



2023 Annual Security and Fire Safety Report



Contents

About the Report	4
How to Report a Crime	5
Campus Security Personnel	5
Importance of Reporting Criminal Activity	5
Voluntary Confidential Reporting	6
Campus Security Authorities.....	6
Timely Warning & Emergency Notifications.....	7
Safety and Security Awareness.....	8
Campus Security and Access.....	11
Behavioral Intervention Team	11
Policies and Programs Addressing Dating Violence, Domestic Violence, Sexual Assault, and Stalking .	12
Retaliation Prohibited	12
FVCC Policy Definitions of Dating Violence, Domestic Violence, Sexual Assault and Stalking	12
In Case of Domestic Violence, Dating Violence, Sexual Assault, or Stalking	19
Educational Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault and Stalking ...	22
Bystander Intervention	23
Risk Reduction.....	24
Sex Offenders.....	25
Alcohol & Substance Abuse Prevention.....	25
Social, Academic, and Personal Risks of Substance Abuse	28
Emergency Contacts	29
In Case of a Missing Person.....	29
Parent Notification.....	29
In Case of a Threatening Intruder and Theft.....	29
In Case of an Active Shooter	30
In Case of a Bomb Threat.....	31
Compiling Crime Statistics for the Annual Clery Disclosure.....	32
FVCC Crime Statistics: Clery Data.....	33
LCC Crime Statistics: Clery Data	34
Definition of Clery Geography	35
Definition of Crime Categories Under Federal Law	35
Definition of Crime Categories Under Montana Law.....	38

State of Montana Laws on Alcohol and Other Illegal Drugs	45
Fire Safety Report for Calendar Year 2022	56
In Case of a Fire	56
Fire Reporting and College Response to Arson.....	57
On-Campus Student Housing Fire Statistics for Calendar Years 2020, 2021, 2022	58
Fire Safety Rules.....	58
Prohibited Acts.....	59
Fire Extinguishers	59
Fire Sprinkler System	59
Fire Alarm System	59
Fire Drills	59
Plans for Future Improvements in Fire Safety	60

Separate Campuses

All policy statements in this report apply to both campuses unless otherwise indicated.

FVCC’s Nondiscrimination Policy

Flathead Valley Community College is committed to providing a learning and working environment that emphasizes the dignity and worth of every member of its community and that is free from discrimination, harassment, and retaliation based on race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation (taken together, “protected-class harm”).

Please direct any inquiries regarding FVCC’s nondiscrimination policy or procedures to the Title IX coordinator at TitleIXCoordinator@fvcc.edu.

Flathead Valley Community College (FVCC) Annual Security and Fire Safety Report for Reporting Year 2022 (all campuses)

About the Report

This report includes statistics for the previous three years concerning reported crimes that occurred on-campus, on non-campus property owned or controlled by FVCC, and on public property within or immediately adjacent to and accessible from the campus. These statistics are located on pages 33-34. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092 (f)) is a federal law that requires colleges and universities to disclose information about crime on and around their campuses. The following pages provide crime rates and statistics for the 2020, 2021, and 2022 calendar years as required by law. This report also includes fire safety information on pages 56-60. Additionally, this report is intended to be a campus safety resource guide.

The Clery Act requires that the following “Clery crimes” be reported:

- Murder and Non-Negligent Manslaughter
- Negligent Manslaughter
- Sex Offenses
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Domestic Violence
- Dating Violence
- Stalking
- Hate Crimes

Criminal Offenses are defined as outlined by the US Department of Justice, FBI National Incident-Based Reporting System on pages 35-38.

Under the Clery Act, FVCC is required to report annual crime statistics showing reported occurrences of specified types of crime for the benefit of current/prospective students and employees.

How the Crime Report is Disseminated

The Clery Act stipulates that FVCC notify all current and prospective students, faculty, and staff of the availability of this report by October 1, 2023. The report can be retrieved from FVCC’s website at www.fvcc.edu/campus-safety. By October 1, 2023, an email notification providing the URL address for the report will be sent to all current students, faculty, and staff at FVCC. Printed copies of the report are available upon request from the dean of compliance by calling 406.756.3925. Current and prospective students and employees can access the report by clicking “Campus Safety & Compliance” on the main menu at www.fvcc.edu, followed by “Campus Safety” or “Student Consumer Information,” and then scrolling to “Annual Security & Fire Safety Report.” A link to the report is also available on the [Apply Now](http://www.fvcc.edu/admissions-financial-aid/apply-now) webpage at fvcc.edu/admissions-financial-aid/apply-now.

How to Report a Crime

To report a crime that has taken place on or off campus, contact the Kalispell Police Department (or Libby Police Department if the incident occurred in Libby). FVCC highly encourages accurate and prompt reporting. For emergencies, call 911. To report a criminal complaint that is not an emergency, the phone number for the Kalispell Police Department (KPD) Dispatch Center is 406.758.7780. To reach the Libby Police Department (LPD), contact the Lincoln County Sheriff's Department at 406.293.4112. Afterward, call the campus resources officer at 406.407.1558 (during business hours) or the campus incident line at 406.270.4555 (evenings or weekends). The chair of the Command Team staffs the campus incident line. To report a non-life-threatening crime or campus incident, complete and submit an [Incident Report](#) form available at www.fvcc.edu/campus-safety within 24 hours.

Preventing crime is everyone's responsibility. If you suspect a crime has been committed or is being committed, call 911 immediately for an emergency or a non-emergency, call 406.407.1558 (weekdays) or 406.270.4555 (evenings and weekends).

If you are a victim or witness of a crime, report the incident immediately to the KPD Dispatch Center at 406.758.7780 or Lincoln County Sheriff's Department at 406.293.4112 or call the campus resource officer at 406.407.1558 (weekdays) or the campus incident line at 406.270.4555 (evenings and weekends). If you can, gather pertinent information, such as sex, race, hair color, length and texture, body size, clothing description, scars and other notable characteristics, modes of travel, type of vehicle, color, and license information.

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, clothing, vehicle, and direction of travel.

Campus Security Personnel

On-campus law enforcement presence exists on the Kalispell campus with the addition of a campus resource officer through a partnership and signed Memorandum of Understanding with the KPD. The campus resource officer, a sworn officer who can make arrests, is in LRC 152. Students and employees may call the campus resource office at 406.756.4815 with questions or concerns.

Criminal incidents are referred to the KPD or the LPD/Lincoln County Sheriff's Department. FVCC does not have an official memorandum of understanding written with the Flathead County Sheriff's Office, LPD, or the Lincoln County Sheriff's Department; however, these agencies, in addition to the KPD, work closely with FVCC and respond quickly to requests made to them.

Importance of Reporting Criminal Activity

FVCC and LCC do not have campus security officers. Therefore, students, faculty, staff, and guests are strongly encouraged to report all criminal and suspicious activities to the KPD (or the campus resource officer) or Lincoln County Sheriff's Department and college officials in a timely manner.

Prompt reporting of criminal activity enables college officials and local law enforcement officials to protect the safety of the entire community more effectively. Reporting criminal activity also ensures

inclusion in the annual crime statistics and aids in providing timely warning notices to the campus. All reports of criminal activity will be investigated. No matter how insignificant the incident may seem, the information students, faculty, staff, and guests provide can be helpful in an investigation.

Voluntary Confidential Reporting

Voluntary, confidential crime reporting can be made to the dean of students, the mental health counselor, or the campus resource officer. The confidential report is to comply with a student's wish to keep the matter confidential while still taking steps to ensure the student's and others' safety.

With this information, the college can keep an accurate record of the number of incidents involving students, employees, and visitors, determine where there is a pattern of crime about a particular location, method, or assailant, and alert the campus community to potential danger. Reports in this manner are counted and disclosed in the annual crime statistics for the institution.

Campus Security Authorities

Students and employees should report criminal offenses described in the annual report 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, FVCC must designate certain individuals as CSAs. CSAs are officials who have significant responsibility for student and campus activities, individuals responsible for security, and individuals designated to receive crime reports. At FVCC, CSAs include the advisors of student organizations, campus resource officer, community center assistants (Founders Hall), dean of students, director of facilities operations, director of global programs, dean of student success, executive director of human resources, food pantry assistants, manager of custodial services, program director of Lincoln County Campus, recreation and wellness coordinator, residence life coordinator, resident assistants, Title IX liaisons, Title IX coordinator, student engagement coordinator, student wellness team members, and TRIO mentors. CSAs should report crimes using an [Incident Report](#) form available at www.fvcc.edu/campus-safety. Crimes reported to any CSA will be included in the annual crime statistics.

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 the college must act regardless of the complainant's or reporter's wishes. In such cases, FVCC will protect identities to the extent the circumstances and law allow.

According to the Clery Act, professional mental health counselors who are appropriately credentialed and hired by the college to serve exclusively in a counseling role are not considered CSAs. However, the college encourages its professional mental health counselor(s) to notify those they are counseling about the voluntary, confidential reporting options available to them.

Identified CSAs are provided yearly training in September through an annual email reminder notification, educational video, and corresponding quiz.

The campus resource officer keeps a daily crime log available in LRC 152. All crimes are reported, though the names of victims and suspects are redacted, and locations are generalized to preserve the confidentiality of individuals.

Timely Warning & Emergency Notifications

FVCC will issue timely warnings or emergency notifications to the campus community if violent crimes or significant emergencies pose a serious or continuing threat to campus.

Per the requirements of the Clery Act, FVCC will “immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees.”

If a situation arises, either on or off campus, that, in the judgment of the president, the campus resource officer, the dean of students, or other members of the Command Team (vice president of academic & student affairs, vice president of administration & finance, Command Team coordinator/associate professor of criminal justice, director of facilities, executive director of college relations, communication and marketing, counselor, executive director of human resources, and executive director of information technology), constitute a serious or continuing threat, a campus wide timely warning or emergency notification will be issued.

After reviewing factors such as the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts, the Command Team will decide whether to issue a timely warning as well as determine the audiences in the campus community to receive the notice and whether the information should be provided to the larger community.

Timely warnings will be issued as soon as pertinent information is available when a Clery crime (e.g., murder, manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson or hate crimes) has occurred within FVCC’s Clery geography (i.e., on campus, on non-campus locations owned or controlled by FVCC, or on public property within or immediately adjacent to and accessible from the campus boundaries), and if there is a serious or ongoing threat to FVCC students and employees. Factors for determining whether an incident poses a serious or continuing threat include whether the suspect has been apprehended, the timeliness of the reported crime, and whether a pattern of crimes exists that places FVCC students and employees at risk of becoming victims of a similar crime.

Upon confirmation of an ongoing significant emergency or dangerous situation that poses an imminent threat to the campus community’s safety, FVCC will issue an emergency notification. Types of emergencies that may cause an immediate threat to the community and would warrant an emergency notification could include, but are not limited to, a norovirus outbreak, earthquake, gas leak, armed intruder, or chemical spill. Situations that may create business or academic interruptions but not pose a health or safety risk (e.g., power outages, network outages) may also generate an emergency notification.

FVCC will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notice will, in the professional judgment

of the responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Timely warnings and emergency notifications will be issued through the college's Omnilert emergency notification service, which notifies all subscribers of the situation via text, email, or phone message(s). Timely warnings are also sent to the local law enforcement agency. Updates to the campus community regarding a timely warning or emergency notification may be distributed via email, posted on the FVCC website, pushed through FVCC social media, or posted on campus buildings. The alerts are generally written and distributed by the dean of students, the executive director of college relations, communication and marketing, or other member of the Command Team.

Timely warnings will typically include information such as a brief statement of the incident, a physical description of any suspect, appropriate safety tips, and other relevant, available information. The warnings will withhold the name of the victim as confidential.

College closures due to poor weather conditions are also issued through Omnilert.

All student, faculty, and staff college-issued email addresses and cell phones are automatically set to receive emergency notifications. Students and employees may update their Omnilert account to include a landline or an alternative phone or email address by visiting www.fvcc.edu/campus-safety, scrolling down to "Emergency Notification System" under "Emergency Procedures" and then clicking "Manage Email & Text Alerts." Students, faculty, and staff can access their Omnilert account through the student, faculty, or staff portal by clicking "Omnilert Sign-in."

The college typically tests its emergency notification system at least once a year, and tests may be unannounced. All students and employees receive a link to the Annual Security Report each year, which includes the evacuation procedures on pages 8-9. Fire evacuation drills are held in Founders Hall regularly, as listed on page 60.

Throughout the pandemic, students and employees were informed of closures and the availability of resources, testing, vaccines, safety protocols, and support through messages sent via Omnilert, *This Week at FVCC* student and employee email newsletters, a direct link to the [COVID-19 landing page](#) by clicking the "COVID-19 Resources" located at the bottom of the FVCC website, www.fvcc.edu.

Safety and Security Awareness

FVCC posts emergency procedures flip charts in its classrooms, community rooms, and department offices. The flip chart outlines the steps for students, employees, and campus guests to follow should a situation such as severe weather, tornado, fire, evacuation, facility emergency, suspicious item, medical emergency, or other medical conditions, assisting a person with disabilities, earthquake, bomb threat, or active shooter. For example, the procedures are listed below in case of an evacuation or facility emergency.

Evacuation and Designated Rally Points

If it becomes necessary to evacuate your building for any reason, a text will be sent to you via the campus emergency notification system. Evacuation maps are posted throughout campus.

- If it is unsafe outside, do not leave your building until you are instructed to do so.
- Be aware of your surroundings when choosing an emergency exit route.
- In the event of an evacuation, report to the designated or nearest rally point.
- Do not re-enter the building until an “all clear” has been called.
- Stay at least 300 feet (the length of a football field) away from affected buildings.
- Always ASK someone with a disability how they can best be assisted and if there are items that need to accompany the person.

Designated rally points for evacuation include:

- Blake Hall, Business & Social Science (BSS) rally at the Arboretum (the tree area behind Blake Hall).
- Learning Resource Center (LRC) Building and Ross Hall (RH) rally at Parking Lot P (the parking lot west of both LRC and RH).
- Founders Hall and Occupational Trades rally in the grassy area between the road and BSS parking lot.
- Wachholz College Center (WCC) and Early Childhood Center rally at the tennis courts. Additional WCC rally point at the soccer field.
- Broussard Center rallies in the grassy area near Grandview Drive.
- Lincoln County Campus (LCC) rallies at the grass lot along the northwest corner of the LCC parking lot.

Facilities Emergencies

In the event of a facility emergency, call the assistant director of facilities at 406.897.0582. A facility emergency includes, but is not limited to, the following:

- Mechanical failure of objects required for a safe working environment (such as elevators, heating/cooling systems, etc.)
- Water problems of any kind
- Strange odors throughout the building
- Any broken windows or glass
- Stuck or inoperative doors
- Power outages
- Phone outages

For assistance with instructional technology equipment during business hours, call the IT helpdesk at 406.756.3930.

The [emergency procedures](#) are also available online at www.fvcc.edu/campus-safety under “Emergency Procedures.” At least once a year, the campus Safety Committee posts safety tips in the *Privy Press*, the weekly restroom stall bulletin. Safety procedures or tabletop discussions are typically presented and reviewed annually during a college-wide in-service, Command Team, or Safety Committee meeting. The emergency procedures were reviewed and updated in Spring 2023. Annual safety drills or trainings include, but are not limited to, Run, Lock, Fight and [The Great Montana ShakeOut](#) (an announced earthquake drill). FVCC partners with the KPD to facilitate Run, Lock, Fight training. FVCC also provides employees with free AED/CPR training at least once a year. Employees who work with hazardous

materials participate in annual hazardous material safety training. Scheduled drills held in 2022 (excluding fire drills—see page 60) are as follows:

Date	Time	Type of Drill	Location
October 20	10:20 am	Earthquake	FVCC and LCC

Students living in Founders Hall receive safety tips and reminders in the [Residence Life Handbook](#) and throughout the year from the residence life coordinator and resident assistants. Initial programming includes not propping doors open or letting non-residents/unattended guests into the building. Additionally, signs posted throughout Founders Hall remind residents of safety protocols.

Throughout the year, the campus resource officer provides safety-related presentations such as de-escalating upset individuals, recognizing drugs and drug paraphernalia, and handling intruders as requested by various instructors or departments, including residence life.

General safety awareness training presentations and interactive educational activities held in 2022 included the following:

Date	Topic	Presented By	Audience
August 18	Fire Extinguisher Training	Mahugh Fire & Safety	Residence Life Staff, Custodial Staff, Employees
January 10	Safe Zones I: Awareness and Education	Student Engagement Coordinator	Employees
January 10	Safe Zones II: Ally Development	Student Engagement Coordinator	Employees
September 20	Bombing Prevention Awareness	Department of Homeland Security	Building Coordinators, FVCC Safety Committee
September 21	Bomb Threat Management Planning	Department of Homeland Security	Command Team
September 22	Improvised Explosive Devise Search Procedures	Department of Homeland Security	Building Coordinators, Custodial & Maintenance, Mailroom Staff
October 2022	Don't Fall Victim to COVID (How to Avoid Catching Communicable Diseases) Bulletin Board	Resident Assistants	Founders Hall Residents
October 2022	Know Your Potions (Alcohol Safety & Awareness) Bulletin Board	Resident Assistants	Founders Hall Residents
October 20	Dealing with Difficult People	Continuing Education	Employees
October 24	CPR/AED/Choking Response	Nursing Faculty	Employees

November 8	De-escalation Techniques	Mental Health Counselor and Campus Resource Officer	Employees
November 18	Bystander Intervention	Student Wellness Team	Students

All students were also encouraged through the *What’s Happening This Week!* student email newsletter to complete [Kognito](#) *At-Risk Mental Health for Students*, a 30-minute interactive, self-paced, evidence-based simulation that helps students increase knowledge and awareness about mental health and suicide prevention.

FVCC also partnered with [CampusWell](#), an interactive online health and wellness magazine and mobile app designed specifically for college students. Each week, new content is available via the online magazine app. Additionally, a new informative flyer is posted weekly in every bathroom stall. [CampusWell](#) covers a variety of college health, wellness, and safety issues, including alcohol and other drugs, fitness and nutrition, stress, sleep, mental health, sexual health, consent, colds, flu, and more. Prevention, safety, and awareness topics in 2022 included *Orthorexia*, *Body scan meditation*, *Why you need more sleep*, *Trauma-informed care*, *Calming meditation for “SOS”-level anxiety*, *How to quit vaping*, *Binge drinking and academic performance*, *Growing houseplants to improve mental and physical well-being*.

Campus Security and Access

During business hours, FVCC and LCC are open to the public. However, Founders Hall is locked 24/7; residents and staff may enter the building anytime using a key fob. During non-business hours, access to the college facilities is by key only. The maintenance and custodial staff ensure the campus buildings are locked after hours. The maintenance staff also ensures that the lighting on campus is working and that pathways are safe and clear during winter. On January 5-6, the building security and alarm systems throughout the FVCC campus were tested.

The Safety Committee meets monthly to report and address any safety concerns raised by the committee or through the safety suggestion box located by the restrooms in Blake Hall. The Safety Committee conducts regular building inspections on a monthly rotation to identify potential safety concerns or opportunities for improvement.

FVCC has no officially recognized student organizations with off-campus locations monitored by the college (such as fraternity or sorority houses).

Behavioral Intervention Team

The CARE (Coordination, Assessment, Response, and Education) Team, formerly known as FVCC BIT, promotes a safe and productive learning, living, and working environment by addressing the needs of students through coordination and assessment of information and developing a supportive plan. The CARE Team accepts referrals regarding individuals in distress or whose behavior issues raise concerns about their well-being or that of others. The CARE Team also addresses behaviors of mental, emotional, or psychological health conditions that may be disruptive, harmful, or pose a direct threat or risk to the health and safety of the FVCC community. Any behaviors or activities of concern should be reported to

the CARE coordinator at 406.756.3812 or by submitting a [CARE \(BIT\) referral form](#) online at fvcc.edu/campus-safety. Every member of the community helps to keep the FVCC campus healthy and safe.

Policies and Programs Addressing Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Students, staff, and faculty at FVCC have the right to live, learn, and work in an environment free from all forms of sexual misconduct (including sexual assault), domestic violence, dating violence, and stalking. Therefore, FVCC prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking.

Consequently, FVCC maintains policies and programs to prevent and address dating violence, domestic violence, sexual assault, and stalking, as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

FVCC's [Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation Policy](#) (FVCC Board Policy Chapter 1, Section 60) and FVCC's [Code of Student Conduct](#) (FVCC Board Policy Chapter 7, Section 60) both prohibit such conduct. Both policies and corresponding procedures are available at www.fvcc.edu/board-policies.

Under the [Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation Policy](#), the definition of sexual harassment includes sexual assault, dating violence, domestic violence, and stalking. FVCC recognizes that these issues can impact anyone regardless of their sex, gender, gender identity, gender expression, or sexual orientation.

Retaliation Prohibited

The [Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation Policy](#) prohibits retaliation against any person for reporting concerns or filing, testifying, assisting, or participating in any manner in investigation or proceedings involving allegations of violation of the Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Policy. Retaliation is subject to the same [Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation Procedures](#) and the same potential sanctions.

FVCC Policy Definitions of Dating Violence, Domestic Violence, Sexual Assault and Stalking

FVCC uses the definitions of dating violence, domestic violence, sexual assault, and stalking as stated in the Clery Act to determine crimes documented in this report. FVCC's and Montana criminal law definitions vary somewhat from the Clery Act definitions. The following are the definitions in the FVCC [Board Policy: Chapter I - Section 60 - Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation Policy](#):

Sexual assault is defined as:

- a) Sex Offenses, Forcible: Any sexual act directed against another person, without the consent of the complainant, including instances in which the complainant is incapable of

- giving consent.
- b) **Forcible Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.
- c) **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- d) **Sexual Assault with an Object:** The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- e) **Forcible Fondling:** The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- f) **Sex Offenses, Non-forcible:**
 - i) **Incest:** Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Montana law.
 - ii) **Statutory Rape:** Non-forcible sexual intercourse, with a person who is under the statutory age of consent of sixteen.

Dating violence is defined as: violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- a. For the purposes of this definition—Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic violence is defined as: violence, on the basis of sex, committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Montana or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Montana.

- b. To categorize an incident as domestic violence, the relationship between the respondent and the complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

Stalking is defined as: engaging in a course of conduct, on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress.

- c. For the purposes of this definition— Course of conduct means two or more acts,

including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. A reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

As used in the offenses above, the following definitions and understandings apply:

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

- a. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is knowing, voluntary, and clear permission by word or action to engage in sexual activity.

- a. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.
- b. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to be kissed back.
- c. Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent. It is a defense to a sexual assault policy violation that the respondent neither knew nor should have known the complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

- a. Incapacitation occurs when someone cannot make rational, reasonable decisions

- because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).
- b. Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.
 - c. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

Reporting Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Reports to FVCC’s Title IX Coordinator

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination in educational programs on the basis of actual or perceived sex, gender, and sexual orientation. The Title IX coordinator is responsible for coordinating the college’s compliance with Title IX and other federal and state laws prohibiting discrimination on the basis of a protected class. The Title IX coordinator responds to complaints of sex discrimination and sexual harassment, including dating violence, domestic violence, sexual assault, and stalking.

Anyone can report concerns about potential discrimination or violence to the Title IX coordinator. These reports are not confidential but are private student records protected under federal privacy law (FERPA). Reporting to the Title IX coordinator does not mean a person is obligated to pursue any formal action or speak with law enforcement. Those who report to the Title IX coordinator will be made aware of their rights, options, and resources and will receive assistance as reasonable and necessary to help the person be safe and continue to be successful at FVCC.

Reports can be made by phone, email, online, or in person.

Title IX Coordinator
Kelly S. Murphy, Dean of Students
Learning Resource Center, Room 151
Phone: 406.756.3812
Email: TitleIXCoordinator@fvcc.edu
Online Reporting: [Form](#)

Reports to Law Enforcement

FVCC encourages accurate and prompt reporting of all crimes to the campus resource officer and local law enforcement when the victim elects to, when there is an obligation under state law, or when there is an emergency. Although FVCC strongly encourages all members of its community to report domestic violence, dating violence, sexual assault and stalking to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police. If the victim desires to report the matter to law enforcement, FVCC will provide assistance to the victim to make a report. FVCC encourages reporting to the campus resource officer or local enforcement as soon as possible, but if a student chooses not to report

immediately, a report can be made later. A student can meet with the campus resource officer to learn more about their options, the process, and the people involved to make an informed decision on pursuing criminal charges. If requested, college officials, such as the dean of students, are available to assist students in reporting to the campus resource officer or other law enforcement agencies.

Anyone can make a report to law enforcement at the following non-emergency numbers:

Campus Resource Officer: 406.407.1558
Kalispell Police Department Dispatch Center: 406.758.7780
Lincoln County Sheriff's Department: 406.293.4112

In an emergency, please dial 911.

Anonymous Reporting

Victims and bystanders (but not employees required to report) can make reports anonymously. Anonymous reports are accepted and can give rise to a need to investigate. The college tries to provide supportive measures to all complainants, which may not be possible with an anonymous report. Because anonymous reporting carries no obligation to initiate a formal response, and as the college respects complainants' requests to dismiss complaints unless there is a compelling threat to health and/or safety, the complainant is largely in control and should not fear a loss of privacy by making a report that allows the college to discuss and/or provide supportive measures.

Reports can be made anonymously to the Title IX coordinator by calling 406.756.3812 or submitting a [Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Reporting Form](#) available at www.fvcc.edu/title-ix.

Required Reporting by FVCC Employees

To enable FVCC to respond proactively and effectively and to stop instances of discrimination, harassment and sexual misconduct involving members of the FVCC community, any person must promptly report information they have about discrimination, harassment, and/or sexual misconduct to the Title IX coordinator. Employees, such as licensed healthcare professionals who have a statutory privilege under Montana law, are exempt from this reporting requirement to the extent that the information communicated to them regarding discrimination, harassment or misconduct is privileged as a matter of law.

Amnesty for Drug or Alcohol Possession and Consumption

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

Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Procedures

FVCC recognizes the importance of the personal dignity and worth of every member of its community and is therefore committed to providing an environment that is free from discrimination, harassment, and retaliation based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation (taken together, “protected-class harm”). All reports and complaints of violation of FVCC’s [Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Policy](#) are considered in accordance with FVCC’s [Discrimination, Harassment, Sexual-Misconduct, Stalking and Retaliation Procedures](#) available on the college website at www.fvcc.edu/title-ix or by clicking “Menu” followed by “Campus Safety & Compliance” and then “Title IX and Sexual Misconduct.” These procedures include the following:

- A prompt, fair, and impartial investigation, and resolution adhering to the principles of due process of such reports and complaints.
- A process conducted by officials who receive annual training on the issues related to discrimination, harassment, sexual misconduct, domestic violence, and stalking, including how to conduct investigations and hearings which protect the safety of victims and promote accountability.
- A process in which the accusing party (also referred to as complainant or reporting party) and the accused (also referred to as respondent or responding party) have the same opportunities to participate in the process, including the right to be accompanied by an advisor and the right to appeal.
- Policy violations are established when the evidence shows that it is more likely than not that the alleged conduct occurred (or preponderance of evidence).
- The outcome of the process, including the determination of whether a policy violation occurred and the sanction imposed, will be disclosed to both the accusing party and the accused; and
- A written statement will be provided to any student or employee victim of sexual misconduct, dating violence, domestic violence, or stalking providing an explanation of their right under Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Procedures.

If a student is found to have violated the [Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Policy](#) and, thus, the [Code of Student Conduct](#), the college may impose sanctions against the student. These sanctions may include a warning, required counseling, probation, suspension, expulsion, withholding diploma, revocation of degree or certificate, organizational sanctions, or other actions. Visit the FVCC [Code of Student Conduct](#) available on the college website by clicking “Start Here” followed by “Current Students,” and scrolling down to “Dean of Students,” and then scrolling down to “Policies and Procedures” and clicking “Student Rights and Responsibilities” for further information regarding sanctions. The [Code of Student Conduct](#) is also available at www.fvcc.edu/board-policies by clicking on “Menu” on the college website and then clicking “Board Policies” located under “Board & Administration” and then “Chapter VII – Students” followed by “Chapter VII-Section 60-Student Conduct and Student Complaints.”

If an employee is found to have violated the [Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation Policy](#), sanctions may include a warning, performance improvement/management process, required counseling, required training or education, probation, loss of annual pay increase, loss of oversight or supervisory responsibility, change in assignment, demotion, suspension with pay, suspension without pay, termination, or other actions.

The [Discrimination, Harassment, Sexual-Misconduct, Stalking and Retaliation Procedures](#) provide that FVCC will disclose the outcome of any student disciplinary action related to violation of the Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Policy to both the accusing student and the accused student. The outcome of a proceeding is the institution's final determination regarding whether there was a violation of the Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Policy and the sanction imposed.

FVCC will disclose upon written request the results of any disciplinary proceeding to the alleged victim of a crime of violence or a non-forcible sex offense against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for the purpose of this disclosure.

Disclosure of the results of a proceeding to the accusing and the accused student in compliance with these provisions does not constitute a violation of the Family Educational Rights and Privacy Act of 1974 (FERPA).

Officials who are chosen to conduct investigations or proceedings to address allegations of dating violence, domestic violence, sexual assault, and stalking receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability.

Notice / Complaint

Upon receipt of a complaint or notice to the Title IX coordinator of an alleged violation of the Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Policy, FVCC will initiate a prompt initial assessment to determine the next steps the college needs to take.

FVCC will initiate at least one of three responses:

- 1) Offering supportive measures because the complainant does not want to proceed formally; and/or
- 2) An informal resolution; and/or
- 3) A formal grievance process including an investigation and a hearing.

The investigation and grievance process will determine whether or not the policy has been violated. If so, the college will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

Depending on the nature of the allegation, one of two processes will be followed as outlined in the Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Procedures—Process A or

Process B. Process A applies to all allegations of harassment or discrimination on the basis of protected class status involving students, staff, administrators, or faculty members. A set of technical dismissal requirements within the Title IX regulations may apply as described in the procedures, but when a technical dismissal under the Title IX allegations is required, any remaining allegations will proceed using these same grievance procedures, clarifying which policies above are applicable. While the effect of the Title IX regulations can be confusing, these grievance procedures apply to all policies above. Or Process B. Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX coordinator.

Resolution Timeline

FVCC will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business daytime period, including appeal, which can be extended as necessary for appropriate cause by the Title IX coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

In Case of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

If an incident involving domestic violence, dating violence, sexual assault, or stalking occurs, the victim or witness should report the incident to the Title IX coordinator or contact the KPD or Lincoln County Sheriff's Department as soon as possible. The Title IX coordinator will assist the victim in notifying appropriate law enforcement authorities if the victim requests the assistance of these personnel.

FVCC encourages the reporting of domestic violence, dating violence, sexual assault, and stalking. Therefore, all employees (except the mental health counselor and licensed health care professionals in the Student Health Clinic) are considered responsible employees and are mandatory reporters for Title IX concerns of discrimination, harassment, sexual misconduct, stalking, and retaliation.

Reporting is the only way the college can provide remedial assistance, institute protection procedures for the victim and others, and take necessary actions to respond to the report. FVCC will provide victims with written notification of their rights, options, and resources, including counseling and victim advocacy. The written notice will also include how to request interim measure support, including but not contact orders, assistance with housing, academic, transportation, and/or working accommodations if they are reasonably available. This assistance is provided when reasonably available and requested by the victim, regardless of whether the victim chooses to report the crime to law enforcement.

Students have several options for reporting and are encouraged to use support services regardless of whether they choose to report. The following options are available to students:

- Report and pursue criminal charges through the local law enforcement agency (KPD at 406.758.7780, Flathead County Sheriff's Office at 406.758.5878 or LPD/Lincoln County Sheriff's Office at 406.293.4112).

- Report to the Title IX coordinator at 406.756.3812. In cases where there is a violation of college policies, the perpetrator may be subject to disciplinary sanctions through the dean of students, if the perpetrator is a student or executive director of human resources if the perpetrator is an employee.
- Report and pursue criminal charges and initiate proceedings under the Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Procedures.
- Report, but choose not to pursue criminal charges through the local law enforcement agency.
- Report and/or seek confidential support with the FVCC mental health counselor in LRC 147A or call 406.756.3880 or the Violence Free Crisis Line at 406.752.7273.
- Do none of the above (however, the victim is still encouraged to seek support).

After an incident of domestic violence, dating violence or sexual assault, the survivor should consider seeking medical attention as soon as possible. Medical forensic evidence may be collected if a sexual assault occurred within 72 hours of the evidence collection. The survivor may request a sexual assault forensic exam at no cost and without having to file a police report. Montana's Forensic Rape Examination Payment Program will cover the evidence's costs. Logan Health Medical Center, located at 310 Sunny View Lane or call 406.752.5111, is the only location in Kalispell that conducts forensic examinations. A sexual assault nurse examiner will conduct the exam.

It is important that the victim of sexual assault does not bathe, douche, smoke, change clothing or clean the bed/linen/area where the victim was assaulted so that evidence may be preserved, which may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In the circumstance of sexual assault, if victims do not opt for forensic evidence collection, healthcare providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections.

Survivors of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, and other communications, and keeping pictures or other documents, if they have any, that would be helpful to college investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. Even if a victim chooses not to make a complaint regarding an incident, they should still consider speaking with the local law enforcement agency to preserve evidence in the event the survivor decides to report the incident to law enforcement or the college at a later date to assist in proving the alleged criminal offense occurred.

A victim wishing to maintain complete confidentiality may report to FVCC's licensed professional counselor in LRC 147A. The Violence Free Crisis Line, staffed 24 hours/day, is also available to provide free support to students at 406.752.7273 in Flathead County. Lincoln County Crisis Solutions at 1.877.793.7139 is available to support students in Lincoln County.

If the accused violator is a student at FVCC, the incident may be reported to the dean of students. Although reports of discrimination, harassment, sexual misconduct, domestic violence, and stalking are

referred to the Title IX coordinator following FVCC's Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Grievance Procedures, the dean of students and Title IX coordinator will work with students as necessary to take immediate steps to protect the student's health and well-being, including providing informal consultation, issuing a no-contact order to the alleged perpetrator, adjusting classes to avoid contact with the perpetrator, providing other corrective and remedial assistance as outlined in the procedures. Students can contact the dean of students by calling 406.756.3812 or visiting LRC 151.

Usually, the decision to take action against the accused rests with the aggrieved student. However, there are certain circumstances in which the college must act if it receives a report that requires the college to protect the student and members of the community from repetition of the offense or to eliminate the risk of future harm.

FVCC employees (except the FVCC mental counselor and FVCC Student Health Clinic healthcare providers) are required to report incidents of sexual misconduct. Employees who receive information concerning such conduct against a student are required to report this information to the Title IX coordinator.

The college, through the Title IX coordinator in consultation with other campus officials, may also take remedial action to prevent serious and immediate harm to the complainant and others; prevent retaliation against the complainant, the alleged perpetrator and/or witnesses; end discriminatory or harassing behavior and prevent its recurrence; and provide appropriate training in issues related to discrimination, sexual misconduct, domestic violence, or stalking.

The [Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation Procedures](#)

provides that remedial action shall include but not be limited to:

- The right to be informed of available interim actions and supportive measures, such as counseling, advocacy, healthcare, legal, student financial aid, visa, and immigration assistance, or other services, both on campus and in the community.
- The right to a college-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation if such changes are reasonably available. No formal report or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Relocating an on-campus student's housing to a different location
 - Assistance from FVCC staff in completing the relocation
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation accommodations
 - Visa/immigration assistance
 - Arranging to dissolve a housing contract and a pro-rated refund
 - Exam, paper, and/or assignment rescheduling or adjustment

- Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
- Transferring class sections
- Temporary withdrawal/leave of absence (may be retroactive)
- Campus safety escorts
- Alternative course completion options.
- The right to have the College maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair FVCC's ability to provide the supportive measures.

The aggrieved student may request a remedial action by contacting the dean of students and Title IX coordinator at 406.756.3812. Employees may contact the Title IX coordinator or executive director of human resources at 406.756.3841.

Victims may also seek orders of protection (e.g., no contact orders) through the local district court. The Violence Free Crisis Line provides referrals to the victims of crimes such as domestic violence, stalking and sexual assault in obtaining protection or no contact orders. The Violence Free Crisis Line is staffed 24 hours/day and can be reached by calling 406.752.7273. The Lincoln County Crisis Solutions is also staffed 24 hours/day and can be reached by calling 406.293.3223.

Educational Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault and Stalking

FVCC provides primary prevention, risk reduction and awareness training for all new students and employees. In support of the Campus SAVE Act, FVCC requires all new degree-seeking students to complete *Sexual Assault Prevention for Community Colleges* within their first semester at FVCC. All returning and new non-degree-seeking students are encouraged but not required to complete the interactive online course designed to provide students with facts and skill-based information on sexual assault prevention and bystander intervention tips. All students can access the sexual assault prevention courses by logging onto the student portal and clicking "AlcoholEdu | SAPC."

Similarly, all new employees are required to complete an online sexual harassment prevention course. Both courses serve as the college's primary prevention program to promote awareness and educate students and employees about preventing dating violence, domestic violence, sexual assault, and stalking. Additionally, in fall 2022, all employees were required to complete *Diversity and Inclusion* through [Vector Solutions](#) Training as a part of the college's ongoing prevention and awareness training.

The recreation & wellness coordinator works with the Violence Free Crisis Line, Student Health Clinic, college mental counselor, Student Wellness Team, and other resources to provide additional ongoing educational awareness activities or events throughout the year on the Kalispell campus. Additionally, the coordinator of residence life and resident assistants (RAs) facilitate ongoing educational awareness activities through intentional programming in Founders Hall using planned events and timely, informative bulletin boards on various topics and resources.

The following presentations, professional development workshops, bulletin boards, and events were held in 2022 in support of the college's ongoing prevention, education, and awareness training:

Date	Topic	Presented By/Sponsor	Audience
January 2022	Bystander and Healthy Relationships	Student Wellness Team	Resident Assistants
February 2022	Loves Me Loves Me Not (Understanding the Signs of Healthy & Unhealthy Relationships) Bulletin Board	Resident Assistants	Founders Hall Residents
February 14	The Hookup	Catharsis Productions	Students
April 19	Walk the Walk: A Campus Crusade for Sexual Assault Awareness Month	Student Wellness Team	Students, Employees
October 2022	Know Your Potions (Alcohol Safety & Awareness) Bulletin Board	Resident Assistants	Founders Hall Residents
November 2022	STI's Don't Catch 'Em All (Sexual Health & STI Awareness) Bulletin Board	Resident Assistants	Founders Hall Residents
November 18	Bystander Intervention	Student Wellness Team	Students

FVCC also partnered with [CampusWell](#), an interactive online health and wellness magazine and mobile app designed specifically for college students, to complement existing FVCC student wellness programming. Each week, new content is available via the online magazine app. Additionally, a new informative flyer is posted weekly in every bathroom stall. [CampusWell](#) covers various college health, wellness and safety issues, including alcohol and other drugs, fitness and nutrition, stress, sleep, mental health, sexual health, consent, colds, flu, and more. Prevention and awareness topics on domestic violence, dating violence, sexual assault and stalking in 2022 included *What trauma-informed care is important for survivors of sexual trauma*, *Calming mediation for "SOS"-level anxiety*.

Bystander Intervention

Bystanders play a critical role in the prevention of sexual and relationship violence. Bystander intervention is developing the awareness, skills, and courage needed to intervene when another individual needs help. Bystander intervention allows individuals to send a powerful message about what is and is not acceptable behavior in the campus community.

What can a bystander do? Step UP!

- Notice the event.
- Interpret it as a problem.
- Take responsibility for acting.
- Decide how to act and
- Choose to act.

How? By utilizing one or more of the following five "Ds" of bystander intervention:

- **Direct:** Confront the situation. Be firm, clear, and concise. If it is safe to intervene, consider saying, "That's inappropriate, disrespectful, or not okay."

- **Distract:** Take an indirect approach to de-escalate the situation. For example, ignore the harasser and engage with the targeted person by asking a random question (e.g., ask what time it is) or accidentally spill your drink to make a commotion.
- **Delegate:** Seek help from a third party. Ask a friend who knows the person to check in or call for help if the situation is serious.
- **Delay:** If you can't act in the moment, check in with the individual being harassed after the fact. Ask if the individual is ok and how you can support the individual.
- **Document:** If it is safe to do so, document the incident as it happens. However, never livestream a video or post pictures online without the person's permission.

For example, below is a list of ways to be an active bystander.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are okay.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to the resources listed in this document for support.

Please note if you or someone else is in immediate danger, call 911.

Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org).

- Be aware of your surroundings. Knowing where you are and who is around you may help you find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you walk alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. Don't drink from the punch bowls or other large, common open containers at parties.

- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
- Contact law enforcement immediately if you suspect you or a friend has been drugged.
- Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- If you don't want to hurt a person's feelings, it is better to lie and make up a reason to leave an uncomfortable situation than to stay.

Sex Offenders

Montana's registry of [sexual or violent offenders](#) can be found at <https://app.doj.mt.gov/apps/svow/>. Or, visit www.fvcc.edu/campus-safety and click "[Montana Sexual or Violent Offender Registry](#)."

Alcohol & Substance Abuse Prevention

FVCC has adopted and implemented a [program](#) to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees both the college's premises and as a part of any of its activities to comply with the Drug-Free Schools and Campuses regulations.

In support of the Drug-Free Schools and Communities Act, information regarding the college's educational programs related to drug and alcohol abuse prevention, sanctions, and statistics for the violation of state and local laws and college policy, a description of health risks associated with alcohol and other drug use, and a description of available treatment options for FVCC students and employees are included in this [report](#) and the [2022 Biennial Review](#) of FVCC's drug and alcohol abuse prevention programming.

It is illegal in Montana for anyone under the age of 21 to consume or be in possession of alcohol. It is also unlawful for anyone to sell or provide alcohol to a person under the age of 21. FVCC prohibits the possession, use or distribution of any alcoholic beverage by employees or students in the workplace and/or while conducting college business except as authorized by FVCC Board Policy [Chapter I - Section 80 - Alcohol-Free Workplace](#) at www.fvcc.edu/board-policies under "Chapter I - Doctrine." The possession, use or distribution of alcohol is also prohibited in Founders Hall, regardless of the resident's age, as stated in the [Residence Life Handbook](#) and [Code of Student Conduct](#). Students, organizations, or groups violating alcohol policies or laws may be subject to disciplinary actions by FVCC and/or the KPD or the LPD/Lincoln County Sheriff's Office.

Additionally, the use, possession, or distribution of illegal drugs is strictly prohibited at FVCC as stated in FVCC Board Policy [Chapter I - Section 70 - Drug-Free Workplace Policy](#) and [Chapter VII - Section 60 - Code of Student Conduct and Student Complaints](#) and the [Residence Life Handbook](#).

FVCC prohibits the use of marijuana on campus regardless of the presence of a state-issued medical marijuana card. Violators of illegal drug use, possession, or distribution will be turned over to the KPD or the LPD/Lincoln County Sheriff's Office and are subject to FVCC's disciplinary actions.

Although Montana state law, as of January 1, 2021, allows certain marijuana-related activities, such as limited recreational use and possession, using and possessing marijuana in any form remains a crime

under federal law. The federal Controlled Substances Act makes growing and using marijuana a crime, and federal enforcement agencies can prosecute users and growers of marijuana, regardless of state law. Additionally, the use of marijuana—including medical marijuana—on campus and in the workplace is prohibited by the federal Safe and Drug-Free Schools and Communities Act and the Drug-Free Workplace Act. As a recipient of federal funding, the college must comply with federal law and will continue to prohibit the use, possession, and distribution of all federally controlled substances—including marijuana.

Student sanctions for students who violate these policies may include reprimand, probation, restorative justice measures, suspension, expulsion and/or restitution, and required attendance or completion of educational and/or treatment programs.

Employee sanctions may include disciplinary measures up to and including termination.

FVCC is also a tobacco-free and e-cigarette-free campus as specified in FVCC Board Policy [Chapter I - Section 85 - Smoking and Tobacco Free Policy](#), available at www.fvcc.edu/board-policies under “Chapter I - Doctrine” and the [Residence Life Handbook](#) available at www.fvcc.edu/student-housing under “Resources and Forms.”

FVCC provides alcohol and substance abuse prevention programming to both students and employees. Free counseling services are available for all students and employees with alcohol and/or substance abuse issues. Students with concerns about alcohol or substance use should contact the FVCC counselor in LRC 147A to receive counseling services. Employees should contact the human resources office in Blake Hall for available resources.

All new degree-seeking students aged 21 or younger must successfully complete AlcoholEdu for College: Primary (AlcoholEdu) within their first semester at FVCC. All other students are encouraged but not required to complete AlcoholEdu, a science-based, interactive online program designed to provide students with facts and skill-based information on the consequences of alcohol abuse, including sexual assault and alcohol’s impact on the brain, body, and behavior. The program matches course content to each student based on their behavior, attitudes, and what they already know about alcohol. Whether students choose to drink or not, AlcoholEdu is designed to encourage informed decision-making about alcohol use and provide skills to respond to drinking and risk behaviors of friends and peers. AlcoholEdu is FVCC’s primary prevention program for alcohol education.

The student engagement coordinator collaborates with the Student Health Clinic, Student Wellness Team, and other resources to provide additional educational awareness opportunities throughout the year. Additionally, the residence life coordinator and resident assistants also facilitate ongoing educational awareness activities through intentional programming in Founders Hall by using bulletin boards and creating planned events and safe alternative activities.

Examples of the college’s efforts to provide ongoing alcohol and substance abuse prevention, education and awareness presentations and activities in 2022 included the following:

Date	Topic	Presented By/Sponsor	Audience
October 2022	Know Your Potions (Alcohol Safety & Awareness) Bulletin Board	Resident Assistants	Founders Hall Residents

To provide students with year-round support and education on various health-related topics, FVCC partnered with [CampusWell](#) to offer students and employees access to weekly newsletters (in the campus bathroom stalls) and a mobile app with content updated weekly. [CampusWell](#) covers various college health, wellness and safety issues, including alcohol and other drugs, fitness and nutrition, stress, sleep, mental health, sexual health, consent, colds, flu, and more. Alcohol and substance abuse education and prevention topics covered in 2022 included *How to quit vaping?*

Health Effects of Alcohol and Other Drugs

The use and abuse of drugs and alcohol carry dangerous physical, emotional, and psychological consequences, including dependence, impaired judgment and coordination, increased aggression and violence, memory and speech problems, feelings of panic, confusion, paranoia and loss of control, permanent damage to vital organs, and death.

Alcohol

- Impairs judgment and coordination
- Hinders ability to learn and remember information
- Increases aggression and abusive acts
- High doses cause dependence, respiratory depression, or death
- Withdrawal causes anxiety, nausea, hallucinations, and convulsions
- Damages vital organs, such as the liver, permanently
- May lead to fetal alcohol syndrome when consumed by pregnant women

Cannabis (Marijuana)

- Reduces short-term memory and comprehension
- Produces paranoia and psychosis
- Damages lungs and respiratory system with inhalation of carcinogenic smoke
- Alters sense of time
- Increases heart rate

Hallucinogens (PCP, LSD)

- Cause sense of distance and space estrangement, illusions, and hallucinations
- Create persistent memory problems and speech difficulties
- Induce violent episodes that result in self-inflicted injuries
- Produce adverse psychological effects such as panic, confusion, suspicion, anxiety, and loss of control
- Result in side effects such as dizziness, weakness, tremor, nausea and drowsiness

Narcotics (Codeine, morphine, opium, heroin)

- Produce feelings of euphoria followed by drowsiness, nausea, and vomiting
- Create constricted pupils, watery eyes, and itching
- Can be deadly in overdose, causing shallow breathing, clammy skin, convulsions, and death

- Promote the transmission of AIDS, endocarditis, and hepatitis through the use of unsterilized syringes

Cocaine/Crack

- Cause constant stuffy, runny nose and possible perforated nasal septum
- Produce dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, followed by depression
- Extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and death

Designer Drugs (Ecstasy)

- Hundreds of times more potent than the drugs they're designed to imitate
- Cause symptoms similar to Parkinson's disease, including tremors, drooling, impaired speech
- Can cause brain damage with as little as one dose

Stimulants (Speed, crystal meth, Ritalin)

- Produce elevated blood pressure and heart rates, decreased appetite, perspiration, headache, blurred vision, dizziness, sleeplessness, and anxiety
- Cause physical collapse in high doses
- Can result in amphetamine psychosis in long-term users, which includes hallucinations, delusions, and paranoia

Inhalants (Whippets, laughing gas, buzz bombs)

- Are mixtures of volatile substances, which makes it challenging to be specific about the effects
- Can cause nausea, sneezing, coughing, nose bleeds, fatigue, lack of coordination, loss of appetite and involuntary passing of urine and feces
- May result in hepatitis, brain damage, nervous system damage, weight loss, fatigue, electrolyte imbalance and muscle weakness with long-term use

Depressants (Downers, Valium, Quaaludes)

- Have similar effects to alcohol
- Cause calmness in small amounts, slurred speech, and staggering gait in large doses
- Can cause dependence with severe withdrawal symptoms such as restlessness, insomnia, convulsions, and death

For more information regarding the effects of alcohol and other drugs, contact the Student Health Clinic at 406.756.4331.

Social, Academic, and Personal Risks of Substance Abuse

Social, academic, and personal risks are associated with students who drink alcohol, use illegal drugs or abuse prescription drugs, which can directly or indirectly lead to:

- Social problems: driving under the influence, fighting, unwanted sexual contact, vandalism, trouble with authorities, or unsafe sexual behavior.
- Academic problems: poor grades, missed classes, memory loss, or falling behind in class work or projects.

- Personal problems: depression, illness, and injury, experiencing unwanted attempted or completed sexual intercourse, suicide, being the victim of violence or racial harassment, or being unable to control drinking or drug use.

Emergency Contacts

For any emergency, first call 911, followed by the campus resource officer at 406.407.1558 (weekdays) or the campus incident line at 406.270.4555 (evenings and weekends).

In Case of a Missing Person

If someone is concerned that a student living in Founders Hall is missing, this concern should be reported to the residence life coordinator at 406.756.4586 or reslife@fvcc.edu. In collaboration with the dean of students and other residence life staff, the residence life coordinator will conduct a preliminary investigation to verify the situation and obtain information about circumstances related to the student in question.

If a preliminary investigation is unsuccessful in locating the student and/or shows cause for concern (e.g., the student has been unaccounted for 24 hours), the residence life coordinator will immediately contact the campus resource officer or the KPD for assistance and formal reporting. The residence life coordinator will notify the KPD when any student living in Founders Hall has been determined to be missing within 24 hours. The dean of students or residence life coordinator will notify the contact person(s) designated by the resident (confidentially during the move-in process and accessible only to authorized campus officials) within 24 hours of the determination that the student is missing if the student has been determined missing by the campus resource officer or the KPD. If the missing student is under 18 years of age and is not emancipated, the dean of students will also notify the student's parent or guardian.

Parent Notification

Montana is one of two states where state privacy law is more restrictive than Federal privacy law. Montana Code Annotated [20-25-515](#) Release of Student Records prevents any state agency from releasing student records. When the Family Education Rights to Privacy Act (FERPA) was amended in 1998 to include parental notification provisions, the Montana University System determined that the above state law would prohibit such notification without the student's consent.

In Case of a Threatening Intruder and Theft

Call 911 immediately for any of the following occurrences:

- Any physical danger to you or other employees or students.
- Any threats made to you or other employees or students.

When it is safe for you to do so, call the campus resource officer at 406.407.1558.

If someone in your area appears not to belong (for example, looks lost, looks out of place, etc.) and you are comfortable doing so, ask if you can help the person. If the person does not have a legitimate purpose for being there, call the campus resource officer at 406.407.1558.

To report theft of personal or college property, call the campus resource officer at 406.407.1558.

In Case of an Active Shooter

If you observe an active shooter or armed intruder, when it is safe to do so, call 911.

There are three options during an active shooter incident:

- Run (get out)
- Lock (lockdown)
- Fight (prepare to defend/subdue the shooter)

Run (Get Out)

- Leave the area if it is safe to do so, moving away from the shooter's location.
- Have an escape route and plan in mind.
- Leave your belongings behind.
- Help others escape, if possible.
- Prevent people from entering an area where an active shooter may be.
- Call 911 as soon as it is safe to do so.

Lock (Lockdown)

- If escape is not possible due to the location of the intruder or other complications, barricade yourself in the nearest safe location. Keep out of the shooter's view. Continue looking for accessible escape paths.
- Lock the door and cover the window. Block entry to the space by placing obstacles, including large objects and furniture in front of the doorway.
- Turn off lights and monitors, and silence cell phones. Stay calm, quiet, and out of sight.
- If the situation actively evolves and you can safely access an escape path, do so.
- Unless you are in imminent danger from fire, ignore any fire alarms, but stay aware of your surroundings. Intruders may pull alarms to get people to come out of classrooms or buildings to become targets.
- If you are in a safe location and not currently in harm's way, stay in that area until directed to leave by responding law enforcement.
- During contact with law enforcement, keep your hands visible and follow directions exactly. Carry nothing that could be mistaken for a weapon.

Fight (Prepare to Defend/Subdue the Shooter)

- As an absolute last resort, and only when in imminent danger, attempt to disrupt and/or incapacitate the shooter.
- Throw items and improvise weapons from available objects.

- Hit, kick, or tackle the shooter if close enough.
- Act with physical aggression.
- Commit to your actions.

What to expect from emergency responders?

- The first responding law enforcement officer(s) will not stop to aid the wounded or injured. Their primary mission is to contain the threat.
- Medical and rescue teams will begin treatment of the injured only after the area is declared safe by law enforcement personnel.
- Law enforcement may relocate building occupants to a safe area or may instruct occupants to remain where they are.
- Once you have been evacuated, you will not be allowed to re-enter the building.

In Case of a Bomb Threat

Bomb threats are serious until proven otherwise. Act quickly but remain calm and obtain information from the checklist list below.

If a bomb threat is received by phone:

- Remain calm. Keep the caller on the line for as long as possible. DO NOT HANG UP, even if the caller does.
- Listen carefully. Be polite and show interest.
- Try to keep the caller talking to learn more information.
- If possible, write a note to a colleague to call 911 or immediately notify them yourself as soon as the caller hangs up.
- If your phone has a display, copy the number and/or letters on the window display.
- Complete the Bomb Threat Checklist (available in the Emergency Procedures flip chart located in all classrooms and offices) immediately. Write down as much detail as you can remember. Try to get exact words.
- Immediately upon termination of the call, DO NOT HANG UP, but from a different phone, call 911 immediately with the information and await instructions.
- Next, call the campus resource officer at 406.407.1558 (weekdays) or the campus incident line at 406.270.4555 (evenings and weekends).

If a bomb threat is received by a handwritten note:

- Call 911 and then the campus resource officer at 406.407.1558. Handle the note as minimally as possible.

If a bomb threat is received by email:

- Call 911 and then the campus resource officer at 406.407.1558. Do not delete the message.

Signs of a suspicious package:

- No return address
- Excess postage

- Stains
- Strange odor
- Strange sounds
- Unexpected delivery
- Poorly handwritten
- Misspelled words
- Incorrect titles
- Foreign postage
- Restrictive notes

DO NOT:

- Use two-way radios or cell phones. Radio signals have the potential to detonate a bomb.
- Touch or move a suspicious package.

Employees and students will be directed to evacuate the building via the emergency notification system or the building coordinator if necessary. If evacuated from the building, do not return until told to do so by your building coordinator.

Compiling Crime Statistics for the Annual Clery Disclosure

The dean of compliance, dean of students, and the campus resource officer have compiled the crime statistics in this report. This report is prepared to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (the Clery Act). The statistics include all crimes reported to college officials, campus security authorities, the KPD, Flathead County Sheriff's Office, and Lincoln County Sheriff's Department. The totals include offenses reported on campus, at non-campus properties owned or controlled by the college and used for educational purposes, and on public property such as streets and sidewalks immediately adjacent to the campus.

Statistics pertaining to referrals for disciplinary action reflect those incidents of alcohol, drugs, and weapons violations referred to the coordinator of residence life or the dean of students for student disciplinary action.

Unfounded Crimes

Occasionally, an agency will receive a complaint that is determined through investigation to be false or baseless. In other words, no crime occurred. If the investigation shows that no offense occurred or was attempted, it must be classified as unfounded. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with prosecution, or the failure to make an arrest does not unfound a legitimate offense. Also, coroner, court, jury, or prosecutor findings do not unfound offenses or attempts that law enforcement investigations establish as legitimate.

US. Department of Justice, Federal Bureau of Investigation (2004) Uniform Crime Reporting Handbook pp 77,78.

The current reported crime statistics are located on pages 33-34.

FVCC Crime Statistics: Clery Data

The following crime statistics have been reported to appropriate law enforcement agencies or campus security authorities based on FVCC's Clery geography. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus conduct for respective violations, not the number of offenses documented.

KALISPELL CAMPUS	On-Campus			ON-CAMPUS STUDENT HOUSING			NON-CAMPUS			PUBLIC PROPERTY		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
CRIMINAL OFFENSES												
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	1	0	0	0	0	0	0	0	0	0
Burglary	2	0	3	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	2	0	4	0	0	0	0	0	0	0	0	0
VAWA OFFENSES												
Domestic Violence	0	0	0	0	0	0	1	0	0	0	0	0
Dating Violence	0	1	0	0	0	0	0	0	0	0	0	0
Stalking	0	1	0	0	0	0	0	0	0	0	0	0
TOTAL	0	2	0	0	0	0	1	0	0	0	0	0
ALCOHOL, DRUGS, WEAPONS ARRESTS												
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	3	0
Drug Law Violations	0	2	0	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	2	0	0	0	0	0	0	0	0	3	0
ALCOHOL, DRUGS, WEAPONS DISCIPLINARY ACTIONS/REFERRALS												
Liquor Law Violations	35	18	5	35	18	4	0	0	0	0	0	0
Drug Law Violations	0	0	1	0	0	1	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	35	18	6	35	18	5	0	0	0	0	0	0

There was one unfounded aggravated assault reported on-campus in 2021. Law enforcement found through investigation that the reported crime was false as the crime did not occur and was never attempted.

Despite a good faith effort, FVCC could not gather crime statistics for one non-campus location from the local police department in Anchorage, Alaska, for a college-sponsored multi-night trip in 2022.

There were no reported Hate Crimes in 2020, 2021 or 2022.

LCC Crime Statistics: Clery Data

LINCOLN COUNTY CAMPUS	On-Campus			PUBLIC PROPERTY		
	2020	2021	2022	2020	2021	2022
CRIMINAL OFFENSES						
Murder/Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

VAWA OFFENSES						
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

ALCOHOL, DRUGS, WEAPONS ARRESTS						
Liquor Law Violations	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

ALCOHOL, DRUGS, WEAPONS DISCIPLINARY ACTIONS/REFERRALS						
Liquor Law Violations	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

There were no reported Hate Crimes in 2020, 2021 or 2022. Additionally, there were no unfounded crimes in 2020, 2021 or 2022.

Definition of Clery Geography

The following Clery geography definitions apply to the Crime Statistics Report on pages 33-34.

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 residence halls; and property within the same reasonable geographic area of the institution that is owned by the institution but controlled by another person, is frequently 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.”

Definition of Crime Categories Under Federal Law

The following criminal offenses are defined as outlined by the U.S. Department of Justice and FBI National Incident-Based Reporting System. Crime definitions are from the Uniform Crime Reporting Handbook. An incident meeting these definitions is considered a crime for Clery Act reporting.

Murder and non-negligent manslaughter is defined as 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 of negligent manslaughter.

Sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape, as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

Rape is 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.

Fondling is 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 their age or because of their temporary or permanent mental incapacity.

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

Statutory rape is sexual intercourse with a person under the statutory age of consent.

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

Aggravated assault is 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.

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

Motor-vehicle theft is the theft or attempted theft of a motor vehicle and includes all cases where automobiles, trucks, motorcycles, all-terrain vehicles, and mopeds are taken by persons not having lawful access or consent, including joy riding, even if the vehicle is recovered.

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

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.

Dating Violence is 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.

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. A course of conduct means two or more acts, including but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors,

observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

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

Liquor-law violations are 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.

Drug-law violations are the 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).

Weapons law violations are the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as the manufacture, sale, or possession of deadly weapons, carrying deadly weapons, concealed or openly, furnished deadly weapons to minors, aliens possessing deadly weapons, all attempts to commit any of the aforementioned.

Hate crime is defined as a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, 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

Definition of Crime Categories Under Montana Law

Domestic violence, dating violence, sexual assault, stalking and consent are defined in the applicable jurisdiction as outlined by Montana Code Annotated (MCA) 2021, [Title 45](#) Crimes, [Chapter 5](#) Offenses Against the Person, [Part 5](#) Sexual Crimes.

1. **Domestic violence:** The state of Montana does not have a definition of domestic violence.
2. **Dating violence:** The state of Montana does not have a definition of dating violence.
3. **Sexual assault:** The state of Montana defines sexual assault as follows: Montana Code Annotated (MCA) [40-15-116](#). Definitions: As used in [40-15-115](#) through [40-15-121](#), the following definitions apply: (5) "Sexual assault" means sexual assault as defined in [45-5-502](#), sexual intercourse without consent as defined in [45-5-503](#), incest as defined in [45-5-507](#), or sexual abuse of children as defined in [45-5-625](#).

[45-5-206](#). Partner or Family Member Assault – Penalty

- (1) A person commits the offense of partner or family member assault if the person:
 - (a) purposely or knowingly causes bodily injury to a partner or family member;
 - (b) negligently causes bodily injury to a partner or family member with a weapon; or
 - (c) purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family member.
- (2) For the purposes of [Title 40](#), [Chapter 15](#), [45-5-231](#) through [45-5-234](#), [45-6-311](#), and this section, the following definitions apply:
 - (a) "Family member" means mothers, fathers, children, brothers, sisters, and other past or present family members of a household. These relationships include relationships created by adoption and remarriage, including stepchildren, stepparents, in-laws, and adoptive children and parents. These relationships continue regardless of the ages of the parties and whether the parties reside in the same household.
 - (b) "Partners" means spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship.
- (3)
 - (a)
 - (i) An offender convicted of partner or family member assault shall be fined an amount not less than \$100 or more than \$1,000 and be imprisoned in the county jail for a term not to exceed 1 year or not less than 24 hours for a first offense.
 - (ii) An offender convicted of a second offense under this section shall be fined not less than \$300 or more than \$1,000 and be imprisoned in the county jail not less than 72 hours or more than 1 year.
 - (iii) Upon a first or second conviction, the offender may be ordered into misdemeanor probation as provided in [46-23-1005](#).

- (iv) On a third or subsequent conviction for partner or family member assault, the offender shall be fined not less than \$500 and not more than \$50,000 and be imprisoned for a term not less than 30 days and not more than 5 years. If the term of imprisonment does not exceed 1 year, the person shall be imprisoned in the county jail. If the term of imprisonment exceeds 1 year, the person shall be imprisoned in the state prison.
- (v) If the offense was committed within the vision or hearing of a minor, the judge shall consider the minor's presence as a factor at the time of sentencing.
- (b) For the purpose of determining the number of convictions under this section, a conviction means:
 - (i) a conviction, as defined in [45-2-101](#), under this section;
 - (ii) a conviction for domestic abuse under this section;
 - (iii) a conviction for a violation of a statute similar to this section in another state;
 - (iv) if the offender was a partner or family member of the victim, a conviction for aggravated assault under [45-5-202](#) or assault with a weapon under [45-5-213](#);
 - (v) a conviction for strangulation of a partner or family member under [45-5-215](#);
 - (vi) a conviction in another state for an offense related to domestic violence between partners or family members, as those terms are defined in this section, regardless of what the offense is named or whether it is misdemeanor or felony, if the offense involves conduct similar to conduct that is prohibited under [45-5-202](#), [45-5-213](#), or this section; or
 - (vii) a forfeiture of bail or collateral deposited to secure the defendant's appearance in court in this state or in another state for a violation of a statute similar to this section, which forfeiture has not been vacated.
- (4) (a) An offender convicted of partner or family member assault is required to pay for and complete a counseling assessment with a focus on violence, controlling behavior, dangerousness, and chemical dependency. An investigative criminal justice report, as defined in [45-5-231](#), must be copied and sent to the offender intervention program, as defined in [45-5-231](#), to assist the counseling provider in properly assessing the offender's need for counseling and treatment. Counseling providers shall take all required precautions to ensure the confidentiality of the report. If the report contains confidential information relating to the victim's location or not related to the charged offense, that information must be deleted from the report prior to being sent to the offender intervention program.
- (b) The offender shall complete all recommendations for counseling, referrals, attendance at psychoeducational groups, or treatment, including any indicated chemical dependency treatment, made by the counseling provider. The counseling provider must be approved by the court. The counseling must include a preliminary assessment for counseling, as defined in [45-5-231](#). The offender shall complete a minimum of 40 hours of counseling. The counseling may include attendance at psychoeducational groups, as defined in [45-5-231](#), in addition to the assessment. The preliminary assessment and counseling that holds the offender accountable for the offender's violent or controlling behavior must meet the standards established pursuant to [44-7-210](#) and be:
 - (i) with a person licensed under [Title 37](#), chapter [17](#), [22](#), or [23](#);
 - (ii) with a professional person as defined in [53-21-102](#); or
 - (iii) in a specialized domestic violence intervention program.
- (c) The minimum counseling and attendance at psychoeducational groups provided in subsection (4)(b) must be directed to the violent or controlling conduct of the offender.

Other issues indicated by the assessment may be addressed in additional counseling beyond the minimum 40 hours. Subsection (4)(b) does not prohibit the placement of the offender in other appropriate treatment if the court determines that there is no available treatment program directed to the violent or controlling conduct of the offender.

- (5) In addition to any sentence imposed under subsections (3) and (4), after determining the financial resources and future ability of the offender to pay restitution as provided for in [46-18-242](#), the court shall require the offender, if able, to pay the victim's reasonable actual medical, housing, wage loss, and counseling costs.
- (6) In addition to the requirements of subsection (5), if financially able, the offender must be ordered to pay for the costs of the offender's probation, if probation is ordered by the court.
- (7) The court may prohibit an offender convicted under this section from possession or use of the firearm used in the assault. The court may enforce [45-8-323](#) if a firearm was used in the assault.
- (8) The court shall provide an offender with a written copy of the offender's sentence at the time of sentencing or within 2 weeks of sentencing if the copy is sent electronically or by mail.

45-5-502. Sexual Assault

- (1) A person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault.
- (2)
 - (a) On a first conviction for sexual assault, the offender shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.
 - (b) On a second conviction for sexual assault, the offender shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.
 - (c) On a third and subsequent conviction for sexual assault, the offender shall be fined an amount not to exceed \$10,000 or be imprisoned for a term not to exceed 5 years, or both.
- (3) If the victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual assault, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years, unless the judge makes a written finding that there is good cause to impose a term of less than 4 years and imposes a term of less than 4 years, or more than 100 years and may be fined not more than \$50,000.
- (4) An act "in the course of committing sexual assault" includes an attempt to commit the offense or flight after the attempt or commission.
- (5)
 - (a) Subject to subsections (5)(b) through (5)(f), consent is ineffective under this section if the victim is:
 - (i) incarcerated in an adult or juvenile correctional, detention, or treatment facility or is on probation, conditional release, or parole and the perpetrator is an employee, contractor, or volunteer of the supervising authority and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search;
 - (ii) less than 14 years old and the offender is 3 or more years older than the victim;
 - (iii) receiving services from a youth care facility, as defined in [52-2-602](#), and the perpetrator:

- (A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
- (B) is an employee, contractor, or volunteer of the youth care facility;
- (iv) admitted to a mental health facility, as defined in [53-21-102](#), is admitted to a community-based facility or a residential facility, as those terms are defined in [53-20-102](#), or is receiving community-based services, as defined in [53-20-102](#), and the perpetrator:
 - (A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
 - (B) is an employee, contractor, or volunteer of the facility or community-based service;
- (v) a program participant, as defined in [52-2-802](#), in a private alternative adolescent residential or outdoor program, pursuant to Title 52, chapter 2, part 8, and the perpetrator is a person associated with the program, as defined in [52-2-802](#);
- (vi) the victim is a client receiving psychotherapy services and the perpetrator:
 - (A) is providing or purporting to provide psychotherapy services to the victim; or
 - (B) is an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the victim and the perpetrator has supervisory or disciplinary authority over the victim; or
- (vii) a student of an elementary, middle, junior high, or high school, whether public or nonpublic, and the perpetrator is not a student of an elementary, middle, junior high, or high school and is an employee, contractor, or volunteer of any school who has ever had instructional, supervisory, disciplinary, or other authority over the student in a school setting.
- (b) Subsection (5)(a)(i) does not apply if one of the parties is on probation, conditional release, or parole and the other party is a probation or parole officer of the supervising authority and the parties are married to each other.
- (c) Subsections (5)(a)(iii) and (5)(a)(iv) do not apply if the individuals are married to each other and one of the individuals involved is a patient in or resident of a facility, is a recipient of community-based services, or is receiving services from a youth care facility and the other individual is an employee, contractor, or volunteer of the facility or community-based service.
- (d) Subsection (5)(a)(v) does not apply if the individuals are married to each other and one of the individuals involved is a program participant and the other individual is a person associated with the program.
- (e) Subsection (5)(a)(vi) does not apply if the individuals are married to each other and one of the individuals involved is a psychotherapy client and the other individual is a psychotherapist or an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the client.
- (f) Subsection (5)(a)(vii) does not apply if the individuals are married to each other.

[45-5-220. Stalking – Exemption – Penalty](#)

- (1) A person commits the offense of stalking if the person purposely or knowingly engages in a course of conduct directed at a specific person and knows or should know that the course of conduct would cause a reasonable person to:

- (a) fear for the person's own safety or the safety of a third person; or
- (b) suffer other substantial emotional distress.
- (2) For the purposes of this section, the following definitions apply:
 - (a) "Course of conduct" means two or more acts, including but not limited to acts in which the offender directly or indirectly, by any action, method, communication, or physical or electronic devices or means, follows, monitors, observes, surveils, threatens, harasses, or intimidates a person or interferes with a person's property.
 - (b) "Reasonable person" means a reasonable person under similar circumstances as the victim. This is an objective standard.
 - (c) "Substantial emotional distress" means significant mental suffering or distress that may but does not necessarily require medical or other professional treatment or counseling.
- (3) This section does not apply to a constitutionally protected activity.
- (4)
 - (a) Except as provided in subsection (4)(b), for the first offense, a person convicted of stalking shall be imprisoned in the county jail for a term not to exceed 1 year or fined an amount not to exceed \$1,000, or both.
 - (b) For a second or subsequent offense within 20 years or for a first offense when the offender violated any order of protection, when the offender used force or a weapon or threatened to use force or a weapon, or when the victim is a minor and the offender is at least 5 years older than the victim, the offender shall be imprisoned in the state prison for a term not to exceed 5 years or fined an amount not to exceed \$10,000, or both.
 - (c) A person convicted of stalking may be sentenced to pay all medical, counseling, and other costs incurred by or on behalf of the victim as a result of the offense.
- (5) Upon presentation of credible evidence of violation of this section, an order may be granted, as set forth in Title 40, chapter 15, restraining a person from engaging in the activity described in subsection (1).
- (6) For the purpose of determining the number of convictions under this section, "conviction" means:
 - (a) a conviction, as defined in [45-2-101](#), in this state;
 - (b) a conviction for a violation of a statute similar to this section in another state; or
 - (c) a forfeiture of bail or collateral deposited to secure the defendant's appearance in court in this state or another state for a violation of a statute similar to this section, which forfeiture has not been vacated.
- (7) Attempts by the accused person to contact or follow the stalked person after the accused person has been given actual notice that the stalked person does not want to be contacted or followed constitutes prima facie evidence that the accused person purposely or knowingly followed, harassed, threatened, or intimidated the stalked person.

45-5-501. Consent

The State of Montana defines consent, in relation to sexual activity, with reference to sexual assault, in the applicable jurisdiction Montana Code Annotated (MCA) 2021, (45-5-501), as follows:

- (1)
 - (a) As used in [45-5-502](#), [45-5-503](#), and [45-5-508](#), the term "consent" means words or overt actions indicating a freely given agreement to have sexual intercourse or sexual contact and is further defined but not limited by the following:
 - (i) an expression of lack of consent through words or conduct means there is no consent or that consent has been withdrawn;

- (ii) a current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue does not constitute consent; and
 - (iii) lack of consent may be inferred based on all of the surrounding circumstances and must be considered in determining whether a person gave consent.
- (b) Subject to subsections (1)(c) through (1)(g), the victim is incapable of consent because the victim is:
- (i) mentally disordered or incapacitated;
 - (ii) physically helpless;
 - (iii) overcome by deception, coercion, or surprise;
 - (iv) less than 16 years old;
 - (v) incarcerated in an adult or juvenile correctional, detention, or treatment facility or is on probation, conditional release, or parole and the perpetrator is an employee, contractor, or volunteer of the supervising authority and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search;
 - (vi) receiving services from a youth care facility, as defined in [52-2-602](#), and the perpetrator:
 - (A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
 - (B) is an employee, contractor, or volunteer of the youth care facility;
 - (vii) admitted to a mental health facility, as defined in [53-21-102](#), is admitted to a community-based facility or a residential facility, as those terms are defined in [53-20-102](#), or is receiving community-based services, as defined in [53-20-102](#), and the perpetrator:
 - (A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
 - (B) is an employee, contractor, or volunteer of the facility or community-based service;
 - (viii) a program participant, as defined in [52-2-802](#), in a private alternative adolescent residential or outdoor program, pursuant to Title 52, chapter 2, part 8, and the perpetrator is a person associated with the program, as defined in [52-2-802](#);
 - (ix) the victim is a client receiving psychotherapy services and the perpetrator:
 - (A) is providing or purporting to provide psychotherapy services to the victim; or
 - (B) is an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the victim and the perpetrator has supervisory or disciplinary authority over the victim;
 - (x) a student of an elementary, middle, junior high, or high school, whether public or nonpublic, and the perpetrator is not a student of an elementary, middle, junior high, or high school and is an employee, contractor, or volunteer of any school who has ever had instructional, supervisory, disciplinary, or other authority over the student in a school setting;
 - (xi) a witness in a criminal investigation or a person who is under investigation in a criminal matter and the perpetrator is a law enforcement officer who is involved with the case in which the victim is a witness or is being investigated; or
 - (xii) a parent or guardian involved in a child abuse or neglect proceeding under Title 41, chapter 3, and the perpetrator is:

- (A) employed by the department of public health and human services for the purposes of carrying out the department's duties under Title 41, chapter 3; and
 - (B) directly involved in the parent or guardian's case or involved in the supervision of the case.
- (c) Subsection (1)(b)(v) does not apply if the individuals are married to each other and one of the individuals involved is on probation, conditional release, or parole and the other individual is a probation or parole officer of a supervising authority.
 - (d) Subsections (1)(b)(vi) and (1)(b)(vii) do not apply if the individuals are married to each other and one of the individuals involved is a patient in or resident of a facility, is a recipient of community-based services, or is receiving services from a youth care facility and the other individual is an employee, contractor, or volunteer of the facility or community-based service.
 - (e) Subsection (1)(b)(viii) does not apply if the individuals are married to each other and one of the individuals involved is a program participant and the other individual is a person associated with the program.
 - (f) Subsection (1)(b)(ix) does not apply if the individuals are married to each other and one of the individuals involved is a psychotherapy client and the other individual is a psychotherapist or an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the client.
 - (g) Subsection (1)(b)(x) does not apply if the individuals are married to each other.
- (2) As used in [45-5-508](#), the term "force" means:
 - (a) the infliction, attempted infliction, or threatened infliction of bodily injury or the commission of a forcible felony by the offender; or
 - (b) the threat of substantial retaliatory action that causes the victim to reasonably believe that the offender has the ability to execute the threat.
 - (3) As used in [45-5-502](#) and this section, the following definitions apply:
 - (a) "Conditional release", in the case of a youth offender, has the meaning provided in [41-5-103](#).
 - (b) "Parole", in the case of an adult offender, has the meaning provided in [46-1-202](#).
 - (c) "Probation" means:
 - (i) in the case of an adult offender, release without imprisonment of a defendant found guilty of a crime and subject to the supervision of a supervising authority; and
 - (ii) in the case of a youth offender, supervision of the youth by a youth court pursuant to Title 41, chapter 5.
 - (d) (i) "Psychotherapy services" means treatment, diagnosis, or counseling in a professional relationship to assist individuals or groups to alleviate behavioral or mental health disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behaviors that interfere with effective emotional, social, or intellectual functioning regardless of whether the individual providing the psychotherapy services is licensed or unlicensed.
 - (ii) The term does not include a partner surrogate working with a social worker, a professional counselor, or a licensed clinical professional counselor as those professionals are licensed in Title 37, chapter 22 or 23.
 - (e) "Supervising authority" includes a court, including a youth court, a county, or the department of corrections.

Montana's Underage Consumption of Alcohol 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, uses, has in the person's possession, or delivers or distributes without consideration 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 or marijuana. 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 or marijuana.
- (2)
 - (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:
 - (i) for a first offense, shall be fined an amount not less than \$100 and not to exceed \$300 and:
 - (A) shall be ordered to perform 20 hours of community service;
 - (B) shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (8), if one is available; and
 - (C) if the person has a driver's license, must have the license confiscated by the court for 30 days, except as provided in subsection (2)(b);
 - (ii) for a second offense, shall be fined an amount not less than \$200 and not to exceed \$600 and:
 - (A) shall be ordered to perform 40 hours of community service;
 - (B) shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (8), if one is available;
 - (C) 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
 - (D) shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (7);
 - (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 (8), if one is available, and shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (7). If the person has a driver's license, the court shall confiscate the license for 6 months, except as provided in subsection (2)(b).

- (b) If the convicted person fails to complete the community-based substance abuse information course and has a driver's license, the court shall order the license suspended for 3 months for a first offense, 9 months for a second offense, and 12 months for a third or subsequent offense.
 - (c) The court shall retain jurisdiction for up to 1 year to order suspension of a license under subsection (2)(b).
- (3) A person 18 years of age or older who is convicted of the offense of possession of an intoxicating substance:
- (a) for a first offense:
 - (i) 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 (8);
 - (b) for a second offense:
 - (i) shall be fined an amount not less than \$200 or more than \$600;
 - (ii) shall be ordered to perform 40 hours of community service; and
 - (iii) shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (8), which may, in the court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both;
 - (c) for a third or subsequent offense:
 - (i) shall be fined an amount not less than \$300 or more than \$900;
 - (ii) shall be ordered to perform 60 hours of community service;
 - (iii) shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (8), which may, in the sentencing court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and
 - (iv) in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months.
- (4) A person under 21 years of age commits the offense of attempt to purchase an intoxicating substance if the person knowingly attempts to purchase an alcoholic beverage or marijuana. 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.
- (5) 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](#).
- (6) A person commits the offense of interference with a sentence or court order if the person purposely or knowingly causes a child or ward to fail to comply with a sentence imposed under this section or a youth court disposition order for a youth found to have violated this section and upon conviction shall be fined \$100 or imprisoned in the county jail for 10 days, or both.
- (7) (a) A person convicted of a second or subsequent offense of possession of 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 (8) and must be conducted by a licensed addiction

counselor. The person may attend a program of the person's choice as long as a licensed addiction counselor provides the services. If able, the person shall pay the cost of the assessment and any resulting treatment.

- (c) The assessment must describe the person's level of abuse or dependency, if any, and contain a recommendation as to the appropriate level of treatment, if treatment is indicated. A person who disagrees with the initial assessment may, at the person's expense, obtain a second assessment provided by a licensed addiction counselor or program that meets the requirements of subsection (8).
 - (d) The treatment provided must be at a level appropriate to the person's alcohol or drug problem, or both, if any, as determined by a licensed addiction counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services. 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.
 - (e) 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.
- (8) (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:
- (i) approved by the department of public health and human services under [53-24-208](#) or by a court or provided under a contract with the department of corrections; or
 - (ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by 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:
- (i) approved by the department of public health and human services under [53-24-208](#) or by a court or provided under a contract with the department of corrections; or
 - (ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.
- (c) A chemical dependency assessment required under subsection (7) must be completed at a treatment program:
- (i) approved by the department of public health and human services under [53-24-208](#) or by a court or provided under a contract with the department of corrections; or
 - (ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.
- (9) Information provided or statements made by a person under 21 years of age to a health care provider or law enforcement personnel regarding an alleged offense against that person under

Title 45, chapter 5, part 5, may not be used in 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.

- (10) (a) A person under 21 years of age may not be charged or prosecuted under subsection (1) if:
 - (i) the person has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment;
 - (ii) the person accompanies another person under 21 years of age who has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment for the other person; or
 - (iii) the person requires medical treatment as a result of consuming an intoxicating substance and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.
- (b) For the purposes of this subsection (10), the following definitions apply:
 - (i) "Health care facility" means a facility or entity that is licensed, certified, or otherwise authorized by law to administer medical treatment in this state.
 - (ii) "Medical treatment" means medical treatment provided by a health care facility or an emergency medical service.

Montana's Medical Amnesty Law

45-5-624. Possession of or Unlawful Attempt to Purchase Intoxicating Substance – Interference with Sentence or Court Order.

- (10) (a) A person under 21 years of age may not be charged or prosecuted under subsection (1) if:
 - (i) the person has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment;
 - (ii) the person accompanies another person under 21 years of age who has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment for the other person; or
 - (iii) the person requires medical treatment as a result of consuming an intoxicating substance and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.
- (b) For the purposes of this subsection (10), the following definitions apply:
 - (i) "Health care facility" means a facility or entity that is licensed, certified, or otherwise authorized by law to administer medical treatment in this state.
 - (ii) "Medical treatment" means medical treatment provided by a health care facility or an emergency medical service.

Montana's Good Samaritan Protections

[50-32-609](#). Good Samaritan Protections

- (1) The provisions of [45-5-626](#), [45-9-102](#), [45-9-107](#), and [45-10-103](#) do not apply to:
 - (a) a person who, acting in good faith, seeks medical assistance for another person who is experiencing an actual or reasonably perceived drug-related overdose if the evidence supporting an arrest, charge, or prosecution was obtained as a result of the person's seeking medical assistance for another person; or
 - (b) a person who experiences a drug-related overdose and is in need of medical assistance if the evidence supporting an arrest, charge, or prosecution was obtained as a result of the drug-related overdose and the need for medical assistance.
- (2) The provisions of [45-9-102](#), [45-9-107](#), and [45-10-103](#) do not apply to a pregnant woman seeking or receiving evaluation, treatment, or support services for a substance use disorder.
- (3) The provisions of [45-5-601](#)(2)(a) do not apply to a person reporting a crime under [45-5-502](#) or [45-5-503](#).
- (4) A person's pretrial release, probation, furlough, supervised release, or parole may not be revoked based on an incident for which the person would be immune from arrest, charge, or prosecution under this section.
- (5) A person's act of providing first aid or other medical assistance to a person who is experiencing an actual or reasonably perceived drug-related overdose may be used as a mitigating factor in a criminal prosecution for which immunity is not provided under this section.
- (6) This section may not be construed to:
 - (a) bar the admissibility of evidence obtained in connection with the investigation and prosecution of other crimes or violations committed by a person who otherwise qualified for limited immunity under this section;
 - (b) limit, modify, or remove immunity from liability currently available to public entities, public employees, or prosecutors or by law; or
 - (c) create a new cause of action or other source of criminal liability for a pregnant woman with a substance use disorder who does not seek or receive evaluation, treatment, or support services for a substance use disorder.

Montana's Carrying False Identification Law

[61-5-302](#). Unlawful Use of License or Identification Card

It is a misdemeanor for a person to:

- (1) display or cause or permit to be displayed or have in the person's possession a canceled, revoked, suspended, fictitious, or altered driver's license, identification card, or tribal identification card;
- (2) lend the person's driver's license, identification card, or tribal identification card to any other person or knowingly permit its use by another;
- (3) display or represent as one's own any driver's license, identification card, or tribal identification card not issued to the person;
- (4) fail or refuse to surrender to the department upon its lawful demand a driver's license or identification card that has been suspended, revoked, or canceled;

- (5) use a false or fictitious name in an application for a driver's license or identification card or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in an application; or
- (6) permit any unlawful use of a driver's license, identification card, or tribal identification card issued to the person.

Fines typically range between \$280 and \$500.

Montana's Public Drunkenness Law

61-8-508. Intoxicated Pedestrian

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

Fines typically range between \$100 and \$500.

Montana's Law on Selling or Furnishing Alcohol to Minors

16-6-305. Age Limit for Sale or Provision of Alcoholic Beverages – Liability of Provider

- (1)
 - (a) Except in the case of an alcoholic beverage provided in a nonintoxicating quantity to a person under 21 years of age by the person's parent or guardian, physician or dentist for medicinal purposes, a licensed pharmacist upon the prescription of a physician, or an ordained minister or priest in connection with a religious observance, a person may not sell or otherwise provide an alcoholic beverage to a person under 21 years of age.
 - (b) A parent, guardian, or other person may not knowingly sell or otherwise provide an alcoholic beverage in an intoxicating quantity to a person under 21 years of age.
 - (c) For the purposes of this section, "intoxicating quantity" means a quantity of an alcoholic beverage that is sufficient to produce:
 - (i) a blood, breath, or urine alcohol concentration in excess of 0.05; or
 - (ii) substantial or visible mental or physical impairment.
- (2) A person is guilty of a misdemeanor who:
 - (a) invites a person under the age of 21 years into a public place where an alcoholic beverage is sold and treats, gives, or purchases an alcoholic beverage for the person;
 - (b) permits the person in a public place where an alcoholic beverage is sold to treat, give, or purchase alcoholic beverages for the person; or
 - (c) holds out the person to be 21 years of age or older to the owner of the establishment or to the owner's employee.
- (3) It is unlawful for any person to fraudulently misrepresent the person's age to any dispenser of alcoholic beverages or to falsely procure any identification card or to alter any of the statements contained in any identification card, including a tribal identification card.
- (4) A person 21 years of age or older who violates the provisions of subsection (1)(b) is, in addition to applicable criminal penalties, subject to civil liability for damages resulting from a tortious act committed by the person to whom the intoxicating substance was sold or provided if the act is judicially determined to be the result of the intoxicated condition created by the violation.

Montana's Possession of Dangerous Drugs (PODD)

45-9-102. Criminal Possession of Dangerous Drugs

- (1) Except as provided in [Title 16, Chapter 12, 50-32-609](#), a person commits the offense of criminal possession of dangerous drugs if the person possesses any dangerous drug, as defined in [50-32-101](#), [in an amount] greater than permitted or for which a penalty is not specified under [Title 16, Chapter 12](#).
- (2) A person convicted of criminal possession of dangerous drugs shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$5,000, or both.
- (3) A person convicted of a first violation under this section is presumed to be entitled to a deferred imposition of sentence of imprisonment.
- (4) Ultimate users and practitioners, as defined in [50-32-101](#), and agents under their supervision acting in the course of a professional practice are exempt from this section.

16-12-106. Personal Use and Cultivation of Marijuana—Penalties

- (1) Subject to the limitations in [16-12-108](#), the following acts are lawful and may not be an offense under state law or the laws of any local government within the state, be a basis to impose a civil fine, penalty, or sanction, or be a basis to detain, search, or arrest, or otherwise deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government for a person who is 21 years of age or older:
 - (a) possessing, purchasing, obtaining, using, ingesting, inhaling, or transporting 1 ounce or less of usable marijuana, except that not more than 8 grams may be in a concentrated form and not more than 800 milligrams of THC may be in edible marijuana products meant to be eaten or swallowed in solid form;
 - (b) transferring, delivering, or distributing without consideration, to a person who is 21 years of age or older, 1 ounce or less of usable marijuana, except that not more than 8 grams may be in a concentrated form and not more than 800 milligrams of THC may be in edible marijuana products meant to be eaten or swallowed in solid form;
 - (c) in or on the grounds of a private residence, possessing, planting, or cultivating up to two mature marijuana plants and two seedlings, or four mature marijuana plants and four seedlings for a registered cardholder, and possessing, harvesting, drying, processing, or manufacturing the marijuana, provided that:
 - (i) marijuana plants and any marijuana produced by the plants in excess of 1 ounce must be kept in a locked space in or on the grounds of one private residence and may not be visible by normal, unaided vision from a public place;
 - (ii) not more than twice the number of marijuana plants permitted under this subsection (1)(c) may be cultivated in or on the grounds of a single private residence simultaneously;
 - (iii) a person growing or storing marijuana plants under this subsection (1)(c) must own the private residence where the plants are cultivated and stored or obtain written permission to cultivate and store marijuana from the owner of the private residence; and
 - (iv) no portion of a private residence used for cultivation of marijuana and manufacture of marijuana products for personal use may be shared with, rented, or leased to a marijuana business;

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

[16-12-108. Limitations of Act](#)

- (1) This chapter does not permit:
 - (a) any individual to operate, navigate, or be in actual physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana or marijuana products;
 - (b) consumption of marijuana or marijuana products while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;
 - (c) smoking or consuming marijuana while riding in the passenger seat within an enclosed compartment of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

- (d) delivery or distribution of marijuana or marijuana products, with or without consideration, to a person under 21 years of age;
 - (e) purchase, consumption, or use of marijuana by a person under 21 years of age;
 - (f) possession or transport of marijuana or marijuana products by a person under 21 years of age unless the underage person is at least 18 years of age and is an employee of a marijuana business licensed under this chapter and engaged in work activities;
 - (g) possession or consumption of marijuana or marijuana products or possession of marijuana paraphernalia:
 - (i) on the grounds of any property owned or leased by a school district, a public or private preschool, school, or postsecondary school as defined in [20-5-402](#);
 - (ii) in a school bus or other form of public transportation;
 - (iii) in a health care facility as defined in [50-5-101](#);
 - (iv) on the grounds of any correctional facility; or
 - (v) in a hotel or motel room;
 - (h) using marijuana or marijuana products in a location where smoking tobacco is prohibited;
 - (i) consumption of marijuana or marijuana products in a public place, except as allowed by the department;
 - (j) conduct that endangers others;
 - (k) undertaking any task while under the influence of marijuana or marijuana products if doing so would constitute negligence or professional malpractice; or
 - (l) performing solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol unless licensed for this activity by the department.
- (2) A person may not cultivate marijuana in manner that is visible from the street or other public area.
- (3) A hospice or residential care facility licensed under [Title 50, Chapter 50](#), may adopt a policy that allows use of marijuana by a registered cardholder.
- (4) Nothing in this chapter may be construed to:
- (a) require an employer to permit or accommodate conduct otherwise allowed by this chapter in any workplace or on the employer's property;
 - (b) prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while intoxicated by marijuana or marijuana products;
 - (c) prevent an employer from declining to hire, discharging, or otherwise taking an adverse employment action against an individual with respect to hire, tenure, terms, conditions, or privileges of employment because of the individual's violation of a workplace drug policy or intoxication by marijuana or marijuana products while working;
 - (d) prohibit an employer from including in any contract a provision prohibiting the use of marijuana for a debilitating medical condition; or
 - (e) permit a cause of action against an employer for wrongful discharge pursuant [39-2-904](#) or discrimination pursuant to [49-1-102](#).
- (5) Nothing in this chapter may be construed to prohibit a person from prohibiting or otherwise regulating the consumption, cultivation, distribution, processing, sale, or display of marijuana, marijuana products, and marijuana paraphernalia on private property the person owns, leases, occupies, or manages, except that a lease agreement executed after January 1, 2021, may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking unless required by federal law to obtain federal funding.

- (6) A licensee who violates [15-64-103](#) or [15-64-104](#) or fails to pay any other taxes owed to the department under Title 15 is subject to revocation of the person's license from the date of the violation until a period of up to 1 year after the department certifies compliance with [15-64-103](#) or [15-64-104](#).
- (7) Unless specifically exempted by this chapter, the provisions of Title 45, chapter 9, apply to the conduct of consumers, licensees, and registered cardholders.

Montana's Possession of Dangerous Paraphilia (PODP)

[45-10-103](#). Criminal Possession of Drug Paraphernalia

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

Kalispell's Municipal Code for Alcoholic Beverages, Offenses and Penalties

[3-18](#) Consumption in Street, Alley, or Public Place Prohibited; Exceptions

A. No person shall sell, serve, dispense, consume or possess an open container of any alcoholic beverage in or upon any building or other property owned or occupied by the city or upon any street or sidewalk unless such action is otherwise authorized as set forth in this [section](#).

[3-16](#) Possession by Persons Under Twenty-One

It is unlawful for any person who has not reached the age of twenty-one (21) years to have in his or her possession an alcoholic beverage, provided, however, that a person does not commit this offense when in the course of his or her employment it is necessary to possess alcoholic beverages.

[3-19](#) Penalties

Any person violating any of the provisions of this article shall, upon conviction thereof, be punished as provided in Section [1-9](#) of this code.

[1-9](#) General Penalty

Except in any case involving the commission of a municipal infraction, whenever in any provision of this code or other ordinance of the city or in any rule, regulation or order promulgated by any officer or agency of the city under authority vested in him or her or if by law or ordinance any act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of an act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided for the disobedience of such provision, ordinance, rule, regulation or order, or whenever said act is done or not done, as may be prohibited or required, any person upon conviction for the violation of any such

provision of this Code, ordinances, rules, regulations or orders, or said act or failure to act, as the case may be, shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment, for each such offense. Each day any violation of any provision of this code or other ordinance, rule, regulation or order, or prohibition or requirement shall continue shall constitute a separate offense.

Libby's Municipal Code for Public Consumption of Liquor and Intoxication

9.56.010 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.

"Alcoholic beverage" means a compound produced and sold for human consumption as a drink that contains more than one-half percent of alcohol by volume.

"Public display or exhibition of beer, wine, or liquor" means the carrying and exhibiting of open cans or bottles of beer or the carrying and exhibition of glasses or other types of containers for beer, wine or liquor, even though empty, on or within any place as defined herein. This definition does not include carrying or transporting beer, wine or liquor from retail or wholesale liquor or beer establishments in sacks, cases, boxes, cartons or other similar containers if the seal for the alcoholic beverage container is unbroken: nor does this definition include those situations wherein the alcoholic beverage container is being transported or carried to a recycling center or garbage disposal site; nor does this definition include transportation of alcoholic containers in a compartment of a vehicle that is outside the passenger area of the vehicle and which area is not accessible to the driver and passenger of the vehicle from the passenger area while the vehicle is in operation.

"Public places" means all sidewalks, streets, avenues, alleys, publicly owned parking lots and privately owned parking lots open to the public for parking in the city. This definition does not include the premises licensed for the sale of liquor or beer at retail by the Liquor Division of the Montana Department of Revenue. For purposes of this definition, the term "premises" shall have the same meaning attributed to that term by the Department of Revenue pursuant to its administrative regulations, which term is defined as follows: the building or any specific portion of any building in which the liquor and/or beer business is conducted and those areas in which the licensee operates a sidewalk cafe, open air restaurant or tavern outside of and adjacent to the licensed building and to which patrons are permitted free access from the building. (Ord. No. 1850, § 1, 7-21-2014)

9.56.020 Unlawful within city limits

Public drinking and public display and exhibition of alcoholic beverages as defined in this chapter are prohibited, and it is unlawful for any person to engage in public drinking, public display or exhibition of alcoholic beverages within the city limits. A violation of any provision of this chapter is a municipal infraction punishable as set forth in [Section 1.28.010](#). (Ord. No. 1850, § 2, 7-21-2014; Ord. No. 1881, § 1, 3-2-2016).

Fire Safety Report for Calendar Year 2022

The U.S. Department of Education requires all colleges and universities that maintain on-campus student housing and receive U.S. Department of Education funding to publish an annual fire safety report, maintain a fire log, and report fire statistics to the Secretary of Education.

For each housing facility on-campus, the following must be reported:

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

The Director of Facilities Operations maintains the fire log, which is available to view in BH 127. The fire log includes the date a fire was reported, the nature of the fire, the date and time of the fire, and the general location of the fire. The log is updated within two business days of receiving a report of a fire.

In terms of fire safety reporting, a “fire” is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. Fire safety is vital in protecting the campus community from injuries, death, business interruption, and property damage resulting from fires.

On-campus student housing is defined as a student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus.

In Case of a Fire

Call 911 and pull a nearby fire alarm if you discover a fire.

When it is safe to do so, have someone call the Campus Resource Officer at 406.407.1558 (weekdays) or the Campus Incident Line, staffed by the Director of Facilities Operations, at 406.270.4555 (evenings and weekends).

If the fire is smaller than a trash can, and it is safe to do so, you may attempt to extinguish the fire with a fire extinguisher.

If the fire is larger than a trash can, evacuate the building. Evacuation maps are posted throughout campus.

Remember:

- If you are away from your office, do not attempt to return for any items.
- If your clothes catch fire, you should STOP, DROP and ROLL until the fire is extinguished.
- Check closed doors for heat before you open them by using the back of your hand.
- If the door is cool, open it slowly to ensure the fire and/or smoke is not blocking your escape route. If it is clear, leave immediately and close the door behind you. Be prepared to crawl as smoke and heat rises.

For residents of Founders Hall:

- When the general alarm for Founders Hall sounds, you must evacuate the building immediately via the closest emergency exit. Be sure you close and lock your room as you leave. The emergency exit routes are clearly marked. Residents must proceed in an orderly fashion by walking quickly to the emergency egress routes and out of the building.
- Elevators cannot be used as emergency exit routes.
- Once outside the building, you must move to a site at least 25 feet from the building to allow room for emergency vehicles and personnel to work and protect your safety. During inclement weather, students will be moved inside to other buildings during the emergency. Only re-enter the building once instructed by a residence life staff member or the on-scene emergency personnel.

Fire Reporting and College Response to Arson

Arson is the act of maliciously, voluntarily, and willfully setting fire to the building, buildings, or other property within the building. Arson is a criminal offense and will be treated as such. Any acts of or attempted acts of arson will result in disciplinary sanctions, up to and including suspension or expulsion from the college and criminal charges.

If you suspect an active fire or witness evidence of a fire (e.g., singed paper on a bulletin board, fire in a trash can), call 911. When it is safe to do so, contact the Campus Resource Officer at 406.407.1558 (weekdays) or the Campus Incident Line at 406.270.4555 (evenings and weekends). If you're unsure if the fire department has been contacted, call 911.

FVCC is required to disclose annual statistical data on all fires that occur in on-campus housing facilities. To report a non-emergency fire that has already been extinguished in Founders Hall, call the coordinator of residence life at 406.756.4856, director of facilities at 406.471.8700, or campus resource officer at 406.407.1558.

On-Campus Student Housing Fire Statistics for Calendar Years 2020, 2021, 2022

Statistics and Related Information Regarding Fires in Residential Facilities for 2022						
Residential Facility	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Founders Hall, 2205 Hwy 93 N	0	0	N/A	N/A	N/A	N/A

Statistics and Related Information Regarding Fires in Residential Facilities for 2021						
Residential Facility	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Founders Hall, 2205 Hwy 93 N	0	0	N/A	N/A	N/A	N/A

Statistics and Related Information Regarding Fires in Residential Facilities for 2020						
Residential Facility	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Founders Hall, 2205 Hwy 93 N	1	1	hot item placed in trash can	0	0	\$117,124.61

Fire Safety Rules

The use, possession, or storage of the following items is prohibited in student housing:

- Candles, incense
- Hotplates or other open-element appliances
- Pressure cookers
- Extension cords, multiple receptacle outlets, halogen lamps, light bulbs greater than 100W
- Fireworks, explosive materials, illegal drugs and paraphernalia, alcohol, tobacco products including e-cigarettes, weapons
- Live Christmas trees
- Hoverboards, Segways or similar devices

Candles and incense are a severe fire hazard, and their use is prohibited in the residence halls. Wickless candles are an acceptable alternative and provide fragrance without the flame.

Space heaters, portable electrical appliances (e.g., hot plates, toaster ovens), and barbecues are also prohibited due to the significant fire hazards both items present.

FVCC is a smoke-free, tobacco-free, and e-cigarette-free campus, which includes Founders Hall.

Prohibited Acts

The following acts are prohibited in Founders Hall and will result in disciplinary action and possible criminal charges:

1. Misuse of any fire equipment, including extinguishers, smoke detectors, emergency lights, and alarms;
2. Starting fires or setting off false alarms; and
3. Failing to evacuate and/or hindering in the evacuation of others.

Fire Extinguishers

Fire extinguishers are located throughout campus and are professionally tested annually. All main campus fire extinguishers were recertified on August 24, 2022, by Mahugh Fire & Safety. Building coordinators have been trained and are tasked with visually inspecting fire extinguishers monthly. In Founders Hall, each apartment possesses a small fire extinguisher in the kitchenette.

Mahugh Fire & Safety also conducted fire extinguisher safety and training for residence life and custodial staff, Trades & Industrial Arts division members, and other interested employees on August 18, 2022. Building coordinators visually inspect each fire extinguisher in their building monthly.

Fire Sprinkler System

A city-line-pressure heat-activated water-based fire suppression system is installed in all campus buildings, including Founders Hall. The system is professionally tested and certified annually. In 2022, the fire suppression system in Founders Hall was tested on August 2.

Fire Alarm System

The fire alarm system can be activated either at manual pull stations, at a master control panel, or by activation of the fire sprinkler system. The alarm system is also tested and certified in January of each year. The alarms consist of loud horns and flashing strobe lights to assist all persons in the buildings to know that an alarm is being sounded. Scheduled fire alarm tests were conducted on August 2, 2022, for Founders Hall and January 4-5, 2022, for all other buildings on the Kalispell campus. The Ansul kitchen hood fire suppression system in the Eagle's Nest and the culinary arts kitchen are tested on a six-month cycle.

Fire Drills

The Higher Education Act (HEA) defines a fire drill as "a supervised practice of mandatory evacuation of a building for fire."

Typically, four unannounced fire drills are held in Founders Hall each year. Each fire drill is held at different times, with one drill held before sunrise or after sunset and one held within ten days of the school year.

Date	Time	Location of Fire Drill
March 1, 2022	1:30 pm	Founders Hall
June 10, 2022	10:00 am	Founders Hall
September 6, 2022	11:00 am	Founders Hall
December 5, 2022	5:00 pm	Founders Hall

Additionally, residence life staff are trained annually on the Founders Hall fire suppression system and how to check and monitor fire extinguishers and emergency exit signs.

Plans for Future Improvements in Fire Safety

FVCC is committed to providing its residents with a fire-safe living and learning environment and will continue to look at ways to increase safety awareness.