed of campus wide emergencies. The signup is a simple process of creating a username and password and having it verified through your email account. If you have questions, don't hesitate to contact IT.

The emergency alert system will be used only when necessary in emergency situations affecting the campus, including:

- Campus closure due to weather
- Campus closure due to building infrastructure issue (no water, no electricity, etc.)
- Tornado warning (automated alert via NOAA service)
- Crisis situations on campus (person with weapon, violence/riot, chemical hazard, etc.)
- Other emergency situations deemed appropriate by the college president and designees.

The emergency alert system will not be used for general announcements such as daily class cancellations or specific event cancellation, slippery roads/current weather conditions, campus news updates, or other information not vital to the immediate safety of students and employees.

### **Emergency Alert Designees**

The following employees are designated as administrators of the Regroup Emergency Alert System and have access to sending emergency alerts. The information technology director is the primary person who will send alerts as directed. The following order of responsibility lists who will send an emergency alert, based on availability/access to technology/situational presence factors:

- Haven Gourneau, President (GTD Building)
- Elijah Hopkins, VP for Student Services (WEB Building)
- Carrie Schumacher, VP for Academic Affairs (GTD Building)
- David James, TRiO Director (WEV Building)
- Ember Runsthrough, Receptionist (Dumont Building)
- Olivia Headdress, Wellness Centers Coordinator (Poplar Wellness Center)
- Thomas Brown, Administrative Assistant (GTD Building)
- Rodney Paulson, IT Department (JES Building)
- Jack Sprague, IT Department (JES Building)
- Nourah AbuShaban, Recruitment Officer (WEV Building)
- Darcee St. Germaine, Student Resource Specialist (WEV Building)
- Judy Ogle, Faculty (JES Building)
- Steve Harada, Faculty (Vocational Education Building)

The Office of the Vice President for Student Services and/or Campus Safety Officer are responsible for issuing a timely warning, or “Crime Alert” to members of the campus community in cases of reported immediate threat such as murder, non-negligent manslaughter, negligent manslaughter, sex offenses (forcible or non-forcible), robbery, aggravated assault, burglary, arson, motor vehicle theft and any bias-motivated crimes, where the President Haven Gourneau (or the President's designee) determines there is a serious or continuing threat to the College Community.

Timely Warnings or “Crime Alerts” are used to inform the community that an incident has been reported. Crime Alerts will contain general information about the incident and how incidents of a similar nature might be prevented.

In such cases warranting a timely warning, the campus community will be made aware of the crime via “Crime Alerts” which will be sent out via campus email. The identity of the victim will be withheld to ensure confidentiality.

In the instance of an immediate threat to campus, requiring an urgent timely warning, Crime Alerts will be distributed utilizing the emergency notification system, Campus Alert System. The Campus Alert System (Regroup) can send phone, email, and SMS Text messages to up to nine different points of contact for every individual in the system. All campus community members

can choose to be enrolled in the Campus Alert System. Additionally, if deemed prudent and necessary, the college may utilize other methods of communication such as the campus website, campus social media pages, campus electronic message boards, and campus email system to expedite the communication process.

Records of all timely warnings issued will be maintained by the Vice President for Student Services (or designee).

## **Emergency Response and Evacuation Procedures**

The campus is comprised of the following buildings: Great the Dawn (GTD); War Eagle Vision (WEV); James E. Shanley Tribal Library (JES); FPCC Bookstore (Titoka Tibi); RLS; Computer/Science Lab; Old Main; Vocational Building; Institutional Development; and Dumont. These procedures are intended to meet the requirements of Fort Peck Community College emergency action plans, and are intended for staff, student, and visitor use in all college- owned facilities and holdings. They do not apply to college vehicles during use or to employees on approved college business away from campus.

The Campus Safety Committee is the main resource responsible for emergency response and evacuation procedures. The Campus Safety Committee may be augmented by other areas or groups. The Campus Safety Committee is comprised of senior leadership of the College campus, facilities, faculty, and communications personnel. The Campus Safety Committee was created to assist incident response and if appropriate, initiate the emergency notification system and begin the transition to emergency operations.

### **Part 1. Procedures Overview**

1. Contact the Campus Safety Officer, Steve Harada, at (406) 768–5476 or Administration immediately at (406) 768–6300 whenever an emergency occurs on campus.
2. Upon arrival, the officers and/or administrators will confirm the reported incident, assess the situation and determine if additional resources are necessary to resolve the situation.
3. If the incident is determined to be a significant emergency that will impact the campus community, the Administrative Team will be activated to respond.
4. Without delay Fort Peck Community College will, at the determination of the President of FPCC (or the designee), notify the campus community when a significant emergency or dangerous situation occurs involving an immediate threat to the health and safety of the campus community.
5. If deemed prudent, the campus emergency notification system will be utilized to inform the greater campus community of a continued or on-going emergency.
6. Information regarding the emergency may also be posted on the Fort Peck Community College website, electronic message boards and/or as appropriate to inform the larger community.
7. The President of FPCC along with other lead administrators will determine which information must be included in the notification to ensure that the campus community is adequately informed of the incident. If certain information will, in the professional

judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to or otherwise mitigate the emergency, the notification may be delayed.

## **Part 2. Emergency Response Exercises**

All faculty, staff and students should learn the evacuation routes and stairwell locations for all campus buildings they frequently occupy. Evacuation maps and information are posted throughout the campus. Emergency response and evacuation procedures will be disseminated as appropriate prior to or after any drill events. Drills may cover a range of scenarios including, fire, severe weather, active shooter, bomb threat, etc. If public safety, law enforcement or fire department personnel are on scene, follow their directions.

Documentation of such drill activity will be maintained by the Director of Facilities and Director of Student Housing.

In most emergencies the campus will use the campus emergency notification system and campus radio system to provide instructions to individuals on campus on proper emergency protocol. Special instructions for evacuation of students with disabilities who are known to need assistance with evacuation (i.e. students registered with the Office for Students with Disabilities) are available.

## **Part 3. Fire Evacuation Procedures**

1. Emergency sirens will sound in the event of a fire
2. Calmly exit the building via the nearest exit
3. Do not use elevators
4. Administration and assigned staff will provide direction and assistance
5. Evacuate to a safe distance and remain outside until the all-clear message is given

## **Part 4. Severe Weather Shelter Procedures**

1. Calmly proceed to the designated severe weather shelter area in your building
2. Administration and assigned staff will provide direction and assistance
3. Remain in the Severe Weather Shelter area until the all clear message is delivered

## **Part 5. Campus Lockdown Procedure**

1. In the event of an emergency or incident which has the potential for direct or immediate harm to the campus community the Police Department may lockdown the campus.
2. Administration will issue alerts via the campus emergency notification system and/or the radio system to advise the campus of the lockdown.
3. Proceed to the nearest classroom or enclosed area and secure yourself inside
4. Shut off all sources of light (i.e. lights, computer monitors, television screens, etc)
5. Stay away from windows and doors
6. Remain calm and quiet
7. Wait for instructions from law enforcement

If you require additional information about the plan or an explanation of duties, please contact Haven Gourneau, President, at (406) 768–6361.

## **Part 6. Emergency Response and Evacuation Plan Review**

Emergency response and evacuation plans are maintained as long as Fort Peck Community College conducts business that may be adversely affected by emergency conditions or situations. This plan should be considered dynamic and under continual review. Review of the written procedures will be completed annually. Superseded copies of this plan will be retained for five years as required by the records retention schedule. Copies of this plan will be maintained in the Campus Safety Officer Office located at the Institutional Development building. The Campus Safety Committee is responsible for this plan.

As a result of this review and evaluation, Fort Peck Community College will amend this plan periodically to include updated controls and technology. The plan will also be revised after significant incidents by incorporating: (1) the details of the event, (2) an evaluation of the cause of the event, and (3) corrective actions implemented necessary to prevent a recurring event. A material change in the structure of the plan will require full management review.

### **Emergency response notification**

Emergency contact phone numbers are posted in multiple locations on campus. **In case of an emergency**, dangerous situation, Fire or to report suspicious activity, do not hesitate to **call 911 first** and then notify a campus official.

- Non-Emergency: (406) 653-6230 (Roosevelt County Sherriff’s Office); Or (406) 768-5565 (Tribal Law Enforcement)
- Haven Gourneau, President: (406) 768-6361
- Student Services: (406) 768-6370
- Facilities Department: (406) 768–6318 (Campus Safety Officer)

### **Content of Emergency notification**

It is always the college’s intent to be forthright and timely in its communications with the college community, the media, and the public at large. Decisions regarding this communication will be guided by due concern for the right to privacy, personal security, legal liability, and the public’s legitimate right to be informed. All media inquiries will be referred without comment to the college’s Administrative Team. The official spokesperson for the college is the college President. Only the official spokesperson (President) and the designated alternate (as named/identified by the President) will articulate the college’s position upon authorization of and as directed by the President communicating through news outlets in the local area.

### **Emergency Evacuation of Fort Peck Community College Buildings**

The sounding of the fire alarms means that the building must be evacuated immediately. Go outside through the nearest door; do not use elevators. Remain outside (away from the building) until a Fort Peck Community College staff member tells you that it is safe to re-enter the

building. Special instructions for evacuation of students with disabilities who are known to need assistance with evacuation (i.e. students registered with the Office for Students with Disabilities) are available through the Student Services Department.

In most emergencies the campus will use intercom system to provide instructions to the campus on proper emergency protocol.

### **Cancellation or Postponement of Classes Due to Weather**

Fort Peck Community College will use local media and Campus Alert System to announce cancellations or postponements due to weather emergencies.

### **On-campus Student Evacuation**

Through the Campus Emergency Alert System, students will receive an emergency text and email notifying them of the time and location of an evacuation meeting. At the meeting, the logistics of the evacuation will be covered. The evacuation plan would include the following elements:

1. Students who are able to travel home should do so immediately.
2. Students who are able to host friends are encouraged to host friends unable to get home.
3. If not evacuating by personal vehicle, students are advised to secure available transportation.
4. Before students leave campus, all students must fill out an emergency evacuation form. The form includes the name of the student, the destination where the student will be residing during the evacuation and contact information.
5. Students who are unable to evacuate will be given information about relocating to a temporary emergency shelter. Buses and/or vans provided by the college will pick up students GTD parking lot, the east side of the campus student housing at a predetermined time to transport students to the emergency shelter.
6. The designated departure time of the buses and/or vans will be strictly enforced.
7. Anyone who fails to report to the loading area accepts responsibility for their personal safety.
8. The critical emergency personnel staff members will take turns staying with the FPCC students at the emergency shelter. (Students going to the emergency shelter need to fill out an emergency evacuation form.)
9. Students going to the emergency shelter should expect very limited accommodations. This may include sleeping on an open gym floor without cots. As occupants of the emergency shelter, students must abide by the rules of the shelter and college policies are still in effect.
10. Students will be kept up-to-date on the status of the college evacuation through the use of the campus emergency notification system. In the event that the college web site is not functioning, a temporary emergency web page will be created to relay information.
11. The critical emergency personnel will review the emergency evacuation forms to account for all students. Emergency personnel will make efforts to contact and determine the whereabouts of students who did not fill out an emergency evacuation form (this includes calling home to family).

12. After this step, the names of students who are still unaccounted for will be turned over to local law enforcement.

### **Aftermath Plans**

Once the emergency has passed, the President will determine when it is safe to return to campus. Post-emergency response teams will inspect all buildings, grounds, and utilities for damages.

#### **If the college is deemed safe:**

1. The critical emergency personnel member who is residing with the students in the emergency shelter will announce a departure time and designated loading area to the sheltered students.
2. All students will receive an emergency text, email and update via website via the Campus Emergency Alert System that it is safe to return to campus.
3. Students will not be allowed to return to campus until their housing assignments are ready for occupancy (in the event that some but not all of the campus facilities are damaged).

#### **If the college is deemed unsafe and/or will be closed for a prolonged period:**

1. Sheltered students and emergency personnel will make plans for long-term relocation.
2. Students and emergency staff are expected to make their way to the nearest airport, train station or bus station so they may make appropriate travel plans. All expenses incurred will be the individual's responsibility.
3. Students, staff, and faculty will be kept informed on the status of the college through campus email accounts or the Campus Emergency Alert System with texts, emails and vice messages; and via appropriate web site updates.

### **Notification to the Fort Peck College Community at large of a Threat**

The Administration receive information from various offices/departments on campus, such as Housing, Safety Committee, Maintenance, etc. If FPCC confirms there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the community, the Administration will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the community or the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

The Campus Safety Officer Office will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including but not limited to: Tribal Police, Roosevelt County Sheriff's Department and/or Services) compromise the efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the FPCC community, the college has various systems in place for communicating information quickly.

Some or all of these methods of communication may be activated in the event of an immediate threat to the FPCC campus community. These methods of communications include email, emergency texts messages and emergency messages on monitors located in campus common areas.

The college will post updates during a critical incident on the FPCC website at <http://www.fpcc.edu>. Individuals can call the college for updates at (406) 768 6300.

## **Responsibilities**

The employee is responsible for:

1. Reporting any emergency situation to an administrator immediately
2. Being aware of their primary and secondary emergency exits
3. Reading and understanding these procedures
4. Asking questions when any information is unclear or not understood
5. Understanding the proper operation of emergency evacuation equipment
6. Informing supervisor of special emergency evacuation needs

### **The supervisor/administration is responsible for:**

1. Providing staff, students, and visitors emergency response information and training
2. Identifying mobility impaired employees who might need assistance during evacuation
3. Providing opportunity for employees to ask questions
4. Assembling with evacuated personnel at a predetermined location (at least 300 feet away from the building) to identify missing staff, students, or visitors members
5. Reporting missing staff, students, or visitors to the emergency evacuation coordinator, or the on-scene commander

## **Fire**

Employees should become familiar with the location of fire alarm pull stations near their work area and the proper operation of that pull station. Supervisors are responsible for knowing pull station locations in their work area and advising personnel of their locations.

### **If you discover a fire**

1. React to the situation, call 911, stay calm and answer all of the dispatcher's questions.
2. Activate nearest fire alarm pull station.
3. Close office or classroom doors when exiting.
4. Exit building using nearest, safe exit. Do not use elevators.
5. Assemble at least 300 feet from the building in one of the parking lots. This distance is necessary for personal safety and emergency vehicle arrival and operation.
6. Wait for the all clear signal to reenter the building.

## **If you hear an alarm**

Exit building using nearest, safe exit. Do not use elevators.

Assemble at least 300 feet from the building at your predetermined meeting place.

Wait for the all clear signal to reenter the building.

The emergency evacuation coordination team will ensure all employees and students are safely evacuated from the building in emergencies requiring evacuation. Employees who have been evacuated because of fire, tornado, or other emergency will return to the appropriate work areas only upon issuance of an all clear signal issued by an emergency evacuation coordination team member.

## **Special considerations**

1. If you are outside when the alarm sounds, stay outside and assemble with your work group.
2. If your clothing is on fire, drop to the ground and roll to extinguish the flame.
3. If you are injured by smoke or fire, inform a coworker or your supervisor, and seek medical attention immediately.
4. Do not attempt to extinguish a fire unless it is blocking your egress path or you are properly trained and equipped. Use common sense.

## **Mobility-impaired employees, students, or guests**

If an employee, student, or guest needs assistance in evacuating the building, notify an emergency evacuation coordination team member immediately upon your exit from the building. Follow the established procedures outlined elsewhere in this document.

## **Missing employee(s)**

1. Check the evacuation assembly area to ensure the employee(s) are not with another group.
2. Notify the nearest firefighter and inform them so a check can be made.
3. Provide a description of the missing employee(s) and where they were last seen.

## **Severe weather (tornado, thunderstorm, lightning)**

Severe weather watch means atmospheric conditions favor development of severe weather.

Severe weather warning means severe weather has been sighted or reported in the local area. A weather emergency radio with warning indicators/alerts is located in the office of the campus safety officer on campus.

1. Inform your emergency evacuation coordinator or supervisor of the emergency.
2. Take shelter in the basement, stay away from windows.
3. Wait for the all clear signal before returning to work area.
4. If you are on the top floor of a building, use interior stairwell to move down to the basement.
5. If you are outside, take shelter indoors immediately.

## **Medical emergency**

1. Call 911 for assistance.
2. If necessary, administer first aid/CPR if properly trained and qualified.
3. Avoid moving injured persons unless it is absolutely necessary for safety reasons.
4. Try to find out what happened and check for medical identification tags.
5. Follow universal precautions: treat all blood and body fluids as if they are infectious.
6. Use a first aid kit, if available.

## **Suspicious Person**

If an individual's appearance or actions arouse your suspicion:

1. If warranted, immediately call 911 and state your emergency.
2. If the person is requesting to see a particular employee, be polite.
3. Ask the person to be seated.
4. If possible call a co-worker and report as much as allowed.

## **Training**

New Employee and new faculty orientation emergency response procedure and notification training is conducted for all employees during employee orientation or new faculty orientation in accordance with FPCC policy. Records of this training are maintained by the Human Resources Department.

General compliance training, periodic or refresher training on emergency response procedures, is conducted during the general compliance training. This training is conducted for all employees every two years.

The emergency evacuation coordination team training receives specialized training necessary to assist in the event of an orderly evacuation. Records of this training are maintained by the Facilities Department.

Fire safety education programs for all students living in on-campus student housing and all employees that have any association with on-campus student housing are held at the beginning of each semester. These programs are designed to: familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire and distribute information. All students living in on campus housing are provided with maps that illustrate evacuation routes and fire alarm equipment locations.

During these programs, trainers emphasize that participating in fire drills is mandatory. Students with disabilities may request the option to have a "buddy" assigned to them. Fire safety education and training programs are taught by knowledgeable staff who is experienced in fire safety matters and/or by local fire authorities.

If a fire occurs, students are instructed to leave dangerous areas per the evacuation routes and get to a predetermined location before calling 911 for help. They are to remain in that location so that the director of Student Housing or the Vice President for Student Services documented that the student has left the building. Whoever discovers a fire should pull the fire alarm as they are leaving the building if they can do without risking their safety.

## Fires - Summary

S/N	Name of Facility	2018			2019			2020		
		Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
1	FPCC Student	0			0			0		
<b>Total</b>		<b>0</b>								

### Fire Log Available in the Student Housing Director Office at Student Services

Special fire hazards exist on campus. Students, staff and faculty are asked to cooperate with campus authorities in fire prevention efforts by using proper emergency procedures and phone numbers should a fire occur. Fires can occur by carelessness of smoking materials, candle flames, decorations, trash, flammable liquids, furniture, electrical appliances, and arson. Candles are not permitted. Smoking is not allowed inside FPCC dorm rooms, stairwells and corridors. Violation of policies will result in a fine and/or possible removal from the dorms. False alarms are also a hazard. To prevent fires, smoke only in designated areas. Do not store combustibles and check all electrical appliances carefully. A \$50 fine will be charged to anyone who tampers with or covers smoke detectors. Report and remove accumulated trash. Be alert for suspicious activities.

To be fully prepared in the event of an emergency, the Student Housing Staff is required to have current information on mobility impaired students. Notify the Director of Student Housing if you are mobility impaired or become temporarily mobility impaired.

Know about all the facilities safety features. Such features include:

- Fire extinguisher locations
- Fire alarm locations
- Fire escapes

Smoke detectors. **Note:** If a smoke detector in a hallway is activated, this will set off the general fire alarm throughout the entire building. If a smoke detector inside an apartment or dorm is activated, this will not set off the general alarm fire throughout the entire building. If there is an actual fire, the occupant must activate the nearest pull station to set off the building's general fire alarm.

- Fire doors
- Sprinkler head locations
- Emergency numbers

In case of a fire, act quickly, stay calm, sound the alarm in the hallway, contact the local Fire Department by calling 911. All fires should be reported. In case of fire in your housing facility, all persons will evacuate the building as quickly and orderly as possible using the stairwells and NOT the elevators. Move to the “area of refuge” located on the Old Main Lawn by Tipi and report your name and room number to the individual in charge (Fireman, Police Officer, or Housing Staff representative). Do not leave the area of refuge until given the “all clear” signal. DO NOT attempt to drive out of the parking lot during a fire alarm. There are evacuation plans for each floor posted on the wall in each room as well as in the hallways on both the first and second floor of the dorms. Occupants should familiarize themselves with the layout of the building as well as the emergency evacuation plans.

### **Fire Drill**

All occupants must vacate the premises during a Fire Drill and report immediately to the area of refuge. Failure to report to the area of refuge will impede accountability of personnel. The area of refuge for the Student Dormitory is located outside the south lawn approximately 500 feet from Student Dormitory front entry. Upon arrival at the area of refuge, provide your name and room number to the individual in charge (Police Officer, Fireman, or representative of Housing Staff). Do not leave the area of refuge until given the “all clear” signal.

The FPCC Housing Committee will have scheduled and unscheduled fire drills. There will be a \$75 fine if occupant does not leave the building during the drill. There are no acceptable excuses for not leaving. Refusal by occupant to leave may result in eviction. If there is a fire alarm, every FPCC Housing Facility staff member should evacuate the building quickly and calmly.

### **Sprinkler Policy**

Do not hang anything from the sprinkler pipes and do not stack any material near sprinkler heads, as such actions may impact the function of the sprinkler system. A \$100 fine will be charged if something is hanging from the head or pipes as well as any and all damages caused by a sprinkler upon the discretion of the housing director. The Director of Student Housing reserves the right to evict anyone who tampers with the sprinkler system. FPCC is not liable for any damages to property caused by water.

The Higher Education Opportunity Act (HEOA, July 2010) specifies new campus safety requirements regarding fire safety issues. The statistics are collected via the Department of Education’s web-based Campus Safety and Security Survey. Any institution that maintains on-campus student housing facility must collect fire statistics, keep a “fire log” and publish an annual Fire Safety Report.

These requirements are new and separate from the Clery Act requirements. Fort Peck Community College keeps a hard copy of its Fire Log. The copy is available from FPCC’s Housing Director. The fire log for the recent 60-day period is open to public inspection, upon request, during normal business hours. The portion of the log that is older than 60 days will be made available within two business days of a request for public inspection. Information in the fire log is used to gather the statistics that are required for the Annual Fire Safety Report discussed above.

## Fire Statistics:

A. Definition of a Fire: For the purposes of fire safety reporting, a fire is, “Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.” The following statistics must be collected and reported, both in the annual fire safety report and the Department of Education’s web- based data collection system, for each on campus student housing facility (All statistics are documented in the fire log). The number of fires and the cause of each fire.

The cause categories to be used are:

- Unintentional Fire
- Cooking
- Smoking materials
- Open Flames
- Electrical
- Heating equipment
- Hazardous products
- Machinery/Industrial
- Natural
- Other Intentional Fire
- Undetermined Fire
- The number of deaths related to the fire
- The number of injuries related to the fire that resulted in treatment at a medical facility
- The value of property damage related to the fire

## **Description of Fire Safety System for Housing Facility**

Fort Peck Community College’s fire safety system for our housing facility has a full sprinkler system, room smoke detectors are hard wired, fire extinguisher devices are provided, evacuation plans/placards are posted and fire drill are conducted two times per school year.

## **Procedures for Student Housing Evacuation**

At the first indication of a fire, whether it is a persistent smoke or fire alarms, or flames, follow these procedures for the Housing Fire Alarm Procedures. The following procedures must be followed by residents, RA’s and staff, in the event of a fire alarm activation or any emergency which requires the evacuation of the housing facility:

1. If you see a fire, leave the area immediately. Call the fire department at 911.
2. Call Housing Director (406) 768 6371
3. When the alarm is activated, call 911. All residents and visitors must exit the building.
4. If possible, the RA on duty or staff present at the time of evacuation must retrieve the housing Fire Alarm Log and visitor sign in list when exiting the building. The log will have the current resident housing room assignment list.

5. Using the current housing list, RA or staff will identify students who evacuated the building by checking off names.
6. Give list to the fire department when they arrive.
7. If there is immediate danger, the fire department will check room(s) for unaccounted persons.

### **Fire Safety Information for Housing Staff and Residential Assistants**

1. Inform the RA of the situation.
2. Ask other staff to seek out additional student housing staff to provide assistance.
3. Inform the Housing Director.
4. Report to the alarm site. Remain outside the alarm area.
5. Introduce yourself to emergency personnel of anyone that may not be able to physically respond to the fire alarm or use sound judgment to evacuate the area.
6. When additional residential life staff members arrive, ask them to assist in crowd control and make sure no one is re-entering the alarm area until emergency personnel have given the "all clear.
7. Complete the Fire Log and an Incident Report. In the event of an actual fire, immediately contact the Fire Department by calling 911. Contact Housing Director, (406) 768-6371 and confirm he is aware of the situation. Evacuate if directed to do so by emergency personnel.

### **When the Fire Alarm Sounds**

1. Always assume there is a fire. Don't ignore it.
2. If time permits, take a jacket and shoes, and a towel to cover your face.
3. Stay low and crawl to your door. Smoke fills a room from the ceiling down.
4. Test the door with the back of your hand.
5. If the door is hot, keep the door closed and stay in the room.
6. If the door is cool, open it slowly. Walk quickly and calmly to the ground level, closing all doors behind you.
7. Do not use an elevator. An elevator may open at a floor on fire or may stop working, trapping you inside.
8. If there is smoke in the hallway, crawl to the stairs. Count the doors as you go so you do not get lost. If the smoke and hear are too great, try an alternate escape route
9. If both escape routes are blocked, return to your room. If you are trapped inside your room:
10. Close the door between you and the fire.
11. Stop up cracks and vents to keep smoke and toxic gases out.
12. Put a wet cloth over your nose and wait at a window.
13. Open the window a few inches for fresh air. Do not break the glass.
14. Hang a sheet or some other article out your window to sign the fire department.
15. Do not panic. Do not jump.
16. Wait for help.
17. Once you have evacuated the area notify authorities of anyone that may not be able to physically respond to the fire alarm or use sound judgment to evacuate the area (e.g. persons using wheelchairs or someone under the influence of alcohol or drugs).

18. If your clothes catch fire: Stop, do not run. Drop to the ground or floor immediately and cover your face with your hands. Roll over back and forth to smother the flames.

### **Fire Safety Education and Training for Students, Staff and Faculty**

During housing orientation, residents are provided with handouts and checklists regarding fire safety. Floor meetings are conducted at the beginning of each academic year to provide verbal instructions on overall safety procedures in the Student Dormitory, including fire safety.

**Fire Drills:** Fire drills are used to familiarize occupants with the building's alarm system, emergency exits that may not normally be used, and the procedures for calling the fire department. All residents must evacuate when the fire alarm is activated. Student Housing conducts fire drills twice a year and student cooperation is essential during fire drills.

**B. Fire Safety Tips:** Evacuate promptly. Make a fire escape plan and practice it. Locate two fire exits close to the room and count the number of doors between the room and each room to the exit. Make a plan to assist others who are unable to evacuate on their own. Even if it is a temporary disability, plan ahead for fire emergencies.

### **Regulations on Portable Electrical Appliances, Smoking and Open Flames**

All students are expected to observe the following fire safety regulations. Violations of these regulations could result in a fine determined by the severity of the offense:

- Do not use the stove as a heat source.
- All portions of the resident housing facility will be designated as smoke-free. Smoking is not allowed in the facility.
- The use and/or possession of explosives (such as fire crackers and ammunition) or flammable liquids is forbidden.
- Propane tanks, car batteries and BBQ grills are prohibited.
- No candles, incense, or open flame may be burned in student rooms.
- Appliances with an open coil or that can bring oil to a boil are not allowed in the residence halls.
- Smoke detectors are to be connected, and operational at all times.
- Light fixtures, outlets and switches are not to be altered or have items hung from their surfaces (e.g. can top rings or foil which may conduct electricity)
- Motorbikes or other motorized vehicles are not allowed in the residence halls.
- Excessive use of flammable substances on walls is not permitted.
- Only metal or flame-retardant wastebaskets are allowed in students' rooms.
- Residents are not to leave cooking food unattended. FPCC will review its fire safety procedure annually.

Changes in the plan and improvements will be made as needed.

## **Section 4: Drug and Alcohol Abuse Prevention Program Drug and Alcohol-Free Campus Policy**

### **Part 1. Scope of Policy**

The Fort Peck Community College Drug-and Alcohol-Free Campus Policy is for Students and Employees of the College and includes all campus locations. The possession, use and sale of alcohol and enforcement of State underage drinking laws shall be enforced. The possession, use and sale of illegal drugs shall be enforced through Federal, State, and Tribal laws.

### **Part 2. Purpose**

Fort Peck Community College (FPCC), along with the entire Montana State system, is committed to ensuring an educational and employment environment where students and employees can work, learn and develop to their full potential. Because the use and abuse of alcohol and controlled substances negatively impacts the ability of students and employees to work, learn and develop to their full potential, and to comply with federal and state laws, Fort Peck Community College has adopted and will implement the following drug-and alcohol-free campus policy.

### **Part 3. Drugs, Alcohol Prohibited**

The unlawful manufacture, growing, possession, use, dispensation, sale or distribution of controlled substances and the manufacture, use, sale, distribution or possession of alcoholic beverages by Fort Peck Community College students and Fort Peck Community College employees is strictly prohibited:

1. On Fort Peck Community College property;
2. While participating in a student activity, activities sponsored by officially recognized student organizations, or an event or activity sponsored or sanctioned by Fort Peck Community College including off-site activities; and
3. While performing work, including overtime work and rest breaks.

#### **Subpart A. Exceptions**

The use of alcoholic beverages may be permitted only:

1. For Fort Peck Community College educational/awareness programs; or
2. For a specific event or circumstance authorized by Fort Peck Community College.

\*However, in no case may students or employees violate Liquor Laws\*

#### **Subpart B. Employees**

No Fort Peck Community College employee may:

Report to work under the influence of alcohol, controlled substances or other drugs which affect her/his alertness, coordination, reaction, response, judgment, decision-making or safety; or • Operate, use or drive any Fort Peck Community College equipment, machinery or vehicle while under the influence of alcohol, controlled substances or mind-altering drugs.

An employee who is under the influence of alcohol, controlled substances or other mind-altering drugs, or who is taking medically authorized drugs or other substances which may affect job performance, has an affirmative duty to immediately notify the appropriate supervisor that the employee's mental or physical condition precludes her/his ability to operate, use or drive Fort Peck Community College equipment.

Employees are discouraged from consuming alcoholic beverages off-site during lunch or dinner meals when returning to perform work on behalf of Fort Peck Community College. In any situation subsequent to the intake of alcohol, an employee whose behavior or condition adversely affects her/his performance is subject to discipline. Since engaging in off-duty sale, purchase, transfer, use or possession of controlled substances may have a negative effect on an employee's ability to perform his/her work, a Fort Peck Community College employee involved in such circumstances is subject to discipline.

Employees working on federal grants or contracts who are convicted of a criminal drug statute violation occurring in the workplace are required to notify Fort Peck Community College within five (5) working days of such a conviction.

### **Personal and Organizational Misconduct**

The Code of Student Conduct is applicable to any behavior of students and/or officially recognized student organizations on or off the college campus which is determined to be incompatible with this code. FPCC's right to proceed will in no way be affected by the filing of criminal or civil charges in any court by any person or any governmental entity against the accused student or organization. The conduct of each student and/or organization is expected to be in accordance with standards of common decency and decorum, with recognition and respect for the personal and property rights of others and the educational mission of the college.

A student or student organization may be disciplined for committing any of the following violations while on the college campus or in college facilities, or while on FPCC official business or participating in extracurricular activities:

### **Alcoholic Beverages**

1. The unlawful possession or consumption of alcoholic beverages, public drunkenness, driving under the influence or violation of state or local laws regarding alcohol use or possession.
2. Repeated or flagrant violation of the College Alcohol Policy.

### **Narcotics or drugs**

The unlawful use, possession, sale, or distribution of marijuana or any narcotic, drug, drug paraphernalia, medicine chemical compound, or other controlled substance defined as illegal under federal, state, or local laws. In addition, the college may take disciplinary action against a student, group of students, or student organization whose unauthorized use, possession, sale, or distribution of any controlled substances or illegal drug off campus poses a threat to the safety and welfare of the college community.

## **Firearms and Dangerous Materials**

The unauthorized use or possession of firearms, ammunition, weapons, fireworks, explosives, noxious materials, incendiary devices, dangerous instruments, or other dangerous substances is strictly prohibited.

## **Theft**

Theft of or accessory to theft of, property or services of the college, of other college students, or other members of the college community, or of campus visitors Knowingly being in possession of stolen property or services constitutes being an accessory to the theft and is therefore a violation of this provision.

## **Damage or Destruction of Property**

Damage or destruction of property of the college, of other members of the college community, or campus visitors.

## **Actions against Persons or Groups**

1. Physical abuse or threat of abuse to any person
2. Conduct dangerous to the health and safety of any person
3. Disorderly conduct or behavior
4. Indecent or obscene conduct or expression
5. Harassment-- includes, but is not limited to, making repeated or untimely telephone calls to a person's residence or place of employment, following a person in his or her course of daily activities in such a way that the action inhibits the person from performing his or her duties, and making gestures which may be construed by the individual to be threatening.

## **Alcoholic Beverages on Campus and Enforcement of Under-Age Drinking Laws**

Fort Peck Community College forbids the use (consumption), possession, manufacture, sale, transportation or furnishing of alcoholic beverages on campus. Fort Peck Community College also forbids the maintenance of unlawful drinking places on campus. This prohibition of possession or consumption of alcoholic beverages on campus applies regardless of age. The only exception is authorized use for special functions through the Fort Peck Community College Board of Directors.

Fort Peck Community College enforces the Montana and Tribal drinking laws, including the prohibition of use by persons less than 21 years of age. Possession or consumption of alcohol on campus is prohibited by Fort Peck Community College and may result in a student/employee disciplinary complaint. If the accused is not cooperative or is underage, the Roosevelt Country Sheriff's Department and/or tribal police may be called to assist.

## **Drugs on Campus and the Enforcement of Federal and State Drug Laws**

Fort Peck Community College forbids the possession, use, or sale of illegal drugs on campus. This includes but is not limited to possession, sale, use, growing, manufacturing and making of narcotic drugs. Exceptions would be drugs prescribed by a doctor's order.

Fort Peck Community College enforces both Montana, Tribal and Federal drug laws regarding the use, possession, and sale of illegal drugs. Fort Peck Community College has been designated "Drug Free" and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Roosevelt County Police Department and Tribal law enforcement. Violators are subject to college disciplinary action, criminal prosecution, fine and imprisonment.

### **Legal Penalties of Montana Law:**

**45-5-624. Possession of or unlawful attempt to purchase intoxicating substance -- interference with sentence or court order.** (1) A person under 21 years of age commits the offense of possession of an intoxicating substance if the person knowingly consumes or has in the person's possession an intoxicating substance. A person may not be arrested for or charged with the offense solely because the person was at a place where other persons were possessing or consuming alcoholic beverages. A person does not commit the offense if the person consumes or gains possession of an alcoholic beverage because it was lawfully supplied to the person under 16-6-305 or when in the course of employment it is necessary to possess alcoholic beverages. (a) In addition to any disposition by the youth court under 41-5-1512, a person under 18 years of age who is convicted under this section:

- for a first offense, shall be fined an amount not less than \$100 and not to exceed \$300 and:
  - shall be ordered to perform 20 hours of community service;
  - shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available; and
  - if the person has a driver's license, must have the license confiscated by the court for 30 days, except as provided in subsection (2)(b);
- for a second offense, shall be fined an amount not less than \$200 and not to exceed \$600 and:
  - shall be ordered to perform 40 hours of community service;
  - shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available;
  - if the person has a driver's license, must have the license confiscated by the court for 6 months, except as provided in subsection (2)(b); and
  - shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8);
- (iii) for a third or subsequent offense, shall be fined an amount not less than \$300 or more than \$900, shall be ordered to perform 60 hours of community service, shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of

participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available, and shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8). If the person has a driver's license, the court shall confiscate the license for 6 months, except as provided in subsection (2)(b).

If the convicted person fails to complete the community-based substance abuse information course and has a driver's license, the court shall order the license suspended for 3 months for a first offense, 9 months for a second offense, and 12 months for a third or subsequent offense. The court shall retain jurisdiction for up to 1 year to order suspension of a license under subsection (2)(b).

(3) A person 18 years of age or older who is convicted of the offense of possession of an intoxicating substance:  
for a first offense:

shall be fined an amount not less than \$100 or more than \$300;

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

(iii) shall be ordered to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9); (b) for a second offense:

A. shall be fined an amount not less than \$200 or more than \$600;

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

C. shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (9), which may, in the court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both;

(c) for a third or subsequent offense:

(A) shall be fined an amount not less than \$300 or more than \$900;

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

(C) shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (9), which may, in the sentencing court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and

(D) in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months.

(ii) A person under 21 years of age commits the offense of attempt to purchase an intoxicating substance if the person knowingly attempts to purchase an alcoholic beverage. A person convicted of attempt to purchase an intoxicating substance shall be fined an amount not to exceed \$150 if the person was under 21 years of age at the time that the offense was committed and may be ordered to perform community service.

(iii) A defendant who fails to comply with a sentence and is under 21 years of age and was under 18 years of age when the defendant failed to comply must be transferred to the youth court. If proceedings for failure to comply with a sentence are held in the youth court, the offender must be treated as an alleged youth in need of intervention as defined in 41-5-103. The youth court may enter its judgment under 41-5-1512.

(iv) A person commits the offense of interference with a sentence or court order if the person purposely or knowingly causes a child or ward to fail to comply with a sentence imposed under this section or a youth court disposition order for a youth found to have violated this section and upon conviction shall be fined \$100 or imprisoned in the county jail for 10 days, or both.

(v) A conviction or youth court adjudication under this section must be reported by the court to the department of public health and human services if treatment is ordered under subsection (8).

(vi)(a) A person convicted of a second or subsequent offense of possession of an intoxicating substance shall be ordered to complete a chemical dependency assessment.

(b) The assessment must be completed at a treatment program that meets the requirements of subsection (9) and must be conducted by a licensed addiction counselor. The person may attend a program of the person's choice as long as a licensed addiction counselor provides the services. If able, the person shall pay the cost of the assessment and any resulting treatment.

D. The assessment must describe the person's level of abuse or dependency, if any, and contain a recommendation as to the appropriate level of treatment, if treatment is indicated. A person who disagrees with the initial assessment may, at the person's expense, obtain a second assessment provided by a licensed addiction counselor or program that meets the requirements of subsection(9).

E. The treatment provided must be at a level appropriate to the person's alcohol or drug problem, or both, if any, as determined by a licensed addiction counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services. Upon the determination, the court shall order the appropriate level of treatment, if any. If more than one counselor makes a determination, the court shall order an appropriate level of treatment based on the determination of one of the counselors.

F. Each counselor providing treatment shall, at the commencement of the course of treatment, notify the court that the person has been enrolled in a chemical dependency treatment program. If the person fails to attend the treatment program, the counselor shall notify the court of the failure.

G. The court shall report to the department of public health and human services the name of any person who is convicted under this section. The department of public health and human services shall maintain a list of those persons who have been convicted under this section. This list must be made available on request to peace officers and to any court.

(E) (a) A community-based substance abuse information course required under subsection (2)(a)(i)(B), (2)(a)(ii)(B), (2)(a)(iii), or (3)(a)(iii) must be: • approved by the department of public health and human services under 53-24-208 or by a court or provided under a contract with the department of corrections; or provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.

(b) An alcohol information course required under subsection (3)(b)(iii) or (3)(c)(iii) must be provided at an alcohol treatment program:

(vii) approved by the department of public health and human services under 53-24-208 or by a court or provided under a contract with the department of corrections; or

(viii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.

(c) A chemical dependency assessment required under subsection (8) must be completed at a treatment program:

(b) approved by the department of public health and human services under 53-24-208 or by a court or provided under a contract with the department of corrections; or

(c) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.

(10) Information provided or statements made by a person under 21 years of age to a health care provider or law enforcement personnel regarding an alleged offense against that person under Title 45, chapter 5, part 5, may not be used in a prosecution of that person under this section. This subsection's protection also extends to a person who helps the victim obtain medical or other assistance or report the offense to law enforcement personnel.

**45-9-102. Criminal possession of dangerous drugs.** (1) Except as provided in Title 50, chapter 46, a person commits the offense of criminal possession of dangerous drugs if the person possesses any dangerous drug, as defined in 50-32-101.

A person convicted of criminal possession of marijuana or its derivatives in an amount the aggregate weight of which does not exceed 60 grams of marijuana or 1 gram of hashish is, for the first offense, guilty of a misdemeanor and shall be punished by a fine of not less than \$100 or more than \$500 and by imprisonment in the county jail for not more than 6 months. The minimum fine must be imposed as a condition of a suspended or deferred sentence. A person convicted of a second or subsequent offense under this subsection is punishable by a fine not to exceed \$1,000 or by imprisonment in the county jail for a term not to exceed 1 year or in the state prison for a term not to exceed 3 years or by both. This subsection does not apply to the possession of synthetic cannabinoids listed as dangerous drugs in 50-32-222.

A person convicted of criminal possession of an anabolic steroid as listed in 50-32-226 is, for the first offense, guilty of a misdemeanor and shall be punished by a fine of not less than \$100 or more than \$500 or by imprisonment in the county jail for not more than 6 months, or both. A person convicted of criminal possession of an opiate, as defined in 50-32-101, shall be imprisoned in the state prison for a term of not less than 2 years or more than 5 years and may be fined not more than \$50,000, except as provided in 46-18-222.

(a) A person convicted of a second or subsequent offense of criminal possession of methamphetamine shall be punished by:

imprisonment for a term not to exceed 5 years or by a fine not to exceed \$50,000, or both; or commitment to the department of corrections for placement in an appropriate correctional facility or program for a term of not less than 3 years or more than 5 years. If the person successfully completes a residential methamphetamine treatment program operated or approved by the department of corrections during the first 3 years of a term, the remainder of the term must be suspended. The court may also impose a fine not to exceed \$50,000.

(b) During the first 3 years of a term under subsection (5)(a)(ii), the department of corrections may place the person in a residential methamphetamine treatment program operated or approved by the department of corrections or in a correctional facility or program. The residential methamphetamine treatment program must consist of time spent in a residential methamphetamine treatment facility and time spent in a community-based prerelease center.

(c) The court shall, as conditions of probation pursuant to subsection (5)(a), order:

(i) the person to abide by the standard conditions of probation established by the department of corrections;

(ii) payment of the costs of imprisonment, probation, and any methamphetamine treatment by the person if the person is financially able to pay those costs;

- (iii) that the person may not enter an establishment where alcoholic beverages are sold for consumption on the premises or where gambling takes place;
  - (iv) that the person may not consume alcoholic beverages;
  - (v) the person to enter and remain in an aftercare program as directed by the person's probation officer; and
  - (vi) the person to submit to random or routine drug and alcohol testing.
- (6) A person convicted of criminal possession of dangerous drugs not otherwise provided for in subsections (2) through (5) shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$50,000, or both.
- (7) A person convicted of a first violation under this section is presumed to be entitled to a deferred imposition of sentence of imprisonment.

## **Federal Law**

### **Schedule I Drugs (Penalty for possession)**

First Offense: 10 years to life, 10 year mandatory minimum; if death or serious injury, 20 year minimum; up to \$4 million fine individual, \$10 million other than individual.

Second Offense: 20 years to life, 20 year mandatory minimum; if death or serious injury, not less than life; up to \$8 million fine individual, \$20 million other than individual.

### **Schedule II Drugs (Penalty for possession)**

First Offense: 5 to 40 years, 5 year mandatory minimum; if death or serious injury, 20 year minimum; up to \$2 million fine individual, \$5 million other than individual.

Second Offense: 10 years to life, 10 year mandatory minimum; if death or serious injury, not less than life; up to \$4 million fine individual, \$10 million other than individual.  
Schedule I or Schedule II

### **Controlled Drugs (Penalty for possession)**

First Offense: 0 to 20 years, if death or serious injury, 20 year minimum, not more than life; up to \$1 million fine individual, \$5 million other than individual.

Second Offense: 0 to 30 years, if death or serious injury, not less than life; up to \$2 million fine individual, \$10million other than individual.

### **Schedule III Drugs (Penalty for possession)**

First Offense: 0 to 5 years, up to \$250,000 fine individual, \$1 million other than individual. Second Offense: 0 to 10 years; up to \$500,000 fine individual, \$2 million other than individual.

Schedule IV Drugs (Penalty for possession)

First Offense: 0 to 3 years, up to \$250,000 fine individual, \$1 million other than individual. Second Offense: 0 to 6 years, up to \$500,000 fine individual, \$2 million other than individual.

Schedule V Drugs (Penalty for possession)

First Offense: 0 to 1 year, up to \$100,000 fine individual, \$250,000 other than individual.

Second Offense: 0 to 2 years, up to \$200,000 fine individual, \$500,000 other than individual.

## **Health Risks**

*Associated with the use/abuse of alcohol:* malnutrition; lowered resistance to disease; irreversible brain or nervous system damage; gastrointestinal irritation; damage to liver; heart and pancreas; addiction/alcoholism; coma; death from overdose, injury or accident; fetal alcohol syndrome.

*Associated with the use/abuse of controlled substances:* damage to heart, lungs, brain and nerve cells; lung cancer; memory disorders; interference with psychological maturation; temporary loss of fertility in both men and women; psychological dependence; bronchitis, infections, colds and other viruses; stroke, liver problems, seizures; heart and respiratory failure; psychosis, convulsions; sexual dysfunction. For users who share/use unsterile needles: tetanus; hepatitis; tuberculosis; HIV/AIDS. For pregnant women: miscarriage; stillbirths; premature labor or delivery; hemorrhaging. For cocaine babies: irritability; unresponsiveness; stroke; malformed kidneys and genitals; seizures; SIDS.

A description of procedures, if any, will be available that encourages pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

## **Drug and Alcohol Abuse Education Programs**

The purpose of this policy is to set forth the College's policy regarding alcohol and other drug use, including unlawful drug use or abuse in the workplace in accordance with the Drug Free Workplace Act of 1988(Public Law 100-690, Title V, Subtitle D) and Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101- 226). A copy of the Drug Free Schools and Workplace information appears elsewhere in this publication. The possession, sale or the furnishing of alcohol on the FPCC campus is governed by FPCC alcohol policy. Montana State, and Fort Peck Tribal Law. Laws regarding the possession, sale, consumption or furnishing of alcohol is determined by state and federal laws. However, the enforcement of alcohol laws on campus is the primary responsibility of the Housing Director, Vice President for Student Services, and Roosevelt County Sheriff's Department. The FPCC campus has been designated "Drug free" and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by Roosevelt County Sheriff's Department and Tribal Law Enforcement. Violators are subject to college disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the FPCC Alcohol

Policy for anyone to consume or possess alcohol in any public or private area of campus without prior college Administration approval. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the college.

The College recognizes the reality of chemical dependency and is aware of its occasional presence in the College community. As a safeguard against this dependency, numerous campus organizations provide prevention programs to the College community.

The College encourages and provides reasonable assistance to any student, faculty or staff member who seeks information on chemical dependency or treatment for chemical dependency. Various offices, including Counseling and Human Resources, provide information and referral to prevention programs for those seeking help with substance abuse.

### **Campus Resources**

Talking About Loss Group: 6-7 Wednesday, RLS Building & 5-6 Tuesday, Dumont 103

### **Community Resources**

- National Domestic Violence Hotline: (800) 799-SAFE (7233)
- Spotted Bull Recovery Resource Center: (406) 768 3852
- United Way 24-hour Referral Line, 2-1-1 Northeastern Montana Health Clinic: (406) 653-6500
- Fort Peck Indian Health: (406) 768-2100
- Indian Health Service: (406) 768-3491

### **Section 5: Discrimination and Harassment Reporting Process**

Fort Peck Community College is committed to equal opportunity in employment and education, and does not discriminate on the basis of race, color, religion, national origin, sex, age, or against qualified disabled persons, disabled veterans, or veterans of the Vietnam era as identified and defined by law.

All complaints regarding discrimination in the areas covered under this section, if not otherwise resolved, should be registered with the office of the college President.

FPCC affirms its desire to create and maintain a work environment for all employees, and a study environment for all students which supports, nurtures, and rewards career and educational goals on the basis of ability and work performance regardless of sex.

#### **Title IX Policy and Procedures**

##### **Policy:**

Fort Peck Community College will address all incidents of sex discrimination and sexual harassment reported to the FPCC Title IX Coordinator in compliance with the Higher Education Opportunity Act, the Clery Act, and Title IX of the Education Amendments of 1972, as amended.

**Purpose:**

This policy informs all prospective students, current students, and all FPCC employees of college policies and procedures regarding sex discrimination and sexual harassment to which all students, members of the faculty, and non-faculty personnel are expected to adhere during their time at FPCC. In addition, comprehensive information is provided regarding the reporting of sex discrimination and sexual harassment and avenues to seek immediate assistance.

**Procedure:**

Fort Peck Community College (FPCC) seeks to create a positive educational environment on and off campus through our academic programs, services, activities, policies and procedures aimed at providing protection against sex discrimination and harassment. To that end, FPCC condemns discrimination in its education programs and activities based on sex or gender, sexual orientation, gender identity or expression, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. Notice of a sex discrimination or sexual harassment incident to the FPCC Title IX Coordinator charges FPCC with actual knowledge and triggers FPCC's response obligations as described in the institutional action section.

**Scope of the Policy**

FPCC must respond when sex discrimination and harassment occurs in the school's education program or activity, against a person in the United States. Education program or activity includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the discrimination or harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. Title IX applies to all of a school's education programs or activities, whether such programs or activities occur on-campus or off-campus, including online instruction.

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 mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

Individuals are responsible for immediately reporting any knowledge or information concerning sexual harassment to the FPCC Title IX Coordinator identified in this policy which covers unwelcome conduct of a sexual or gender-based nature, whether committed on-campus, or off-campus where FPCC has control over the respondent or the context of the harassment.

FPCC encourages victims of sexual harassment to talk with a counselor. Different employees within the scope of FPCC's resources (FPCC Family Violence Prevention Program) have different abilities to maintain a victim's confidentiality.

- **Red Bird Woman's Center Program Counselors** are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."

- **Red Bird Woman’s Center Program Employees** may talk to a victim in confidence, and generally only report to FPCC that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a College investigation into an incident against the complainant’s wishes.

- **FPCC Employees** are required to report all the details of an incident (including the identities of both the complainant and respondent) to the Title IX Coordinator. A report to FPCC employees (called “responsible employees”) constitutes a report to FPCC and places FPCC on notice to take appropriate steps to address the situation. Compliance with this policy does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA). For the purpose of this policy, the outcome of a disciplinary proceeding means only the institution’s final determination with respect to the alleged sex discrimination or sexual harassment offense and any sanction that is imposed against the respondent. This policy also applies to retaliation by FPCC or any person against any other person for the purpose of interfering with Title IX rights, or because the person has participated or refused to participate in any manner in a proceeding under Title IX that is prohibited.

### **Assistance Following an Incident of Sexual Harassment**

- **Immediate Assistance:**

Persons who have complaints of sexual harassment may file their complaints with the Title IX Coordinator (Elijah Hopkins) located in the FPCC War Eagle Vision Building, 211 Tribal St., Poplar, MT 59255, phone number 406-768-6371, or email [Ehopkins@fpcc.edu](mailto:Ehopkins@fpcc.edu).

Victims of sexual violence should get to a place of safety and call Tribal Police at 406-768-5565 or Roosevelt County Dispatch at 406-653-6240. Obtain necessary medical treatment; time is a critical factor for evidence collection and preservation. An assault should be reported directly to a law enforcement officer, and college officials will aid in facilitating this process. Filing a police report will not obligate the complainant to prosecute, nor will it subject the reporting party to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a complainant of sexual violence receives the necessary medical treatment and tests, at no expense to the complainant to the extent provided for by Tribal or Montana law, and provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later.

**COMPLAINANT OR WITNESS: CALL TRIBAL POLICE (406-768-5565) OR 911 FOR IMMEDIATE ASSISTANCE.**

- **Ongoing Assistance:**

In order to ensure the safety and well-being of the complainant, FPCC may take interim measures such as changing living arrangements, work schedules, academic schedules, addressing transportation issues, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring), leaves of absence, campus escort services, or similar measures. In addition, while an investigation is pending FPCC may initiate a “no contact order” between the parties that carries a sanction of expulsion if violated.

FPCC does not offer internal counseling options, but law enforcement officials and college representatives are available to facilitate access to support services, which may be obtained through Red Bird Women's Center at 406-653-1494 or the Montana Coalition Against Domestic Violence & Sexual Violence at 406-443-7794. Several service organizations in Montana have provided telephone numbers and made available other services for students, faculty, staff and campus community members. FPCC will assist any interested person in contacting these agencies.

- Additional Support Services:  
StrongHearts Native Helpline – 1-800-762-8483  
National Domestic Violence Hotline - 1-800-799-7233 (SAFE)  
Rape, Abuse & Incest National Network Hotline - 1-800-656-4673 (HOPE)  
Communication Services for the Deaf (TTY) - 1-800-252-1017 (TTY)  
Communication Services for the Deaf (Voice) - 1-866-845-7445 (Voice)  
Montana Coalition Against Domestic Sexual Violence 406-443-7794

### **Title IX Coordinator and Staff**

Title IX Coordinator has primary responsibility for overseeing the process of coordinating FPCC's compliance efforts, receiving complaints, investigations, hearing, sanctions, appeals, and education and training associated with this policy. To file a complaint or submit questions concerning actions governed by this policy contact the Title IX Coordinator (Elijah Hopkins) located in the FPCC War Eagle Vision Building, 211 Tribal St., Poplar, MT 59255, phone: 406-768-6371, or email: [Ehopkins@fpcc.edu](mailto:Ehopkins@fpcc.edu).

- Deputy Title IX Officers have the secondary responsibility and assist in the duties of the Title IX Coordinator. Deputy Title IX Officers include the Recruitment Officer (Lana Mikkelsen) located in the FPCC War Eagle Vision Building, 211 Tribal St., Poplar, MT 59255, phone: 406-768-6353 or [Lmikkelsen@fpcc.edu](mailto:Lmikkelsen@fpcc.edu), and the HR Manager (Kylee Sears) located in the FPCC Greet the Dawn Building, 605 Indian Ave., Poplar, MT 59255, phone: 406-768-6315 or [Ksears@fpcc.edu](mailto:Ksears@fpcc.edu).

- Title IX Investigators may include but not be limited to FPCC campus safety members and staff. The primary responsibility of the investigator is collect statements and any evidence directly related to any allegations of a Title IX policy violation as directed by the Title IX Coordinator. Investigators will receive appropriate Title IX and trauma informed training.

- Title IX Hearing Officer may include a FPCC administrator or external legal counsel. The primary responsibility of the hearing officer will be to ensure both parties receive due process in the event allegations of a Title IX policy violation are directed to a hearing by the Title IX Coordinator. Hearing Officers will receive appropriate Title IX and trauma informed training.

- Title IX Hearing Member may include FPCC faculty or staff members. The primary responsibility of the hearing member is to listen to both sides of the complaint. Each

hearing member will evaluate the information being provided by both parties to make a decision whether or not a Title IX policy violation took place. Hearing members will receive appropriate Title IX training.

## **Definitions**

FPCC defines sex discrimination and sexual harassment broadly to include any of three types of misconduct on the basis of sex (or gender), all of which jeopardize the equal access to education that Title IX is designed to protect: Any instance of quid pro quo harassment by a school's employee; any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Offenses prohibited under FPCC's policy include, but are not limited to sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), sexual harassment, sexual violence to include non-consensual sexual contact, non-consensual sexual intercourse, sexual coercion, domestic/dating violence, stalking, and sexual exploitation.

A. Sex Discrimination: includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or gender (including sexual orientation, gender identity, and gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

B. Sexual Harassment: is unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any FPCC employee.

1. Hostile Environment: Sexual Harassment includes conduct that is sufficiently severe, pervasive, or persistent, objectively and subjectively offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was deliberate, repeated humiliation based upon sex;

- The effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes; and
- Whether the speech or conduct deserves constitutional protections.

2. Quid Pro Quo Sexual Harassment exists when individuals in positions of authority over the complainant:

- Make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- Indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or institutional activity or benefit is conditioned upon the complainant's submission to such activity.

Examples of Harassment:

- An instructor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student agrees to the request.
- A student repeatedly sends sexually oriented jokes around in an email list he or she created, even when asked to stop, causing one recipient to avoid the sender on campus and in the dorms in which they both live.
- The instructor probes for explicit details, and demands that students respond to him or her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to his clear discomfort.

C. Sexual Violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties.

1. Non-Consensual Sexual Contact is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.

2. Non-Consensual Sexual Intercourse is defined as any sexual intercourse or penetration of the anal, oral, vaginal, genital opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object,

however slight, by one person to another without consent or against the victim's will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.

a) 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 another person, without the consent of the victim. This definition includes any gender of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

3. Sexual Coercion is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.

4. Dating violence is violence between individuals in the following circumstances: The party is or has been in a social relationship of a romantic or intimate nature with the victim; and

- The existence of such a relationship shall be determined based on a consideration of the following factors:
- Length of the relationship
- Type of relationship
- Frequency of interaction between the persons involved in the relationship

5. Domestic Violence under FPCC policy means violence committed by a current or former spouse of the victim;

- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabitated with the victim as a spouse;
- A person similarly situated to a spouse of the victim under Montana or Tribal domestic or family violence laws;
- Any other person against an adult or youth victim who is protected from that person's acts under Montana or Tribal domestic or family violence laws.

D. Advisor: A person who has agreed to assist a complainant or respondent during the Title IX process. The advisor may be a person of the student's choosing, including but not limited to a FPCC faculty or staff member, a friend or an attorney.

E. Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

F. Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination or sexual harassment.

G. Formal complaint: a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment and stating the date, time, place, name(s) of person(s) involved (e.g. the accused, witnesses) and sufficient detail to make a determination regarding basic elements of the formal complaint process.

H. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.

I. Supportive measures - individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

## **Consent**

Consent is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, “No” always means “No,” and the absence of “No” may not mean “Yes”.

A. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.

B. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.

C. Previous relationships or consent does not imply consent to future sexual acts.

D. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.

E. In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is a policy violation. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent. Note: indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

Examples of when a person should know the other is incapacitated include, but are not limited to:

- The amount of alcohol, medication or drugs consumed,

- Imbalance or stumbling,
- Slurred speech,
- Lack of consciousness or inability to control bodily functions or movements, or vomiting, or
- Mental disability or incapacity.

F. Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

## **Reporting**

### **A. Mandatory Reporting**

All FPCC employees are responsible for taking all appropriate action to prevent sex discrimination or sexual harassment, to correct it when it occurs, and must promptly report it to the Title IX Coordinator. Failure to do so may result in disciplinary action up to and including termination. All FPCC employees are considered responsible employees with a duty to report any incident to the Title IX Coordinator.

### **B. Confidential Reporting**

Resources are available through the Red Bird Women's Center. Family Violence Prevention staff, counselors, victims' advocates are available to speak with any person who wishes to report an incident and remain anonymous. All forms of sexual harassment should be reported, no matter the severity. In addition, FPCC should be made aware of possible threats to the campus community in order to issue timely warnings.

### **C. Reporting to the Police**

FPCC strongly encourages anyone to report sexual violence and any other criminal offenses to the police. This does not commit a person to prosecution, but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, College disciplinary actions and/or civil actions against the respondent.

- If the incident happened on campus, it can be reported to the Tribal Police Department at 406-768-5565. If the incident happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred. Know that the information you report can be helpful in supporting other reports and/or preventing further incidents.
- Reporting for Faculty and Staff (Non-Student) Instances: Faculty and staff shall report any instances of sexual harassment by another faculty or staff member to the Title IX Coordinator. As stated above, FPCC also strongly encourages reporting any instances to the police.
- Employee Obligation to Report (Student Instances): In compliance with Title IX, employees who become aware of a student instance of sexual harassment shall immediately report such instance to the Title IX Coordinator, including the name of the persons involved.

#### D. Reporting of Student Instances

Students shall report any instances of sex discrimination or sexual harassment to any FPCC employee and/or the Title IX Coordinator. A complaint should be filed as soon as possible. If either the complainant or the respondent is a student, the incident will be addressed through the Title IX process. The report can be made in person, by phone, mail, or email using the contact information listed for the Title IX Coordinator or by any other means that results in the Coordinator receiving the report. The report can be made any time, even during non-business hours.

After receiving a report or notice of an incident, the Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. A complainant's wishes with respect to whether the FPCC investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

FPCC will promptly take necessary steps to protect the complainant and ensure safety as necessary, including taking interim steps before the final outcome of any investigation once a report or knowledge of sex discrimination or sexual harassment has occurred. Periodic updates on the status of the investigation will be provided to the complainant. If the school determines that the sexual violence occurred, FPCC will continue to take these steps to protect the complainant and ensure his or her safety, as necessary. FPCC will provide the complainant with any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, and assistance in reporting a crime to local law enforcement.

#### **Written Notice of Complaint**

Upon receipt of a formal complaint, FPCC will provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview.

Written notice includes:

- a. Notice of the grievance process, including any informal resolution process;
- b. Notice of the allegations, including sufficient detail (i.e., names of known parties, the conduct alleged to be sexual harassment, and the date and location of the conduct, if known) to allow the respondent to prepare a response;
- c. A statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process;
- d. Notice of the parties' right to have an advisor (who may be, but is not required to be, an attorney) and to inspect and review evidence; and
- e. Notice that knowingly making false statements or providing false information in the grievance process is a violation of the code of conduct and subject to disciplinary action.

## **Investigation**

The Title IX Coordinator will make a determination to begin a formal investigation of sex discrimination or a sexual harassment incident which will lead to an institutional action. The coordinator will be available to explain to both parties the process and to notify in writing of the receipt of a complaint and the actions FPCC will take. The burden of gathering evidence and burden of proof must remain on FPCC, not on the parties.

An investigation will be conducted by a FPCC Title IX official. This investigation will include:

- Meeting personally with the complainant, (unless extraordinary circumstances prevent a personal meeting),
- Meeting personally with the respondent, (unless extraordinary circumstances prevent a personal meeting),
- Presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made,
- Collecting any physical evidence,
- Meeting personally with any witnesses, (unless extraordinary circumstances prevent a personal meeting with one or more witnesses), and
- Reviewing any documentary evidence.

The investigation of complaints will be adequate, reliable and impartial. The investigation process can take up to 60 days. When investigating a complaint and throughout the complaint process, FPCC must: (1) ensure that the burden of proof and of gathering evidence rests on FPCC rather than the parties; (2) provide an equal opportunity for the parties to present witnesses and evidence (3) not restrict either party's ability to discuss the allegations or gather and present evidence; (4) provide the parties with the same opportunities to have others present during interviews or related proceedings, including an advisor; (5) provide, to a party who is invited or expected to attend, written notice of the date, time, participants, purpose, and location of any investigative interview, hearing or other meeting with enough time to allow the party to prepare and participate; (6) provide both parties and their advisors an equal opportunity to review all evidence directly related to the allegations in the formal complaint (both exculpatory and inculpatory) at least 10 days prior to the completion of the final investigation; and (7) prepare a written investigation report that fairly summarizes the relevant evidence and provide the report to both parties and their advisors for review and written response at least 10 days before a hearing or determination of responsibility. FPCC will determine if a Title IX hearing is necessary. If it is determined that FPCC will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing date.

### **Mandatory or Permissive Dismissal**

Mandatory dismissal must occur when determined in the course of the investigation that allegation in a formal complaint: (1) did not occur in FPCC's program or activity; (2) did not constitute sexual harassment as defined; or (3) did not occur against a person within the US. Both parties must receive written notice of a mandatory dismissal and reasons.

Permissive dismissal may occur at any time during the investigation or hearing when: (1) a complainant notifies the Title IX Coordinator in writing that they would like to withdraw; or (2)

the respondent is no longer enrolled or employed by FPCC; or (3) specific circumstances prevent FPCC from gathering evidence sufficient to reach a determination. Both parties must receive written notice of a permissive dismissal and reasons.

FPCC may still address allegations of misconduct under the Student Code of Conduct.

### **Institutional Action**

A. Mediation is a method of informal resolution. Informal resolutions are prohibited unless a formal complaint of sexual harassment is filed. Mediation may include conflict resolution or a restorative agreement between the parties with a trained Title IX Officer presiding over the mediation. Participation in mediation is not mandatory, but will only take place with the consent of both parties involved. Mediation may only be used:

1. Prior to a Notice of hearing being issued;
2. When a trained Title IX Officer determines this is a suitable option for resolving the concern, and both the Complainant and Respondent agree to use the process;
3. When the complaint does not involve sexual violence as defined in the Title IX Policy.
4. When both parties acknowledge receipt of written notice of their rights under this policy and both parties provide written, voluntary consent.
5. Mediation is not available when the complaint alleges a FPCC employee harassed a student.

Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved, an appeal of the process and its result is not permitted. However, either the Complainant or the Respondent may terminate mediation at any time prior to the entry of a voluntary resolution and proceed with the Title IX hearing. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Title IX Coordinator to a Title IX Hearing. No offers to resolve the conflict that were made or discussed during the informal voluntary resolution process may be introduced during the Title IX Hearing.

### **B. Title IX Hearing**

The Title IX Coordinator will determine if a hearing is necessary; mediation is never appropriate in sexual violence cases. If it is determined that FPCC will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing date, the alleged policy violation and issued a notice to appear at the hearing. The written notice will be hand delivered directly to the student(s) or mailed to the local address as filed in the Registrar's Office. Students are responsible for providing and maintaining a current local address in the Registrar's Office.

The hearing members shall include at least one trauma trained individual in sex discrimination or sexual harassment adjudication to include a trained Title IX Officer as the hearing officer and three members of faculty and staff as hearing members. The selection of the hearing members will be made by the Title IX Coordinator. Criteria for

the hearing committee will include: 1) have received all appropriate training, 2) not a current instructor of either party involved, 3) have no previous substantive or direct knowledge of the incident, and 4) have no other perceived conflict of interest as determined by interview process with the Title IX Coordinator.

Description of the duties of the Title IX Hearing Members will include but not limited to the following:

- Read and understand the Title IX Policy and Procedures, which include the hearing process.
- Read and understand all of the information of the Title IX case provided by the Coordinator prior to the hearing as part of a hearing packet.
- Read and understand the procedures of the Title IX hearing provided by the Coordinator prior to the hearing as part of a hearing packet.
- Have a clear understanding of the incident in question before going into deliberations for a decision.
- Decide the outcome (majority vote) and sanctions if needed based on the information presented, hearing notes, and the FPCC Title IX Policy.
- Provide copies of notes, if made, to the hearing officer. The hearing officer will inform the parties of the decision at the hearing and send a letter as described in this policy.

Complainant's Rights:

- Be given a written explanation of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students must provide FPCC with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing (if the advisor is an attorney, FPCC's attorney will also be present during the hearing);
- Be given a timely hearing;
- Exclude evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
- Clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual harassment;
- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community;
- Written notification of any external counseling services that may be available;
- Written notification of options for changing academic, living, transportation, and work site situations if reasonable;
- Written notification of an avenue for appeal.

### Respondent's Rights:

- Be given written notice of the allegations and the hearing process ;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Have no violation presumed until found responsible;
- Be given a timely hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students must provide FPCC with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing (if the advisor is an attorney, FPCC's attorney will also be present for the hearing);
- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community;
- Written notification of any external counseling services that may be available;
- Written notification of options for changing academic, living, transportation, and work site situations, if reasonable;
- Written notification of an avenue for appeal.

The hearing will include opening statements, each party's evidence and witnesses, and closing statements. Students are permitted to be present during the disciplinary hearing (except during deliberations of the panel). Students are permitted to make statements, present witnesses and present evidence during the hearing which has been previously collected and approved during the investigation process. Witnesses and evidence need to be directly related to the incident. The standard of proof used in FPCC Title IX Hearings is the preponderance of the evidence, which means the determination to be made, is whether it is more likely than not a violation occurred. This is significantly different than proof beyond a reasonable doubt, which is required for a criminal prosecution. In-person hearings are preferred, but videoconference hearings may be conducted if the hearing officer determines that the health, safety and welfare of all participants is better served by the alternate hearing mode.

### **Outcome**

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is not responsible for a Sex Discrimination or Sexual Harassment policy violation the complaint will be dismissed.

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is responsible for a Sexual Harassment policy violation the following sanctions will be considered. The listing of sanctions below is not intended to be exclusive; in addition, sanctions may be imposed singularly or in combination when a violation of this policy is found.

Sexual Discrimination (includes gender discrimination) may include the following sanctions of

the student(s) found responsible.

- Restriction – A limitation on a student’s privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent FPCC, or denial of participation in extracurricular activities.
- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Probation Level I – A specified period of time during which the student is placed on formal notice that he/she is not in good social standing with FPCC and that further violations of regulations will subject him/her to suspension or expulsion from the FPCC.
- Housing Suspension – If applicable and warranted by the severity of the incident, separation of a student from the student housing for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified.
- Suspension – If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from FPCC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Vice President for Student Services. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees will be subject to FPCC's normal withdrawal policy.
- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees will be subject to FPCC's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Sexual Harassment may include the following sanctions on the student(s) found responsible.

- Restriction – A limitation on a student’s privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent FPCC.
- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Behavioral Change Requirement – Required activities including but not limited to, seeking academic counseling, substance abuse assessment, decision making class, writing a reflection paper, etc.
- Housing Suspension – If applicable, separation of a student from the student housing for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified.
- Probation Level II – Adds to Level I the stipulation that students are prohibited from participating in any extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, student organizations/clubs/associations,

leadership positions within housing or other organizations). Students must apply to get off Conduct Probation Level II by submitting documentation of their significant proactive efforts to become good citizens of the community and engage in responsible, productive behavior.

- Suspension – If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from FPCC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Vice President for Student Services. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to FPCC's normal withdrawal policy.
- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to FPCC's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Sexual Violence may include the following sanction on the student(s) found responsible.

- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to FPCC's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Both parties will be notified of the outcome in writing by certified mail or other agreed upon form of notice within five business days after the hearing at the same time. Both parties have the right to appeal the decision reached through the hearing proceedings within five days after the hearing.

### **Appeal Procedures**

An appeal is not a new hearing, but is a review of the record of the original hearing. It serves as a procedural safeguard for the student. The burden of proof shifts from FPCC to the student(s) found responsible for the policy violation. The student must show one or more of the listed grounds for an appeal.

A. Appeals must be submitted in writing to the President within five (5) Fort Peck Community College working/school days of receiving the decision. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.

B. The appeal must cite at least one of the following criteria as the reason for appeal and include supporting argument(s):

1. The original hearing was not conducted in conformity with prescribed procedures and substantial prejudice to the complainant or the respondent resulted.
2. The evidence presented at the previous hearing was not “sufficient” to justify a decision against the student or group.
3. New evidence which could have substantially affected the outcome of the hearing has been discovered since the hearing. The evidence must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal.
4. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with FPCC procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.

C. The President will review the record of the original hearing, including documentary evidence. It is the President’s discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to the original hearing committee for review/or reconsideration. If there is new evidence (unavailable at the time of the hearing through no fault of the parties) which is believed to substantially affect the outcome, or evidence presented at the previous hearing(s) was “insufficient” to justify a decision against the student or group, or a finding that a substantial procedural error resulting in prejudice occurred, the matter may be remanded to either a rehearing of the entire matter or reconsideration of specific issues. If remanded to the original hearing committee, either or both students may appeal the committee’s decision to the President and the procedures set out above shall control the appeal.

D. The final decision will be communicated in writing by the President to the appealing student(s). The decision will be communicated within ten (10) working/school days of receiving the written recommendation. Both parties will be notified of the final outcome of the appeal.

E. The decision of the President on appeal shall be final.

### **FPCC Officers and Designees**

The designation of a FPCC official responsible for prescribed actions shall automatically include the official’s designee in instances where an official is unable, unavailable or has concluded that the official may have a conflict of interest that causes the official to recuse from involvement in the matter. The official’s designee shall have the same authority as the official in matters involving this policy.

### **Recordkeeping Protocol**

FPCC will document all reports and complaints of sex discrimination and provide copies of those reports to the Title IX Coordinator. FPCC Title IX Office will maintain a secured electronic file system of all Title IX cases, reports, and complaints by academic year. The cases will include all information related to the individual case, which includes but is not limited to the initial

complaint, letters sent to all parties, response from the respondent, immediate assistance, investigation notes, mediation agreement if applicable, notice of a hearing, committee selection, hearing notes, hearing decision, written notice of the outcome, and any recordings made of the hearing or in the course of the investigation. The time period to maintain the case records will be no less than seven (7) years from the date of FPCC's final action or decision (whether through report of the investigation, mediation, or hearing). The confidential reporting of the number of incidents and types will be sent to FPCC Security for the preparation of the Annual Crimes Report.

## **Prevention and Education**

### **A. Education**

FPCC requires all employees to take the following educational- training courses on an annual basis. Employees may be required to be recertified on demand. Failure to have a certification of this required training may result in appropriate disciplinary action. Additional in-person trainings are also offered periodically and on request.

### **B. Bystander Intervention**

If you witness a policy violation, or behaviors that may lead to a policy violation, there are a variety of things you can do as a bystander:

- Divert the intended victim (e.g. "help me out of here; I don't feel well")
- Distract the perpetrator (e.g. "looks like your car is being towed")
- Delegate to a person of authority (e.g. if at a nightclub let the bartender/bouncer know of the situation)
- Direct, confront the perpetrator (e.g. "don't speak to him/her in that manner; you are going to get yourself into trouble")

### **C. Risk Reduction Tips**

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to blame victims, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you reduce your risk of experiencing a non-consensual sexual act.

- Make your limits known as early as possible.
- Be aware of your alcohol intake. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends or colleagues and ask that they take care of you.

### **D. Potential Aggressor**

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.

- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent.
- If there are any questions or ambiguity, then you DO NOT have consent. Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size.
- Don't abuse that power. Understand that consent to one form of sexual behavior does not automatically imply consent to other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent.
- Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

## **Training**

Training on sexual misconduct: discrimination, harassment, and violence is included in FPCC's education program.

Training for student groups and students will be conducted through a variety of presentations, student orientation, and other meetings. Training for Active Bystander Intervention skills may include: On-going campus campaigns and information at a variety of events concerning the policy and appropriate behaviors, including Bystander Intervention. Informational website and brochures devoted to educating students will be presented at prevention workshops. When in-person training is neither practical nor safe, alternative modes of training shall be utilized.

Mandatory training for employees will be provided through online training on sexual misconduct: discrimination, harassment, and violence and mandatory reporting through new employee orientations and other periodic training opportunities and upon request. Training for Active Bystander Intervention skills may include: ongoing campus campaigns and information at a variety of events, concerning the policy and appropriate behaviors, including Bystander Intervention. Informational website and brochures devoted to educating employees.

Available Resources to all of the FPCC community:

- IHS - (406) 653-1641 - Chief Redstone Clinic; (406) 768-3491 - Verne E. Gibbs
- Northeastern Montana Health Services - (406) 768 6100 (Poplar); (406) 653 6572 (Wolf Point)
- Red Bird Woman's Center - (406) 653-1494-provides confidential resources off-campus
- Tribal Police Department-911 for emergencies; (406) 653-6240 for non-emergencies
- Montana Coalition Against Domestic & Sexual Violence - (406) 443-7794-provides confidential resources off campus
- Northeast Montana Victim/Witness Program - (406) 653-2999

## **Retaliation**

The Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. This means that if an individual brings concerns about possible civil rights problems to a school's attention, including publicly opposing sexual harassment or filing a sexual harassment complaint with the school or any State or Federal agency, it is unlawful for the school to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in an OCR or school's investigation or proceeding. Therefore, if a student, parent, teacher, sponsor coach, or other individual complains formally or informally about sexual harassment or participates in an OCR or school's investigation or proceedings related to sexual harassment, the school is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation. Individuals who, apart from official associations with FPCC, engage in retaliatory activities will also be subject to FPCC's policies insofar as they are applicable to third party actions.

FPCC will take steps to prevent retaliation against a student who filed a complaint either on his or her own behalf or on behalf of another student, or against those who provided information as witnesses. Complaints of retaliation will follow the same process of investigation, hearing, and appeal.

If it is determined under the preponderance of evidentiary standard (more likely than not to have occurred) that a student is responsible for retaliation the following sanction will be imposed.

- Suspension – Exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from FPCC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Vice President for Student Services. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to FPCC's normal withdrawal policy.

## **Free Speech and Academic Freedom**

Members of the FPCC community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect members of the FPCC community from discrimination and is not designed to regulate protected speech. No provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

## **Availability of other Complaint Procedures**

In addition to seeking criminal charges through local law enforcement, members of the FPCC community may also file complaints with the following entities regardless of whether they choose to file a complaint under this procedure:

Office of Civil Rights:

Seattle Field Office: OCR.Seattle@ed.gov, (206) 607-1600;

Washington D.C.: OCR@ed.gov 1-800-421-3481

Equal Employment Opportunity Commission:

Seattle Field Office: 1-800-669-4000;

Washington D.C.: 1-800-669-4000, Eeoc.gov/contact/

## **Section 6: Student Code of Conduct Procedure**

### **Personal and Organizational Misconduct**

The Code of Student Conduct is applicable to any behavior of students and/or officially recognized student organizations on or off the college campus which is determined to be incompatible with this code. FPCC's right to proceed will in no way be affected by the filing of criminal or civil charges in any court by any person or any governmental entity against the accused student or organization. The conduct of each student and/or organization is expected to be in accordance with standards of common decency and decorum, with recognition and respect for the personal and property rights of others and the educational mission of the college. A student or student organization may be disciplined for committing any of the following violations while on the college campus or in college facilities, or while on FPCC official business or participating in extracurricular activities:

### **Alcoholic Beverages**

- A. The unlawful possession or consumption of alcoholic beverages, public drunkenness, driving under the influence or violation of state or local laws regarding alcohol use or possession.
- B. Repeated or flagrant violation of the College Alcohol Policy.

### **Narcotics or drugs**

The unlawful use, possession, sale, or distribution of marijuana or any narcotic, drug, drug paraphernalia, medicine chemical compound, or other controlled substance defined as illegal under federal, state, or local laws. In addition, the college may take disciplinary action against a student, group of students, or student organization whose unauthorized use, possession, sale, or distribution of any controlled substances or illegal drug off campus poses a threat to the safety and welfare of the college community.

## **Firearms and Dangerous Materials**

The unauthorized use or possession of firearms, ammunition, weapons, fireworks, explosives, noxious materials, incendiary devices, dangerous instruments, or other dangerous substances is strictly prohibited.

## **Theft**

Theft of or accessory to theft of, property or services of the college, of other college students, or other members of the college community, or of campus visitors Knowingly being in possession of stolen property or services constitutes being an accessory to the theft and is therefore a violation of this provision.

## **Damage or Destruction of Property**

Damage or destruction of property of the college, of other members of the college community, or campus visitors.

## **Actions against Persons or Groups**

- A. Physical abuse or threat of abuse to any person.
- B. Conduct dangerous to the health and safety of any person.
- C. Disorderly conduct or behavior.
- D. Indecent or obscene conduct or expression.

Harassment-- includes, but is not limited to, making repeated or untimely telephone calls to a person's residence or place of employment, following a person in his or her course of daily activities in such a way that the action inhibits the person from performing his or her duties, and making gestures which may be construed by the individual to be suggestive, abusive or threatening.

## **Gambling**

Any form of gambling or wagering not authorized by the college.

## **False Alarms**

Entering false fire alarms or bomb threats, tampering with fire extinguishers, alarms, or other safety equipment.

## **Unauthorized entry or use**

1. Unauthorized entry to or use of college equipment, college facilities or other facilities located on college property.

2. Possessing, producing, manufacturing or having manufactured without proper authorization, any key or unlocking device for use of college facilities or locks.

### **College Rules and Regulations**

Repeated or flagrant violations of college rules or regulations contained in this handbook, or the official policy statements and publications of the college

### **Misuse or Abuse of Computer Equipment, Programs or Data**

1. Unauthorized use of computing resources or use of computing resources for unauthorized purposes.
2. Accessing or copying programs, records or data belonging to the college or another user without permission.
3. Attempting to breach the security of another user's account or deprive another user of access to the college's computing resources.
4. Using the college's computing resources for personal or financial gain.
5. Transporting copies of college programs, records of data to another person or computer site without written permission.
6. Attempting to destroy copy or modify programs, records or data belonging to the college or another user.

### **Falsification of Records**

Knowingly furnishing false information to the college, or forging, altering, or making unauthorized use of a college document, record or identification. Specifically, for the purpose of this code, falsification of records includes falsely making, or falsely altering a document issued by the college; conveying or obtaining a document that is known to be false or procuring or aiding such conduct; using as genuine a falsely made or falsely altered document that the user knows is false; or making a false written statement about certification achievement in an application or employment, award, or to induce another to issue, a diploma, certificate, license or transcript.

1. Destruction or Damage to College Grounds. Malicious damage or littering to public grounds of the college or driving motor vehicles on college property without prior authorization from the appropriate college official.
2. Obtaining College Services by False Pretenses. Obtaining college services by false pretenses Fort Peck Community College Fort Peck Community College Policies & Procedures Page 234 including, but not limited to, misappropriation or conversion of college funds, supplies, equipment, labor, material, space, facilities, or services.
3. Violation of State, Federal, or Local Laws. Any act or omission that constitutes a violation of federal, state, or local laws or regulations and which is not otherwise covered in this code.
4. Violation of Disciplinary Sanctions. Violation(s) of the terms and/or conditions imposed as a result of previous disciplinary procedures.
5. Shared Responsibility for Infractions

7. Students who act individually or in concert with student organizations to violate college policies/regulations may be given joint responsibility for such violation(s).
8. Students and organizations are responsible for the conduct of their guests on or in college property and at functions sponsored by the college or any registered college organization.
9. Organizations will be held responsible for the actions of their member(s), alumni, and advisor(s).

### **Disciplinary Sanctions**

The following penalties may be assessed whenever a student and/or an organization are found to have violated any of the rules or regulations contained in this code.

1. Reprimand--When a student or organization is reprimanded, oral or written notification will be made by the Vice President for Student Services to the student or organization, warning that continuation or repetition of the specified conduct may be cause for other disciplinary action. A reprimand becomes part of a student's or organizations disciplinary records in the Office of the Vice President of Student Services, but is not made part of a student's academic record. For organizations, a reprimand may include notification to the organization's president or advisor. A reprimand may include restrictive conditions, the terms of which will be set forth, in writing, to the student or organization.
2. Disciplinary Probation--When a student or organization is placed on disciplinary probation (hereinafter referred to as probation) for a specified period of time, written notification will be made by the Vice President for Student Services to the student or organization on probationary status. If a student or organization, while on probation, violates any of the provisions of this code, the student or organization may be suspended from the college. Probation may include restrictive conditions, the terms of which will be set forth in writing to the student or organization.

### **Disciplinary Restrictive Conditions**

Terms of a reprimand or probation with restrictions for a student may include, but are not limited to, the following:

1. A student may be required to make restitution, monetary or otherwise, particularly in cases of theft, property damage, injury to others, or losses resulting from
2. improper computing activities.
3. A student may be required to seek personal counseling at the Indian Health Service, or from other designated college faculty, staff, or administrative officials.
4. A student may be denied the right to park or operate a motor vehicle on campus.
5. A student may be denied eligibility, for a specified period of time, for election to a student office or to represent a student organization of the college.
6. A student may be denied, for a specified period of time, the privilege of participating in athletic, extracurricular, or other student activities.
7. A student may be assessed a fine for his or her conduct violation, particularly in cases of theft, property damage, false alarm, injury to others, and in the cases where the college

academic environment has been disrupted. All fines collected will be placed in a Student Services Fund.

8. A student may be denied the use of college facilities and/or equipment for a specific period of time.

Terms of a reprimand or probation with restrictions for organizations may include, but are not limited to, the following:

- An organization may be denied use of college facilities and/or equipment for a specified period of time.
- An organization may be prohibited from engaging in certain organizational and/or college programs or functions.
- An organization may be required to make restitution, monetary or otherwise, particularly in cases of theft, property damage, or injury to others.
- An organization may be restricted from selected social or intramural activities.
- An organization may be assessed a fine for its conduct violation, particularly in cases of theft, property damage, false alarms, injury to others, and in other cases where the college academic environment has been disrupted. All fines collected will be placed in a Student Services Fund.

### **Disciplinary Suspension**

Disciplinary Suspension (hereinafter referred to as suspension), involves exclusion from classes, exclusion from other privileges and activities (including access to computing facilities), and exclusion from campus. It may also include the assessment of fines to pay for damages incurred by the college.

When a student or organization is suspended, the suspension will usually be for a stated period, but in no case will it be for less than the remainder of the term in which the offense is committed. The status of “disciplinary suspension” will be shown on the student’s academic record, including the transcript, during the period of suspension. Notification of student or organizational suspension will indicate the date on which the suspension begins, the earliest date at which application may be made for readmission or registration, and any special conditions relating to the steps required for readmission or registration. During suspension, a student will not attend classes or participate in any college-related activity. During suspension of an organization, the registration and privileges of the organization are suspended. The only exception to this rule is “temporary suspension.”

The Vice President of Student Services may deny a student or organization’s request for readmission if, in his or her judgement, there is sufficient evidence to indicate that the student’s or organization’s conduct during suspension would have warranted disciplinary action, or if the student or organization has failed to satisfy any special condition that may have been imposed prior to readmission. Upon denial of a student’s or organization’s application for readmission, the Vice President of Student Services will set a new date at which another application for readmission may be made.

## Temporary Suspension

The Vice President for Student Services may, at his or her discretion, and for good cause shown, temporarily suspend a student and/or organization with specific restrictive conditions and for a specified time period.

## Disciplinary Procedures

### General Provisions

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The Office of Student Services will investigate and gather evidence about reported academic, personal, or organizational misconduct and will evaluate the accuracy, credibility, and sufficiency of this evidence. The Office of Student Services will ensure that the requirements of due process are fulfilled in accordance with the following procedures:

- **Complaint.** A written complaint must be filed with Student Services, on forms provided for such purposes. Within three (3) working days after such filing, a Student Services staff member will meet with the Complainant(s) to gather information relevant to the complaint. In exigent circumstances, this meeting will take place as soon as possible.
- **Investigative Meeting.** Within three (3) working days after Student Services meets with the complainant, it will notify, in writing, the student or organization named in the complaint. The named student or organization representative will be requested to appear before a Student Services staff member who will conduct an investigative meeting to discuss the alleged violation(s), possible resolution, and possible charge(s). During the investigative meeting, the student or organization will be informed of the following:
  - The nature of the complaint(s) filed, including a statement of the rules or regulation allegedly violated and the alleged act(s) committed.
  - The source of each complaint which has been filed.
  - The penalties which may be imposed if a charge is proven.
  - The right of the student or organization to be accompanied by an adviser at any discipline hearing which may result from the complaint(s).
  - The freedom of the student or organization from any obligation, at any time, to make any statement relevant to the accusation(s).
  - The fact that any statement(s) made by the student or organization may be used against the student or organization.
  - **Notification of Charges.** If, as a result of the investigation, the Office of Student Services determines that college disciplinary action may be warranted, the student or organization will be notified, in writing, of the specific charges. If the Office of Student Services is unable to contact the student or the organization's representative, in person, within three (3) college working days of the determination of charge(s), the notice of disciplinary action and procedure will be mailed, registered return receipt to the address of record maintained by the college or delivered by hand by a college official, who will make a return of service in the complaint file.

- Choice of Forum. Once the student or organization has been advised of the charge(s), the accused student or organization will have the right to choose whether the case should be resolved informally or formally. Within (3) college working days of the receipt of the statement of charges, the accused party(s) will make an appointment with the Vice President for Student Services for a conference to determine whether or not the case is to be informally or formally resolved. An accused party who,
- without good cause fails to attend this conference will be deemed to have admitted the charge(s) pending against them. In such event the Vice President for Student Services may then proceed to impose appropriate sanction(s).

### **Informal Disposition**

In a case in which the student or organization does not dispute the charge(s) made by the Office of Student Services, and wishes to sign a statement admitting guilt to the offense, no formal hearing or further proceeding will be required. Within five (5) college working days, the student or organization will be advised in writing of the penalty imposed.

The student or organization will have three (3) college working days to appeal the imposed penalty to the Vice President for Student Services. Appeals must be made in writing, and must clearly state why the student or organization feels that the penalty imposed is unreasonable or excessive.

### **Formal Disposition**

In cases in which the student or organization dispute the investigative findings that an offense has been committed and charges should be brought, or where the student or organization rejects an informal disposition, the case will be resolved through formal procedures developed by the Vice President for Student Services.