



# MONTANA ACADEMY OF SALONS ANNUAL SECURITY REPORT

September 2, 2016

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## **CAMPUS SAFETY & SECURITY**

Montana Academy of Salons is committed to providing safety to all of its students, faculty, and staff. If a crime happens to the student or the student's property or if there is an emergency occurring on campus, students, employees and/or guests are encouraged report the incident to the Chief Executive Officer or a Campus Security Authority immediately. That individual will assist the student, employee or guest in reporting the crime to the local police or other appropriate security force.

Montana Academy of Salons will provide students, faculty, and staff with a copy of this Annual Security Report by October 1st of each year. Crime statistics will be gathered from the local police and compiled in this Annual Security Report. The report will show the number of incidents on campus, including Montana Academy parking lot and adjacent streets. At any time, crime statistics information can be obtained from Montana Academy Admissions Office.

Although Montana Academy does not employ security Officers, Montana Academy of Salons has a working relationship with the local police who are able to support and provide services promptly in the event of an incident. We encourage accurate and prompt reporting of all crimes to the local police.

### **PREPARATION OF DISCLOSURE OF CRIME STATISTICS**

Linda McPherson, Chief Executive Officer (CEO) of the Montana Academy of Salons, prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act) as amended by the Violence Against Women Reauthorization Act of 2013. The full text of this report can be located on our web site at <http://www.MontanaBeautySchool.com>. This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus.

Campus crime, arrest and referral statistics include those reported to the Great Falls Police Department and Campus Security Authorities. Montana Academy does not have campus housing, campus police or a security department for daily crimes. Montana Academy refers all campus crime(s) to the Great Falls Police Department. In addition, Montana Academy does not keep a fire log.

Each year, an e-mail notification is made to all enrolled students that provides the web site to access this report. Faculty receive similar notification at our faculty meetings and Professional Development. All prospective faculty and potential students may obtain copies of the report online at [montanabeautyschool.com](http://montanabeautyschool.com) or by contacting the Montana Academy of Salons, 501 2nd ST S, Great Falls, MT 59405 in the Admissions Office or by calling (406) 771-8872 x 5.

### **HOW TO REPORT CRIMINAL OFFENSES**

To report a crime on or off campus:

Contact Great Falls Police Department at (406) 454-6978 (non-emergencies),

Dial 9-1-1- (emergencies only). Additionally, you may report a crime to the school's Chief Executive Officer and/or a designated Campus Security Authority.

### **VOLUNTARY CONFIDENTIAL REPORTING**

If you are the victim of a crime and do not want to pursue action within Montana Academy or the criminal justice system, you may still want to consider making a confidential report. With your permission, the CEO can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future

safety of yourself and others. With such information, Montana Academy can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

### **LIMITED VOLUNTARY CONFIDENTIAL REPORTING**

The Great Falls Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the Great Falls Police Department cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to the CEO or to the Campus Security Authorities listed in this report. Confidential reports of crime may also be made to Great Falls/Cascade County Crime Stoppers at (406) 727-8477.

### **ENCOURAGEMENT OF ACCURATE AND PROMPT CRIME REPORTING**

Faculty, students, and guests are encouraged to report all crimes and public safety related incidents to Montana Academy in a timely manner. To report a crime or emergency on the Montana Academy campus, call the school's CEO or Campus Security Authorities. If assistance is required from the Great Falls Police Department or the City of Great Falls Fire Department, the CEO will contact the appropriate unit. If a sexual assault or rape should occur, the school's Title IX Coordinator is available to offer the victim a wide variety of services.

All reported incidents are reviewed and applicable information is collected and presented to the proper authority. In order to ensure that our campus remains safe, it is important for members of the campus to report this information in a timely manner. Any suspicious activity should be considered a reasonable suspicion and reported. Examples of suspicious activities include seeing an unescorted guest in an unapproved area, doors propped open, or unauthorized individuals using campus equipment or offices. If it seems a situation appears abnormal to you in any way, you are encouraged to report it.

The Montana Academy of Salons prohibits any retaliation against anyone who in good faith reports any violations of the campus security policy.

### **COUNSELORS AND CONFIDENTIAL CRIME REPORTING**

Montana Academy does not employ professional or pastoral counselors. All reports of crime will be investigated. Violations of the law will be referred to law enforcement agencies and when appropriate, to the Montana Academy CEO for review.

### **SECURITY AWARENESS & CRIME PREVENTION PROGRAMS FOR FACULTY AND STUDENTS**

Student orientation is conducted prior to every course start. Students are informed that the Montana Academy does not have campus police. Students are informed about the campus security policies and procedures contained in this report and about crime awareness on Montana Academy and in surrounding neighborhoods. Similar information is presented to all new employees. A common theme of all awareness and crime prevention programs is to encourage faculty and students to be aware of their responsibility for their own security and the security of others.

Crime Prevention Programs on personal safety and theft prevention are discussed at orientation. In addition, information is disseminated to students and employees through tips posted in the school buildings, in-class announcements, and announcements through social media.

To enhance personal safety, and especially after dark, students and employees are encouraged to walk with friends or colleagues from Montana Academy to their destination.

### **CAMPUS SECURITY AUTHORITY AND JURISDICTION**

The Montana Academy's administration attempts to provide a safe, secure educational environment for all students and employees. The school does not provide security guards on its campus premises. The ultimate authority for law enforcement at the Montana Academy is the local police department. The Montana Academy does not have any written agreements with local police departments for the investigation of alleged criminal offenses. School officials have the authority to contact the local police to request assistance in preventing or reacting to crime within or in the immediate vicinity of school facilities. The Montana Academy's Chief Executive Officer is the school's coordinator of security issues. The CEO and other Campus Security Authorities are not authorized to arrest individuals but do have the authority to detain suspected criminal offenders if it is deemed safe to do so. The administration at the Montana Academy has a strong, working relationship with the local police and work in partnership to offer students and employees the safest possible environment.

### **SECURITY OF AND ACCESS TO CAMPUS FACILITIES:**

Montana Academy has three entrances/exits equipped with locks. They are located on the north side, south side, and west side of the building. The front entrance (south side) is monitored by the front desk staff when Montana Academy is open for business from 9am to 7pm Monday thru Thursday and from 9am to 4:30pm Friday and Saturday. The north side and west side entrance/exits remained locked at all times. These doors are unable to be opened from the outside but can be opened at any time from the inside. All faculty have keys to all outside doors. Students only have access to enter the building by the south side door and are monitored by the front desk staff.

### **CRIMINAL ACTIVITY OFF CAMPUS**

The Montana Academy of Salons does not provide law enforcement services to off-campus activities on behalf of the school.

### **ALCOHOLIC BEVERAGES & ILLEGAL DRUG POSSESSION**

The possession, sale or the furnishing of alcohol on Montana Academy of Salons campus is prohibited. Montana Academy has been designated "Drug free" and under no circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Great Falls Police Department. Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of Montana Academy Alcohol Policy for anyone to consume or possess alcohol in any public or private area of Montana Academy. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the Great Falls Police.

Montana Academy has been designated "Drug free" and under no circumstances is the possession, use, or sale of illegal drugs permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Great Falls Police Department. Violators are subject to disciplinary action, criminal prosecution, fine and



imprisonment. The possession, use or sale of illegal drugs on the campus is a violation of Montana Academy Illegal Drug Possession.

For more information about the Montana Academy's policies regarding the use, possession, sale or distribution of alcoholic beverages and illegal drugs, please see the school's Drug Free School Policy that is included in this Annual Security Report.

## **WEAPONS**

To the extent allowed by law, the Montana Academy of Salons prohibits employees, students, or visitors from carrying weapons in school facilities or on school property. This policy includes any device which can expel a projectile and/or other dangerous weapons including knives, explosives, bows and arrows, swords, or other items, which, in their intended use, are capable of inflicting serious injury. Any employee or student in possession of a firearm or other weapon within school property or while otherwise fulfilling job responsibilities may face disciplinary action, including termination or expulsion. A student's possession of a valid concealed weapons permit authorized by the state of Montana is not an exemption under this policy.

## **BULLYING & HARASSMENT POLICY**

Bullying or implied threat, intimidation, sexual harassment and violence will not be tolerated at Montana Academy.

Montana Academy will address issues involving harassment or bullying in any form; student to student; student to faculty member(s); faculty member(s) to student; or faculty member to faculty member. All faculty members and students have a responsibility to cooperate fully with the investigation of an alleged bullying or harassment complaint. Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or faculty. It is further defined as; unwanted purposeful written, verbal, nonverbal, or physical behavior, including but not limited to any threatening, insulting or dehumanizing gestures by a student or faculty that has the potential to create an intimidating, hostile or offensive educational environment or cause long term damage; to cause discomfort or humiliation or unreasonably interfere with the individuals academic performance or participation, is carried out repeatedly, and is often characterized by an imbalance of power.

**BULLYING** may involve, but is not limited to; unwanted teasing, threatening, intimidating, stalking, cyber stalking, cyber bullying, physical violence, theft, sexual, religious or racial harassment, public humiliation, destruction of Montana Academy or personal property, social exclusion, including incitement and/or coercion, rumor or spreading of falsehoods.

**HARASSMENT** is defined as any threatening, insulting, or dehumanizing gestures, use of technology, computer software, or written, verbal or physical conduct directed against a student or employee that places a student or employee in reasonable fear of harm to his or her person or damage to his or her property; has the effect of substantially interfering with a student's educational performance, or employee's work performance; has the effect of substantially negatively impacting a student's or employee's emotional or mental well-being; has the effect of substantially disrupting the orderly operation of Montana Academy.

**Sexual Harassment** is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile or offensive.

If bullying or harassment in any form occurs in Montana Academy, contact any member of the faculty of Montana Academy or contact the Great Falls Police Department to file a report immediately. Montana Academy will do everything possible to assist in this serious matter. If such a serious offense occurs, it is important to preserve evidence of the criminal offense. Information regarding area counseling centers will be provided upon request by a student or faculty member. If an offense happens where both the accused and the accuser attend Montana Academy, both the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding and will be informed of Montana Academy's final determination of any Montana Academy disciplinary proceeding with respect to the alleged offense and any sanction that is imposed against the accused. Dismissal may occur following a final determination of said proceedings.

Montana Academy will work with students to change their situation (i.e., allowing the student to take a leave of absence or enroll in a later course) if a change is requested by the victim and the change is reasonably available.

#### **SEX OFFENDER REGISTRY**

Individuals wishing to learn additional information about registered sex offenders in Montana may check website information provided by the City of Great Falls:

<http://www.greatfallsmt.net/police/identifying-sexual-and-violent-offender-svor-residences>

#### **CAMPUS SECURITY AUTHORITIES**

Linda McPherson, CEO and owner of Montana Academy of Salons is responsible for Campus Safety and Security Compliance. 406-771-8772 x 3

Office Responsible:	Linda McPherson, CEO
Area Information is Located:	<a href="http://www.MontanaBeautySchool.com">www.MontanaBeautySchool.com</a> / paper copy upon request
Date Document was Last Updated:	9/2016
Date Policies and Procedures Updated:	9/2016

#### **ADDITIONAL CAMPUS SECURITY AUTHORITIES INCLUDE:**

Montana Academy owner/s  
Financial Aid Officer  
Academy Ambassador  
Admissions Personnel  
Compliance Administrator  
Facilitators  
Front Desk Support Staff

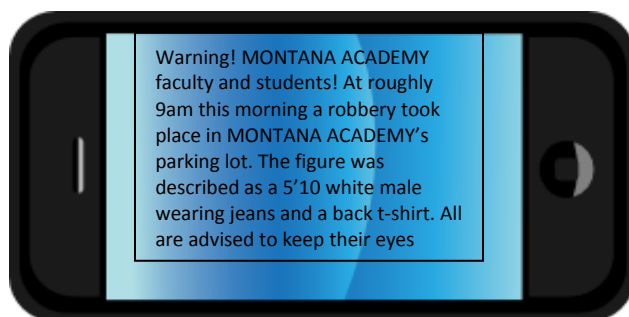
#### **EMERGENCY PHONE NUMBERS:**

Immediate Help (Fire, Police, Rescue Squad)	9-1-1
Montana Academy Administrative Offices	(406) 771-8771
Cascade Fire Department	(406) 454-6978
Cascade Ambulance Department	(406) 454-6978
Great Falls City Police Department	(406) 454-6978

Cascade Sheriff Department	(406 )454-6978
City-County Health Department –	(406) 454-6950
<b>MENTAL HEALTH AGENCIES:</b>	
Aware Inc	(406) 727-5633
Brett E. Gilleo	(406) 961-7451
Center For Mental Health	(406) 452-4579
Center For Mental Health	(406) 727-7586
Center For Mental Health Administration Wellness Recovery Center	(406) 727-4315
Families In Transition	(406) 452-1171
Front Range Counseling, LLC	(406) 453-4356
Great Falls Counseling	(406) 761-1700
Great Falls Counseling	(406) 771-8713
Hieb, Janine	(406) 761-4056
Intermountain Family Support	(406) 452-0388
Kuka, Rich	(406) 452-4561
Lysne Maki & Breeden	(406) 727-3152
Murphy Leslie Counseling, L.C.P.C. MHS. MPC.	(406) 590-1250
Murphy, Leslie A	(406) 268-8898
Pike Lori LCSW	(406) 205-8413
Steffenson, Amy L Center-Mental Health	(406) 771-8648
Treinen, Cheryl	(406) 761-5747
Youth Dynamics Inc	(406) 453-5592
<b>HOSPITALS:</b>	
Benefis Health System	(406) 455-5000
Great Falls Clinic Medical Center	(406) 216-8000
Benefis Health System-West Campus	(406) 455-2130
Community Health Care Center	(406) 454-6973
VA Great Falls Clinic	(406) 454-8070
Disaster & Emergency Services	(406) 454-6900
<b>STATE GOVERNMENT OFFICES RELATED TO EMERGENCY MANAGEMENT (HAZARDS):</b>	
FEMA, specifically the regional office	(800)621FEMA(3362)
U.S. Department of Homeland Security (DHS)	(406) 727-8750
American Red Cross of Montana	(800) 272-6668
Salvation Army Great Falls	(406) 453-0391
United Way Cascade County	(406) 727-3400
Shelter First Program	(406) 761-0310
Rescue Mission Women and Family Shelter	(406) 452-1483
Rescue Mission Men’s Shelter (for Men)	(406) 761-0095
Rescue Mission Christian Discipleship Program	(406) 761-2653

## **TIMELY WARNING**

In the event that a situation arises or a crime occurs, either on or off campus, that, in the judgment of the Chief Executive Officer, constitutes a threat to students and employees, a campus wide “timely warning” will be issued. The warning will be issued through Montana Academy by either verbal communications, intercom broadcast system, cell phones, emails and/or text, social media and signage to staff, students and guests. If the situation or crime occurs on campus and represents an immediate threat to the health of safety of students or employees, the institution will follow the Emergency Notification procedures contained in this report in lieu of the Timely Warning procedures.



Anyone with information warranting a timely warning should report the circumstances to the Chief Executive Officer or another Campus Security Authority, by phone (406) 771-8872 or in person at Montana Academy of Salons, 501 2<sup>nd</sup> St S, Great Falls, MT 59405.

## **SEXUAL MISCONDUCT POLICIES & PROCEDURES**

The Montana Academy of Salons is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual misconduct. Every member of the school community should be aware that the Montana Academy is strongly opposed to sexual misconduct, and that such behavior is prohibited by state and federal laws.

The Academy's Sexual Misconduct Policy is part of this Annual Security Report. It describes the school's programs to prevent sexual misconduct, and the procedures that the school will follow once an incident of sexual misconduct has been reported. This Policy is disseminated widely to the Montana Academy community through publications, the school website, new employee orientations, student orientations, and other appropriate channels of communication. Copies of the Policy can be obtained from the school's Chief Executive Officer, the school's Compliance Director, by calling the school at (406) 771-8772, or downloading from the school's website at [www.montanabeautyschool.com](http://www.montanabeautyschool.com). The Academy provides training to key staff members to enable the school to handle any allegations of sexual misconduct promptly and effectively. The school will respond quickly to all reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

The Montana Academy's Sexual Misconduct Policy governs sexual misconduct involving students that occurs on any school property or in connection with any school-sponsored program or event. This Policy applies to all students, employees, and third parties conducting business with the Montana Academy, regardless of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. The Montana Academy encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the Academy

can respond appropriately. As further described in the Policy, the school will seek to respect a victim's request for confidentiality to the extent possible, while remaining ever mindful of the victim's well-being.

#### **INFORMATION FOR CRIME VICTIMS ABOUT DISCIPLINARY PROCEEDINGS**

Information will be disclosed upon written request, to any alleged victim of any crime of violence regarding the results of any disciplinary proceedings conducted by Montana Academy against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of the crime or offense, the information shall be provided upon request, to the next of kin of the alleged victim. In accordance with its Title IX policy, if Montana Academy receives a complaint of sexual harassment, violence or discrimination, the alleged victim and the alleged perpetrator will receive written notice of the outcome of the complaint.

## EMERGENCY RESPONSE AND EVACUATION PROCEDURES

### EMERGENCY NOTIFICATION

An emergency notification is an immediate notification of an unforeseen combination of circumstances that calls for immediate action. The faculty has received training on how to handle a pending emergency and trained in the following Emergency Code.

### CODES FOR AN EMERGENCY SITUATION

**Code Lock Down:** A lock down situation has occurred. Faculty, students and guests are to remain calm and do not leave Montana Academy.

**Code Evacuate Front:** Indicates a need to evacuate Montana Academy immediately and exit through a front entrance only.

**Code Evacuate Back:** Indicates a need to evacuate through the back entrance only.

**Code Dangerous:** Indicates a dangerous situation has occurred outside Montana Academy and no one is allowed to leave Montana Academy.

**Code Hostage:** A hostage, criminal or terrorist threat / situation

### EMERGENCY RESPONSE PROCEDURES

At the time of an urgent unanticipated event, the Chief Executive Officer will assess the situation to determine the significance of an emergency. Without delay, the CEO will take into account the safety of the school's faculty, students, guests and community neighbors.

The CEO will identify/determine the extent of the emergency and enact appropriate means of notifications.

The CEO will respond by assisting any victims(s), respond to/or contain the emergency at hand and diffuse the dangerous situation if possible.

The CEO will determine the extent of information that needs to be released and will disseminate to faculty, students, and guests / public as appropriate.

In the event of a dangerous situation and without delay, the CEO will assess the situation and will contact authorities or determine the course of action in order to protect the entire Montana Academy population.

The CEO will determine means of notification through but not limited to verbal communications, intercom broadcast system, cell phones, emails and text, social media and signage to deliver emergency messages. If necessary, the CEO will notify the radio and local television stations.

The verbal/written communication will include the type or types of emergency and steps for the emergency situation.

Montana Academy will provide the Fire Department and the Police Department with a floor plan of the building. The administration will also notify these agencies of any new construction, long-term functions or any other events which may affect routing or access to the campus.

At least annually during student training, the faculty will conduct an announced or unannounced test. The test(s) are documented by dates, times, and whether the exercise was announced or unannounced. The

results are publicized in the Emergency & Safety Book. The testing reminds faculty and students of procedures necessary for the security, safety and crime prevention on and off campuses.

Faculty and students complete a tour of Montana Academy, locating fire extinguishers and exits. Fire extinguishers are located in the student service area, in the laundry room, and in the locker area by the exit door. They are informed of what to do in case of an emergency.

Attendance call will be taken as soon as reasonably possible to ensure all faculty and students have been accounted for at the time of the emergency.

## **PRIOR TO PREPARING FOR AN EMERGENCY**

### **EMERGENCY KIT:**

Montana Academy does not supply the complete “BASIC EMERGENCY KIT” as listed below:

While we have most of the items, we do not store food or water.

### **MAKE A COMMUNICATION PLAN:**

Montana Academy communicates through verbal communications, intercom broadcast system, cell phones, emails and text, social media, and signage to deliver emergency messages. If necessary the CEO will notify the radio and local television stations to confirm significant emergency or dangerous situations involving immediate threats, to the health or safety of faculty and students occurring on the campus.

### **BASIC EMERGENCY KIT**

A basic emergency supply kit could include the following recommended items:

- Water, one gallon of water per person per day for at least three days, for drinking and sanitation
- Food, at least a three-day supply of non-perishable food
- Battery-powered or hand crank radio and a NOAA Weather Radio with tone alert and extra batteries for both
- Flashlight and extra batteries
- First aid kit
- Whistle to signal for help
- Dust mask to help filter contaminated air. Plastic sheeting and duct tape to create a shelter
- Moist towelettes, garbage bags and plastic ties for personal sanitation
- Wrench or pliers to turn off utilities
- Local maps
- Cell phone with chargers, inverter or solar charger

## **EVACUATION GUIDELINES**

There may be conditions under which you will decide to get away or there may be situations when you are ordered to leave.

### **FOLLOW THESE GUIDELINES FOR EVACUATION**

- If you have a car, keep a full tank of gas in it if an evacuation seems likely.
- Keep a half tank of gas in it at all times in case of an unexpected need to evacuate. Gas stations may be closed during emergencies and unable to pump gas during power outages.
- Become familiar with alternate routes and other means of transportation out of your area.
- Leave early enough to avoid being trapped by severe weather.
- Follow recommended evacuation routes. Do not take shortcuts; they may be blocked.
- Be alert for road hazards such as washed-out roads or bridges and downed power lines.
- Do not drive into flooded areas.

- If you do not have a car, plan how you will leave if you have to. Make arrangements with family, friends or your local government.

#### **IF TIME ALLOWS**

- Call or email your family.
- Secure Montana Academy by closing and locking doors.
- Unplug electrical equipment such as radios, televisions and small appliances. Leave freezers and refrigerators plugged in unless there is a risk of flooding. If there is damage to Montana Academy and you are instructed to do so, shut off water, gas and electricity before leaving.
- Leave a note telling others when you left and where you are going.
- Wear sturdy shoes and clothing that provides some protection such as long pants, long-sleeved shirts and a cap.

#### **IN CASE OF SERIOUS ACCIDENT OR ILLNESS**

- Call 9-1-1
- Do not move sick or injured person(s).
- Be careful to avoid personal contact with any body fluids such as blood, vomit, or saliva.
- Stay with the victim and reassure her/him that help is on the way.

#### **POWER FAILURE**

- Remain calm
- Do not move
- Await instructions from CEO
- If instructed to evacuate, use designated emergency exits ONLY.

#### **SAFETY PROCEDURES**

First Aid: A first aid kit is located in the dispensary and the facilitator's office.

Fainting: Do not move the person; call 911. Give facts as much as possible. Keep calm and notify the CEO and/or other Campus Security Authorities for help, if necessary. Make the person comfortable.

Cut finger: Facilitator should immediately check the wound to see how deep the cut is. Small cuts should be washed, dried, and then covered with a bandage. Bandages and first aid kits are kept in the dispensary and the facilitator's office.

Cuts requiring stitches: If possible, a faculty member should take the student to the doctor.

#### **DANGEROUS SITUATIONS, ALERTING FACULTY, STUDENTS, GUESTS AND/OR NEIGHBORS**

Are brought to the attention of the CEO or another Campus Security Authority and, if confirmed, the school will alert and students by announcing, emailing, text and /or a written notification that will be posted in a conspicuous area, directing them to either a safe location and or the City County Health Department.

Once the dangerous situation is diminished, an announcement, email, text and/ or a written notification will be posted or sent to students when classes will resume.

#### **EXTREME WEATHER CONDITIONS PROCEDURES**

Are issued from the Local Weather Service, Montana Academy offices are closed and classes are cancelled. Once the weather conditions are diminished, the CEO will alert the faculty and students when classes will resume.



## **WINTER STORMS AND EXTREME COLD**

### **BEFORE**

To prepare for a winter storm you should do the following:

- Before winter approaches, add the following supplies to your automobile.
  - Sand to improve traction.
  - Snow shovels and other snow removal equipment.
  - Sufficient heating fuel.
  - Adequate clothing and blankets to keep you warm.

### **DURING**

Montana Academy will notify the traveling student if a winter storm and extreme cold is expected. If the student is traveling long distances, the student will be advised to leave early or not to travel at all. If the winter storm and extreme cold happens while faculty, students and guests are in attendance, the following will apply:

- Stay indoors during the storm.
- Walk carefully on snowy, icy, walkways.
- Let someone know your destination, your route, and when you expect to arrive.

### **AFTER**

- If Montana Academy loses power or heat for more than a few hours or if you do not have adequate supplies to stay warm in the Montana Academy, you may want to go to a designated public shelter if you can get there safely. Text **SHELTER** + your **ZIP code** to **43362** (4FEMA) to find the nearest shelter in your area (e.g., SHELTER20472)
- Take precautions when traveling to the shelter. Dress warmly in layers, wear boots, mittens, and a hat.
- Continue to protect yourself from frostbite and hypothermia by wearing warm, loose-fitting, lightweight clothing in several layers. Stay indoors, if possible.

## **THUNDERSTORMS & LIGHTNING PROCEDURES**

### **BEFORE**

To prepare for a thunderstorm, you should do the following:

- Secure outdoor objects that could blow away or cause damage.
- Get inside the Montana Academy, or an automobile (not a convertible). Although you may be injured if lightning strikes your car, you are much safer inside a vehicle than outside.
- Rubber-soled shoes and rubber tires provide NO protection from lightning.
- Close window blinds, shades or curtains.
- Unplug any electronic equipment well before the storm arrives.

### **DURING**

If thunderstorm and lightning are occurring in your area, you should:

- Avoid contact with corded phones and devices including those plugged into electric for recharging. Cordless and wireless phones not connected to wall outlets are OK to use.
- Avoid contact with electrical equipment or cords.
- Unplug appliances and other electrical items such as computers and turn off air conditioners. Power surges from lightning can cause serious damage.
- Avoid contact with plumbing.
- Do not wash your hands and do not do laundry. Plumbing and bathroom fixtures can conduct electricity.
- Stay away from windows and doors.
- Do not lie on concrete floors and do not lean against concrete walls.

- Take shelter in a sturdy building.
- Avoid isolated sheds or other small structures in open areas.
- Avoid contact with anything metal—motorcycles and bicycles.
- If lightning strikes you or someone you know, call 9-1-1 for medical assistance as soon as possible. The following are things you should check when you attempt to give aid to a victim of lightning:
  - Breathing - if breathing has stopped, begin mouth-to-mouth resuscitation.
  - Heartbeat - if the heart has stopped, administer CPR.
  - Pulse - if the victim has a pulse and is breathing, look for other possible injuries. Check for burns where the lightning entered and left the body. Also be alert for nervous system damage, broken bones and loss of hearing and eyesight.

#### **AFTER**

- Never drive through a flooded roadway. Turn around, don't drown!
- Stay away from downed power lines and report them immediately.
- 

#### **PLAN FOR A PANDEMIC**

- Get involved in your community as it works to prepare for an influenza pandemic.
- Limit the Spread of Germs and Prevent Infection
- **Avoid close contact** with people who are sick. When you are sick, keep your distance from others to protect them from getting sick too.
- If possible, **stay home**.
- **Cover your mouth and nose** with a tissue when coughing or sneezing.
- **Washing your hands** often will help protect you from germs.
- **Avoid touching your eyes, nose or mouth**. Germs are often spread when a person touches something that is contaminated with germs and then touches his or her eyes, nose, or mouth.

#### **UTILITY SHUT OFF**

##### **NATURAL GAS**

- Natural gas leaks and explosions are responsible for a significant number of fires following disasters. It is vital that all faculty know how to shut off natural gas.
- Because there are different gas shut-off procedures for different gas meter configurations, it is important to contact your local gas company for any guidance on preparations and response regarding gas service to the Montana Academy.
- If you smell gas or hear a blowing or hissing noise, get everyone out quickly. Turn off the gas if you can, and call the gas company.
- Caution: If you turn off the gas for any reason, a qualified professional must turn it back on. NEVER attempt to turn the gas back on yourself.

##### **WATER**

- Water quickly becomes a precious resource following many disasters. It is vital that all faculty learn how to shut off the water.
- Locate the shut-off valve for the water line that enters the Montana Academy and label this valve with a tag for easy identification.
- The effects of gravity may drain the water in your hot water heater and toilet tanks unless you trap it in the academy by shutting off the main house valve. (This is not the street valve in the cement box at the curb – the street valve is extremely difficult to turn and requires a special tool.)

## **ELECTRICITY**

- Electrical sparks have the potential of igniting natural gas if it is leaking. It is wise to teach all responsible faculty where and how to shut off the electricity.
- Locate your electrical circuit box. For your safety, always shut off all the individual circuits before shutting off the main circuit.

## **FIRE PROCEDURE**

If you smell smoke or see fire, report it immediately to a facilitator.

Proceed as follows:

- Students exit in single file out the closest doors. If you have a guest at the time, the guest is your responsibility.
- After exiting the Montana Academy, proceed safely away from the Montana Academy and locate at the "NO PARKING" sign or across the street at GERBERS.
- Support faculty at front desk will help guest in reception area out the front doors.
- Proceed to safety away from the Montana Academy.
- Familiarize yourself with your evacuation route and the location of all emergency and regular exits.
- The evacuation route illustration is found next to the fire extinguisher in the student's lounge, laundry room and salon area.

**VIOLATION OF FIRE SAFETY RULES PUTS LIVES IN JEOPARDY. TAMPERING WITH FIRE ALARMS OR FIRE EQUIPMENT CAN RESULT IN FINES AND POSSIBLE INCARCERATION ACCORDING TO MONTANA STATE LAWS**

## **FLOOD BEFORE**

Even if you feel you live in a community with a low risk of flooding, remember that anywhere it rains, it can flood. Just because you haven't experienced a flood in the past, doesn't mean you won't in the future. Flood risk isn't just based on history; it's also based on a number of factors including rainfall, topography, flood-control measures, river-flow and tidal-surge data, and changes due to new construction and development.

To prepare for a flood, you should:

- "Check valves" are installed in the sinks to prevent water from backing up into the drains.

## **DURING**

If a flood is likely in your area, you should:

- Be aware that flash flooding can occur. If there is any possibility of a flash flood, move immediately to higher ground. Do not wait for instructions to evacuate.
- If you must prepare to evacuate, you should do the following:
- Secure the Montana Academy
- Turn off utilities at the main switches or valves if instructed to do so.
- Disconnect electrical appliances. Do not touch electrical equipment if you are wet or standing in water.
- If you have to leave the Montana Academy, remember these evacuation tips:
- Do not walk through moving water. Six inches of moving water can make you fall. If you have to walk in water, walk where the water is not moving. Use a stick to check the firmness of the ground in front of you.

- Do not drive into flooded areas. If floodwaters rise around your car, abandon the car and move to higher ground, when water is not moving or not more than a few inches deep. You and the vehicle can be swept away quickly. If your vehicle is trapped in rapidly moving water, stay in the vehicle. If the water is rising inside the vehicle, seek refuge on the roof.
- Do not camp or park your vehicle along streams, rivers or creeks, particularly during threatening conditions.

## **AFTER**

Although floodwaters may be down in some areas, many dangers still exist. Here are some things to remember in the days ahead:

- Use local alerts and warning systems to get information and expert informed advice as soon as available.
- Avoid moving water.
- Stay away from damaged areas unless your assistance has been specifically requested by police, fire, or relief organization.
- Emergency workers will be assisting people in flooded areas. You can help them by staying off the roads and out of the way.
- Play it safe. Additional flooding or flash floods can occur. Listen for local warnings and information. If your car stalls in rapidly rising waters, get out immediately and climb to higher ground.
- Return home only when authorities indicate it is safe.
- Roads may still be closed because they have been damaged or are covered by water. Barricades have been placed for your protection. If you come upon a barricade or a flooded road, go another way.
- If you must walk or drive in areas that have been flooded.
- Stay on firm ground. Moving water only 6 inches deep can sweep you off your feet. Standing water may be electrically charged from underground or downed power lines.
- Flooding may have caused familiar places to change. Floodwaters often erode roads and walkways. Flood debris may hide animals and broken bottles, and it's also slippery. Avoid walking or driving through it.
- Be aware of areas where floodwaters have receded. Roads may have weakened and could collapse under the weight of a car.
- Stay out of any building if it is surrounded by floodwaters.

Use extreme caution when entering buildings; there may be hidden damage, particularly in foundations.

## **EARTHQUAKE**

### **BEFORE**

- Every attempt to secure shelves, heavy objects, mirrors, and electronic such as computers and printers.

### **DURING**

- Drop, cover and hold on. Minimize your movements to a few steps to a nearby safe place and if you are indoors, stay there until the shaking has stopped and you are sure exiting is safe
- If indoors
- Drop to your hands and knees. Cover your head and neck with your arms. This position protects you from falling and provides some protection for vital organs. Because moving can put you in danger from the debris in your path, only move if you need to get away from the danger of falling objects. If you can move safely, crawl for additional cover under a sturdy desk or table. If there is low furniture, or an interior wall or corner nearby and the path is clear, these may also provide some additional cover. Stay away from glass, windows, outside doors and walls, and anything that

could fall, such as lighting fixtures or furniture. HOLD ON to any sturdy shelter until the shaking stops.

- Stay away from glass, windows, outside doors and walls, and anything that could fall, such as lighting fixtures or furniture.
- DO NOT get in a doorway as this does not provide protection from falling or flying objects and you likely will not be able to remain standing.
- Stay inside until the shaking stops and it is safe to go outside. Do not exit the Montana Academy during the shaking. Research has shown that most injuries occur when people inside buildings attempt to move to a different location inside the Montana Academy or try to leave.
- Be aware that the electricity may go out or the sprinkler systems or fire alarms may turn on.

#### **AFTER**

- Do not light a match.
- Do not move about or kick up dust.
- Cover your mouth with a handkerchief or clothing.
- Tap on a pipe or wall so rescuers can locate you.
- Use a whistle if one is available. Shout only as a last resort.
- Shouting can cause you to inhale dangerous amounts of dust.
- When the Shaking Stops
- When the shaking stops, look around to make sure it is safe to move and there is a safe way out through the debris. Then exit the Montana Academy.
- Expect aftershocks. These secondary shockwaves are usually less violent than the main quake but can be strong enough to do additional damage to weakened structures and can occur in the first hours, days, weeks, or even months after the quake. Drop, Cover, and Hold On whenever you feel shaking.
- Check for injuries and provide assistance if you have training. Assist with rescues if you can do this safely.
- Look for and extinguish small fires. Fire is the most common hazard after an earthquake. Never use a lighter or matches near damaged areas.
- Use the telephone only for emergency calls.
- Go to a designated public shelter if your home had been damaged and is no longer safe. Text SHELTER + your ZIP code to 43362 (4FEMA) to find the nearest shelter in your area (example: *shelter 12345*).
- Stay away from damaged areas. Stay away unless your assistance has been specifically requested by police, fire, or relief organizations. Return home only when authorities say it is safe.
- Be careful when driving after an earthquake and anticipate traffic light outages.
- After it is determined that it's safe to return, your safety should be your primary priority as you begin clean up and recovery.
- Leave the area if you smell gas or fumes from other chemicals.
- Inspect utilities. (Follow the Utility Shut Off)

#### **BOMB THREATS**

- Most bomb threats are received by phone. Bomb threats are serious until proven otherwise. Faculty and students are to act quickly, but remain calm and obtain as much information as possible and write it down.
- 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 faculty member or student to call the authorities or, as soon as the caller hangs up, immediately notify them yourself.
- If your phone has a display, copy the number and/or letters on the window display.
- 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, contact FPS (Federal Protective Services) immediately with information and await instructions.

#### If A Bomb Threat Is Received By Handwritten Note

- Call 9-1-1
- Handle note as minimally as possible

#### If A Bomb Threat Is Received By Email

- Call 911
- Do not delete the message.

#### Signs of a Suspicious Package

- No return address • poorly handwritten • Excessive postage • Misspelled words • Stains • Incorrect titles • Strange odor • Foreign postage • Strange sounds • Restrictive notes • Unexpected delivery

#### DO NOT

- Use cell phones; radio signals have the potential to detonate a bomb.
- Evacuate Montana Academy until police arrive and evaluate the threat.
- Activate the fire alarm.
- Touch or move a suspicious package.

### **BOMB THREAT CALL PROCEDURES AND CHECKLIST**

#### Who to Contact (select one)

- Follow your local guidelines
- Federal Protective Service (FPS) Police 1-877-4-FPS-411 (1-877-437-7411)
- 911

#### Ask Caller

When asking the caller the following, take notes on anything, you might forget and include questions:

- Where is the bomb located? (Building/Floor/Room, etc.)
- When will it go off?
- What does it look like?
- What kind of bomb is it?
- What will make it explode?
- Did you place the bomb? Yes/ No
- Why?
- What is your name?

#### Exact Words of Threat | Information about Caller

- Where is the caller located? (Background and level of noise)
- Estimated age:
- Is voice familiar? If so, who does it sound like?
- Other points: Take any notes that may aid in the investigation.

### **EXPLOSION**

#### **BEFORE**

The following are things you can do to protect yourself, in the event of an explosion.

Knowing your community's warning systems and disaster plans, including evacuation routes.

#### **DURING**

- Get under a sturdy table.
- Exit the Montana Academy as quickly as possible. Stay low if there is smoke. Do not stop to retrieve personal possessions or make phone calls.
- Check for fire and other hazards.
- Once you are out, attempt to meet at designated areas.
- Move away from sidewalks or streets to be used by emergency officials or others still exiting the Montana Academy.
- Tap on a pipe or wall so rescuers can hear where you are.
- If possible, use a whistle to signal rescuers.
- Shout only as a last resort. Shouting can cause a person to inhale dangerous amounts of dust.
- Avoid unnecessary movement so you don't kick up dust.
- Cover your nose and mouth with anything you have on hand.

#### **AFTER**

As we learned from the events of September 11, 2001, the following things can happen after a terrorist attack:

- There can be significant numbers of casualties and/or damage to buildings and the infrastructure. So employers need up-to-date information about any medical needs you may have and on how to contact your designated beneficiaries.
- Heavy law enforcement involvement at local, state and federal levels follows a terrorist attack due to the event's criminal nature.
- Health and mental health resources in the affected communities can be strained to their limits, maybe even overwhelmed.
- Extensive media coverage, strong public fear and international implications and consequences can continue for a prolonged period.
- Montana Academy may be closed.
- Montana Academy may have to evacuate, avoiding blocked roads for your safety.
- Clean-up may take many months.

### **TERRORIST ATTACKS**

Montana Academy does not want to dismiss or diminish the possibility to terrorism, however, we believe the risk is low in relationship to Threat/Hazards.

Based on:

- Small faculty, less than 15
- Small student body, less than 100
- Building has no significant interest or location
- Building is on one level
- Building does not store or contains hazardous chemicals
- No luggage is stored or kept on premise
- No underground parking



## CRIME STATISTICS

### CAMPUS SECURITY ACT INFORMATION DISCLOSURE

Under the Crime Awareness Campus Security Act of 1990, as amended by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Montana Academy is required to provide the students and employees with the following safety information about our campus. This Annual Security Report has also been updated to reflect recent changes in crime reporting, policies and procedures required by the Violence Against Women Reauthorization Act of 2013 (VAWA).

### CLERY ACT ANNUAL SECURITY REPORT STATISTICS

Offense	On Campus			Non Campus			Public Property		
	2013	2014	2015	2013	2014	2015	2013	2014	2015
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	1	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Arrests &amp; Disciplinary Referrals</b>									
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Law Arrests Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0

**Hate Crimes** – There were no reported hate crimes for the years 2013, 2014 or 2015.

### DISCLOSURE OF ANNUAL CRIME STATISTICS

Montana Academy provides all faculty and students a copy of the current annual campus security report on or before October 1 of each year and to all prospective students enrolling at Montana Academy. The

annual security report includes crime statistics information for the three most recently completed calendar years.

Statistics are collected from the Great Falls Police Department.

These same statistics will be entered into our annual security report and entered on the Web-based data collection in October of each year.

### **CRIMINAL OFFENSES (DEFINITIONS)**

The definitions listed below are used by Montana Academy of Salons to classify the criminal offenses listed in the above reported statistics:

**Criminal Homicide**—These offenses are separated into two. **Murder / non-negligent manslaughter:** The willful (non-negligent) killing of one human being by another. **Manslaughter by Negligence:** Negligent manslaughter: The killing of another person through gross negligence.

**Sexual Assault** occurs when a physical sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, and taking advantage of the other person's incapacitation (including voluntary intoxication).

**Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. **Rape:** the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

B. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

D. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Robbery:** 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/Battery:** An unlawful attack by one person upon another for the purpose of inflicting severe or substantial bodily injury. This type of assault may be accompanied by the use of a weapon or other means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed).

**Burglary:** The unlawful entry of a structure to commit a felony or theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. For reporting purposes, this crime includes all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.

**Arson:** Any willful or malicious burning or attempting to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, aircraft, personal property of another, etc.

## **HATE CRIMES (DEFINITIONS)**

**Hate Crimes:** A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin and disability.

**Larceny-Theft (except for motor vehicle theft):** The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Attempted larcenies are included.

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

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

**Destruction, Damage Or Vandalism To Property:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

## **VAWA OFFENSES (DEFINITIONS)**

**Domestic Violence** is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

**Dating Violence** is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**Stalking** is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

**Sexual Assault** occurs when a physical sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, and taking advantage of the other person's incapacitation (including voluntary intoxication).

## **ARREST AND REFERRALS FOR DISCIPLINARY ACTION (DEFINITIONS)**

**Weapon Law Violation:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, and other deadly weapons.

**Liquor Law Violation:** The violation of State or local laws or ordinances prohibiting the manufacturing, selling, purchasing, transporting, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Drug Abuse Violation:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violation of state and local laws relating to unlawfully possessing, selling, using, growing, manufacturing and making narcotic drugs.

## SEXUAL MISCONDUCT POLICIES & PROCEDURES

### 1. INTRODUCTION

The Montana Academy of Salons is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual misconduct. Every member of the Montana Academy community should be aware that the school is strongly opposed to sexual misconduct, and that such behavior is prohibited by state and federal laws.

As part of the Montana Academy's commitment to providing a working and learning environment free from sexual misconduct, this Policy shall be disseminated widely to the school community through publications, the school website, new employee orientations, student orientations, and other appropriate channels of communication. The school provides training to key staff members to enable the school to handle any allegations of sexual misconduct promptly and effectively. The school will respond quickly to all reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

### 2. SCOPE OF THE POLICY

This Policy governs sexual misconduct involving students that occurs on any school property or in connection with any school-sponsored program or event. This Policy applies to all students, employees, and third parties conducting business with the Montana Academy, regardless of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. The Montana Academy encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the school can respond appropriately. As further described in this Policy, the school will seek to respect a victim's request for confidentiality to the extent possible, while remaining ever mindful of the victim's well-being.

### 3. PROHIBITED CONDUCT

Sexual misconduct comprises a broad range of behaviors focused on sex that may or may not be sexual in nature. Any intercourse or other intentional sexual touching or activity without the other person's consent is sexual assault, which is a form of sexual misconduct under this Policy. Sexual harassment and sexual exploitation, stalking, domestic violence, and dating violence are also forms of sexual misconduct. Intimidation for one of these purposes is sexual misconduct, as is retaliation following an incident of alleged sexual misconduct or attempted sexual misconduct. The definitions for specific acts of sexual misconduct can be found in the Definitions of Key Terms at the end of this Policy statement.

Misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender. **This Policy prohibits all forms of sexual misconduct.**

### 4. OPTIONS FOR ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL MISCONDUCT

The Montana Academy strongly encourages any victim of sexual misconduct to seek immediate assistance. Seeking prompt assistance may be important to ensure a victim's physical safety or to obtain medical care. The school strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation.

**Reporting Incidents of Sexual Misconduct.**

Victims of sexual misconduct may file a report with the local police department. Victims may also file a report with the school's Title IX Coordinator. More information about reporting an incident of sexual misconduct can be found in Section 6 of this Policy, below.

When a student or employee reports to the school that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the school will provide the student or employee a written explanation of the student's or employee's rights and options.

The victim of the sexual misconduct may choose for the investigation to be pursued through the criminal justice system and school's disciplinary procedures. The school and the criminal justice system work independently from each other. Law enforcement officers do not determine whether a violation of this Policy has occurred. The Title IX Coordinator will guide the victim through the available options and support the victim in his or her decision.

**Support Services Available.**

Counseling, advocacy and support services are available for victims of sexual misconduct, whether or not a victim chooses to make an official report or participate in the school's disciplinary or criminal process. *The Montana Academy does not provide counseling or health care services. Personal counseling offered by the school will be limited to initial crisis assessment and referral.*

Sexual misconduct crisis and counseling options are available locally and nationally through a number of agencies. A listing of such agencies and contact information is provided at the end of this Policy statement.

The Title IX Coordinator will work with all students affected by sexual misconduct to ensure their safety and support their wellbeing. This assistance may include providing accommodations to support or protect a student after an incident of sexual misconduct and while an investigation or disciplinary proceeding is pending. Such accommodations may include the ability to alter class schedules, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring). The school may be able to provide additional interim measures to victims while an investigation is pending, such as no contact orders and changing the alleged perpetrator's class schedule.

**Evidence Preservation**

Victims of sexual assault, domestic violence or dating violence should consider seeking medical attention as soon as possible. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen where they were assaulted so that evidence necessary to prove criminal activity may be preserved. In circumstances where the victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address health concerns. Victims of sexual misconduct are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful in connection with a school or police investigation.

## 5. TITLE IX COORDINATOR

The Title IX Coordinator is responsible for monitoring and overseeing the Montana Academy's compliance with Title IX and the prevention of sex harassment, sexual misconduct and discrimination. The Title IX Coordinator is:

- Knowledgeable and trained in the school's policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant, respondent, or a third party, about school and community resources and reporting options;
- Available to provide assistance to any school employee regarding how to respond appropriately to a report of Title IX-related prohibited conduct and related retaliation;
- Participates in ensuring the effective implementation of this Policy, including monitoring compliance with all procedural requirements, record keeping, and timeframes; and
- Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

Inquiries or concerns about Title IX may be referred to the school's Title IX Coordinator or Deputy Title IX Coordinator(s):

Name, Job Title – Title IX Coordinator  
Linda M. McPherson CEO  
Office Location – Compliance Office  
Phone - 406-771-8772 Ext. 3  
Email – [linda@mymtacademy.com](mailto:linda@mymtacademy.com)

Name, Job Title – Deputy Title IX Coordinator  
Kathie Rhoden  
Office Location - Compliance Office  
Phone - 406-771-8772 Ext. 7  
Email - [kathie@mymtacademy.com](mailto:kathie@mymtacademy.com)

Name, Job Title – Deputy Title IX Coordinator  
Dawn Zuris  
Office Location - Admissions Office  
Phone - 406-771-8772 Ext. 5  
Email - [admissions@mymtacademy.com](mailto:admissions@mymtacademy.com)

## 6. REPORTING POLICIES AND PROTOCOLS

The Montana Academy strongly encourages all members of the school community to report information about any incident of sexual misconduct as soon as possible, whether the incident occurred on or off campus. Reports can be made either to the school and/or to law enforcement.

### Reporting to the School

An incident of sexual misconduct may be reported directly to the Title IX Coordinator. If the Title IX Coordinator is the alleged perpetrator of the sexual misconduct, the report should be submitted to a Deputy Title IX Coordinator. Filing a report with a school official will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

An individual who has experienced an incident of sexual misconduct may report the incident at any time, regardless of how much time has elapsed since the incident occurred. The Montana Academy is committed to supporting the rights of a person reporting an incident of sexual misconduct to make an informed choice among options and services available.

The school will respond to all reports in a manner that treats each individual with dignity and respect and will take prompt responsive action to end any misconduct, prevent its recurrence, and address its effects.

### **Reporting to Law Enforcement**

An incident of sexual misconduct can be reported to law enforcement at any time, 24 hours a day/7 days a week, by calling 911. At the complainant's request, the school will assist the complainant in contacting law enforcement. If the complainant decides to pursue the criminal process, the school will cooperate with law enforcement agencies to the extent permitted by law. A complainant has the option to decide whether or not to participate in any investigation conducted by law enforcement. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam)
- Assure the victim has a referral to confidential counseling from counselors specifically trained in the area of sexual assault

### **Reporting of Crimes & Annual Security Reports**

Campus safety and security are important issues at the Montana Academy. Our goal is to provide students with a safe environment in which to learn and to keep students, parents, and employees well informed about campus security. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Clery Act, requires institutions of higher education to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual misconduct under this Policy.

Each year the Institute prepares this report to comply with the Clery Act. The full text of this report can be located on the school's web site at [www.montanabeautyschool.com](http://www.montanabeautyschool.com). This report is prepared in cooperation with the local law enforcement agencies around our campus. Each year notification is made to all enrolled students and employees that provides the web site to access this report. Copies of the report may also be obtained in person from the school's Chief Executive Officer or by calling (406) 771-8872. All prospective employees may obtain a copy from the Chief Executive Officer.

### **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the Chief Executive Officer constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be disseminated to staff and students through announcements in campus facilities, cell phone messages, e-mail, school website, social media and/or flyers to ensure that the entire campus is likely to receive the warning. The timely warning will include information that promotes safety and tips to prevent similar crimes, allowing the campus community to take appropriate precautions. The timely



warning will also include the time, location, and type of crime reported. Anyone with information warranting a timely warning should report the circumstances to a Campus Security Authority by phone at (406) 771-8872 or in person at the school.

### **Third-Party and Anonymous Reporting**

In cases where sexual misconduct is reported to the Title IX Coordinator by someone other than the complainant (by an instructor, classmate or friend, for example), the Title IX Coordinator will promptly notify the complainant that a report has been received. This Policy and the Procedures will apply in the same manner as if the complainant had made the initial report. The Title IX Coordinator will make every effort to meet with the complainant to discuss available options and resources. Reports from an anonymous source will be treated in a similar fashion.

### **No Retaliation**

The Montana Academy prohibits retaliation against those who file a complaint or third-party report, or otherwise participate in the investigative and/or disciplinary process (e.g., as a witness). The school will take strong responsive action if retaliation occurs. Any incident of retaliation should be promptly reported to the Title IX Coordinator or a Deputy Title IX Coordinator.

### **Coordination With Drug Free School Policy**

Students may be reluctant to report instances of sexual misconduct because they fear being disciplined pursuant to the Montana Academy's alcohol or drug policies. The school encourages students to report all instances of sexual misconduct and will take into consideration the importance of reporting sexual misconduct in addressing violations of the school's alcohol and drug policies. This means that, whenever possible, the school will respond educationally rather than punitively to student alcohol or drug policy violations associated with reported sexual misconduct.

## **7. SCHOOL POLICY ON CONFIDENTIALITY**

The Montana Academy encourages victims of sexual misconduct to talk to somebody about what happened – so victims can get the support they need, and so the school can respond appropriately.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual misconduct. The school encourages victims to talk to someone identified in one or more of these groups.

### **Privileged and Confidential Communications – Professional & Pastoral Counselors**

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission. *The Montana Academy does not provide professional or pastoral counseling, but can assist a victim of sexual misconduct in obtaining support services from these groups or agencies.* Contact information for these support organizations is listed in the attached supplement at the end of this Policy statement.

A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated.

**NOTE:** While these professional and pastoral counselors and advocates may maintain a victim's confidentiality vis-à-vis the Montana Academy, they may have reporting or other obligations under state law.

**ALSO NOTE:** If the Montana Academy determines that the alleged perpetrator(s) pose a serious and immediate threat to the school community, the Chief Executive Officer may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

### **Reporting to “Responsible Employees”**

A “responsible employee” is a Montana Academy employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the school to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the school will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the school's response to the report. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

The following employees are the Montana Academy's responsible employees:

Montana Academy owner/s  
Financial Aid Officer  
Academy Ambassador  
Admissions Personnel  
Compliance Administrator  
Facilitators  
Front Desk Support Staff

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the Montana Academy will consider the request, but cannot guarantee that the school will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim's request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the Montana Academy to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

### **Reporting to Title IX Coordinator**

When a victim tells the Title IX Coordinator about an incident of sexual misconduct, the victim has the right to expect the Montana Academy to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

To the extent possible, information reported to the Title IX Coordinator will be shared only with people responsible for handling the school's response to the report. The Title IX Coordinator should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

Before a victim reveals any information to the Title IX Coordinator, the Coordinator should ensure that the victim understands the Coordinator's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources. If the victim wants to tell the Title IX Coordinator what happened but also maintain confidentiality, the Coordinator should tell the victim that the school will consider the request, but cannot guarantee that the school will be able to honor it.

The Title IX Coordinator will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the school to fully investigate an incident. By the same token, the Title IX Coordinator will not pressure a victim to make a full report if the victim is not ready to.

### **Requesting Confidentiality: How the School Will Weigh the Request and Respond**

If a victim discloses an incident to the Title IX Coordinator but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the Montana Academy must weigh that request against the school's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the school honors the request for confidentiality, a victim must understand that the school's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when the school may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

The Title IX Coordinator will evaluate requests for confidentiality. When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual misconduct or other violence, such as:
  - whether there have been other sexual misconduct complaints about the same alleged perpetrator;
  - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;

- whether the alleged perpetrator threatened further sexual misconduct or other violence against the victim or others;
- whether the sexual misconduct was committed by multiple perpetrators;
- Whether the sexual misconduct was perpetrated with a weapon;
- Whether the victim is a minor;
- Whether the school possesses other means to obtain relevant evidence of the sexual misconduct (e.g., security cameras or personnel, physical evidence);
- Whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the school to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the school will likely respect the victim's request for confidentiality.

**If the Montana Academy determines that it cannot maintain a victim's confidentiality,** the school will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the school's response. The school will remain ever mindful of the victim's well being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or school employees, will not be tolerated. The school will also:

- assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance;
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the victim of the right to report a crime to local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The school may not require a victim to participate in any investigation or disciplinary proceeding.

Because the school is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the school to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/ victimization surveys; and/or revisiting its policies and practices.

**If the Montana Academy determines that it can respect a victim's request for confidentiality,** the school will also take immediate action as necessary to protect and assist the victim.

## **Miscellaneous**

**Take Back the Night and other public awareness events.** Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents of sexual violence, are not considered notice to the Montana Academy of sexual misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts.

**Off-campus Counselors and Advocates.** Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the school unless the victim requests the disclosure and signs a consent or waiver form. Contact information for these off-campus resources can be found at the end of this Policy statement.

## **8. INVESTIGATION PROCEDURES AND PROTOCOLS**

The Title IX Coordinator oversees the Montana Academy’s investigation, response to, and resolution of all reports of prohibited sexual misconduct, and of related retaliation, involving students, faculty, and staff. The Title IX Coordinator will designate a specially trained investigator (or team of investigators) to interview the complainant, respondent and any witnesses. The investigator will also gather pertinent documentary materials (if any) and other information.

### **Notice of Investigation**

The Title IX Coordinator will inform the complainant before starting an investigation. The complainant may request that an investigation not be undertaken. The Title IX Coordinator will consider such a request in light of the school’s commitment to provide a safe and non-discriminatory environment for all students. If the Title IX Coordinator determines not to investigate, she will notify the complainant in writing, including that the determination was made at the complainant’s request. At the complainant’s request, the Title IX Coordinator will also notify the respondent in writing, including that the complainant asked the school not to investigate.

The investigator will direct the complainant, respondent, witnesses and other interested individuals to preserve any relevant evidence.

If an investigation proceeds, the school will notify the respondent in writing that a report has been filed. The notice will describe the allegations in the report. The complainant and respondent will be given the opportunity to meet separately with the Title IX Coordinator to review the Policy and these Procedures.

### **Investigation Process**

The Montana Academy’s process for responding to, investigating and adjudicating sexual misconduct reports will continue during any law enforcement proceeding. The investigator may need to temporarily delay an investigation while the police are gathering evidence but will resume the investigation after learning that the police department has completed its evidence-gathering and will generally not wait for the conclusion of any related criminal proceeding.

The investigator will interview the complainant, respondent and any witnesses. They will also gather pertinent documentary materials (if any) and other information.

**Time Frame for Investigation**

Consistent with the goal to maximize educational opportunities and minimize the disruptive nature of the investigation and resolution, the Title IX Coordinator seeks to resolve all reports in a timely manner. In general, an investigation may last up to 30 days, from receipt of written notice from the complainant of the intent to proceed with an investigation. Adjudication will generally take up to 30 days from the date the investigative report is provided to both the complainant and the respondent. The Title IX Coordinator may set reasonable time frames for required actions under the Policy. Those time frames may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, accommodate delays by the parties, account for school breaks or vacations, or address other legitimate reasons, including the complexity of the investigation (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Where necessary, the school will take immediate steps to protect complainants pending the final outcome of an investigation, including academic accommodations and other interim measures. These steps may include the ability to change class schedules; withdraw from/retake a class without penalty; access academic support; issue no contact orders; and change the alleged perpetrator's class schedule.

**Impact of Victim's Confidentiality Request**

A victim's request for confidentiality will likely limit the school's ability to investigate a particular matter. The school may take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student complainant. Examples include: providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; revising and publicizing the school's policies on sexual misconduct; and conducting climate surveys regarding sexual misconduct.

**Investigation Report**

The investigator will prepare a report detailing the relevant content from the interviews and the documentation gathered. The report will include the assessment of individual credibility and recommended findings of responsibility.

The respondent and complainant will each have the opportunity to review a copy of the investigative report and any other information used during the disciplinary proceedings. The names and other identifying information of other students will be redacted from such materials in accordance with the Family Educational Rights and Privacy Act (FERPA), except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination.

Upon receipt of the investigative report, the complainant and respondent shall each have the opportunity to request a hearing be conducted pursuant to the procedures set forth in Section 9, below. If neither party requests a hearing within 10 calendar days from their receipt of the investigative report, then the recommended findings of responsibility set forth in the investigative report shall be final. The Title IX Coordinator shall rely on the recommended findings of responsibility in the investigative report for purposes of imposing sanctions in accordance with Section 10, below.

### **Voluntary Resolution**

Voluntary resolution, when selected by the complainant and deemed appropriate by the Title IX Coordinator, is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of the complainant and the safety and welfare of the Montana Academy community. Voluntary resolution is not appropriate for all forms of conduct under the Policy.

The school retains the discretion to determine, when selected by the complainant, which cases are appropriate for voluntary resolution. If a complainant requests voluntary resolution, and the Title IX Coordinator concludes that voluntary resolution is appropriate, then the Title IX Coordinator will take appropriate action by imposing remedies designed to maximize the complainant's access to all employment, educational, and extracurricular opportunities and benefits at the school and to eliminate a potential hostile environment. A complainant may request and decide to pursue voluntary resolution at any time. In those cases in which the voluntary resolution involves either the notification to or participation by the respondent, it is the respondent's decision whether to accept voluntary resolution.

Voluntary resolution may include: conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; facilitating a meeting with the respondent with the complainant present (in cases that do not involve sexual assault); and any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy. In some forms of voluntary resolution, the remedies imposed will focus on supporting the complainant with no participation or involvement by the respondent. In other forms of voluntary resolution, the respondent may agree to participate. Depending on the type of remedy used, it may be possible for a complainant to maintain anonymity.

Voluntary resolution may also include restorative principles that are designed to allow a respondent to accept responsibility for misconduct and acknowledge harm to the complainant or to the school community. Restorative models will be used only with the consent of both parties, and following a determination by the Title IX Coordinator that the matter is appropriate for a restorative approach.

The school will not compel a complainant to engage in mediation, to confront directly the respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, is never appropriate in sexual assault cases and will not be used in such cases. As the title implies, participation in voluntary resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation and adjudication at any time, including if voluntary resolution is unsuccessful at resolving the report. Similarly, a complainant can request to end an investigation and pursue voluntary resolution at any time.

The time frame for completion of voluntary resolution may vary, but the school will seek to complete the process within 15 days of the complainant's request.

## **9. GRIEVANCE/ADJUDICATION PROCEDURES**

### **Hearing Panel**

If requested by either complainant or respondent following the distribution of the investigative report, the Montana Academy will convene a hearing panel. The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Policy. If the respondent is determined to be responsible, the matter proceeds to the sanctions stage.

The hearing panel will generally include the Title IX Coordinator and two additional members who will be individuals associated with the school. These additional hearing panel members may include administrators, officers, lawyers or other individuals with relevant experience and special training. Panel members may participate remotely so long as the hearing room is equipped with telephone equipment that allows the panel member to hear all the participants and to be heard by all the participants throughout the hearing proceedings. All panelists will receive training from experts in the field at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual misconduct. The complainant and respondent will be informed of the panel's membership before the hearing process begins. A complainant and/or respondent may challenge the participation of a panel member because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made to the Title IX Coordinator at least 48 hours prior to the commencement of the hearing. At its discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether a panel member should be replaced. Postponement of a hearing may occur if a replacement panelist cannot be immediately identified.

### **Advisors**

Both the complainant and the respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of sexual misconduct by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled.

### **Written Submissions**

Both the complainant and respondent will have the opportunity to submit written responses to the investigation report and other relevant information to the hearing panel. Each of the complainant and respondent will have the opportunity to review any written submissions by the other. The hearing panel may set reasonable parameters for these written submissions. The hearing panel will review the investigation report and written submissions.

### **Hearing Procedures**

The Title IX Coordinator will, whenever possible, give the complainant and respondent at least five days' advance notice of the hearing. The Title IX Coordinator will arrange to hold the hearing at an off-campus location. The hearing is a closed proceeding, meaning that no one other than the panel members, the complainant and respondent, their respective advisors, witnesses (when called), and necessary school personnel may be present during the proceeding. The Chief Executive Officer will work with school staff so that any student whose presence is required may participate in the hearing.

In general, hearings will proceed as follows:

- The Title IX Coordinator may set reasonable time limits for any part of the hearing. Each of the complainant and respondent will have the opportunity to present witnesses and other information consistent with the Policy and these Procedures. The panel may determine the relevance of, place restrictions on, or exclude any witnesses or information. When the complainant and respondent are not able to be present for the hearing panel, arrangements will be made for participation via alternate means.
- In cases where either the complainant or respondent opts not to participate in the hearing, the panel may still hear from the other.



- Additional hearing rules include:
  - Questioning. Only the panel may ask questions of the complainant and respondent and any witnesses. Both the complainant and respondent will have the opportunity to suggest questions of the other and of witnesses by submitting suggested questions to the panel in writing. The panel may revise or not ask any or all submitted questions.
  - Information Regarding Romantic or Sexual History. The panel will not consider the romantic or sexual history of either the complainant or respondent in cases involving allegations of sexual misconduct, except for testimony offered by one or the other about the complainant's and respondent's shared sexual history that the panel deems relevant. If such information is offered by the complainant or respondent, the other has the right to respond. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged sexual misconduct.
  - Prior Conduct Violations. The hearing panel will not consider the respondent's prior conduct violations, unless the investigator provided that information to the hearing panel because the respondent was previously found to be responsible, and the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.

The school will keep an audio recording of the hearing for the use of the panel and for sanctioning. Cell phones and recording devices may not be used in the hearing room(s) unless approved by the panel in advance.

#### **Panel Determinations/Standard of Proof**

The panel will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that a panel must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy. The panel will find a student responsible, or not responsible, based on a majority vote. The panel will generally render a decision within 10 days after the conclusion of a hearing. The panel's decision will include an explanation of the basis for the decision. If the panel finds the respondent responsible, the matter will proceed to the sanctions stage.

The parties will be informed of the results of the adjudication hearing by simultaneous written notice to both parties of the outcome of the complaint.

### **10. SANCTIONS AND OTHER REMEDIES**

The Title IX Coordinator, with the advice and counsel of the other hearing panel members, shall be responsible for imposing sanctions that are:

- Fair and appropriate given the facts of the particular case;
- Consistent with the school's handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of sexual misconduct.

The Title IX Coordinator will consider relevant factors, including if applicable: (1) the specific sexual misconduct at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion,

intentional incapacitation, etc.); (3) the respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the complainant; (5) the respondent's prior disciplinary history; (6) the safety of the school community; and (7) the respondent's conduct during the disciplinary process.

The Title IX Coordinator will render a sanctioning decision within five days following the receipt of the panel's determination. The sanctioning decision will be communicated in writing to the complainant and the respondent.

The school may impose any one or more of the following sanctions on a student determined to have violated the Policy:

- Reprimand/warning
- Changing the respondent's academic schedule
- Disciplinary probation
- Restricting access to school facilities or activities
- Community service
- Issuing a "no contact" order to the respondent or requiring that such an order remain in place
- Dismissal or restriction from school employment
- Suspension (limited time or indefinite)
- Expulsion

In addition to any other sanction (except where the sanction is expulsion), the school may require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the sexual misconduct violation at issue. The school may also recommend counseling or other support services for the student.

Whatever the outcome of the hearing process, a complainant may request ongoing or additional accommodations and the Title IX Coordinator will determine whether such measures are appropriate. Potential ongoing accommodations include:

- Providing an escort for the complainant
- Changing the complainant's academic schedule
- Allowing the complainant to withdraw from or retake a class without penalty
- Providing access to academic support, such as extra time to complete or re-take a class

The school may also determine that additional measures are appropriate to respond to the effects of the incident on the school community. Additional responses for the benefit of the school community may include:

- Increased monitoring, supervision, or security at locations or activities where the misconduct occurred
- Additional training and educational materials for students and employees
- Revision of the school's policies relating to sexual misconduct
- Climate surveys regarding sexual misconduct

## **11. RECORDS DISCLOSURE**

Disciplinary proceedings conducted by the Montana Academy are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the school without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct, or required to be produced through other compulsory legal process.

Additional information about FERPA can be found on the Montana Academy's website at [www.montanabeautyschool.com](http://www.montanabeautyschool.com).

## **12. EDUCATION AND PREVENTION PROGRAMS**

As set forth in Section 3 of this Policy statement, Sexual Assault, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking are all forms of Prohibited Conduct.

The Montana Academy of Salons is committed to offering educational programs to promote awareness and prevention of Prohibited Conduct. Educational programs include an overview of the school's policies and procedures; relevant definitions, including prohibited conduct; discussion of the impact of alcohol and illegal drug use; consent; safe and positive options for bystander intervention; review of resources and reporting options available for students, faculty, and staff; and information about risk reduction. Incoming students and new employees will receive primary prevention and awareness programming as part of their orientation. The Title IX Coordinator maintains an education and prevention calendar and tailors programming to campus needs and climate.

As part of the Montana Academy's commitment to provide an educational and work environment free from Prohibited Conduct, this Policy will be disseminated widely to the school community through e-mail communication, publications, websites, new employee orientations, student orientations, and other appropriate channels of communication.

The Title IX Coordinator, hearing panel members, and anyone else who is involved in responding to, investigating, or adjudicating sexual misconduct will receive annual training from experts in the field. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual misconduct.

### **Bystander Intervention**

The Montana Academy's primary prevention and awareness program includes a description of safe and positive options for bystander intervention. Active bystanders take the initiative to help someone who may be targeted for a sexual assault. They do this in ways that are intended to avoid verbal or physical conflict. Active bystanders also take the initiative to help friends, who are not thinking clearly, from becoming offenders of crime. Intervention does not mean that you directly intervene to stop a crime in progress; rather, these steps are "early intervention" – before a crime begins to occur. There are three important components to consider before taking action that we refer to as the ABCs:

- **Assess for safety.** Ensure that all parties are safe, and whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the #1 priority. When in doubt, call for help.
- **Be with others.** If it is safe to intervene, you are likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends that you know well.
- **Care for the person.** Ask if the target of the unwanted sexual advance/attention/behavior is okay – does he or she need medical care? Ask if someone they trust can help them get safely home.

*Information on Bystander Intervention was provided by the Department of Defense Sexual Assault Prevention and Response Office, [www.sapr.mil](http://www.sapr.mil)*

### **Risk Reduction**

The Montana Academy's primary prevention and awareness program includes information on risk reduction. This includes:

*Avoiding Dangerous Situations.* While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted.

- Be aware of your surroundings. Knowing where you are and who is around you may help you to 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.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- 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 are walking alone.

*Safety Planning.* Things to think about:

- How to get away if there is an emergency? Be conscious of exits or other escape routes. Think about options for transportation (car, bus, subway, etc.).
- Who can help? Friends and/or family, or support centers in your area. Please see Section 4 of this Policy for a list of support organizations.
- Where to go? Options may include a friend's house or relative's house, or you may consider going to a domestic violence or homeless shelter. You may also go to the police. **Important Safety Note:** If the dangerous situation involves a partner, go to the police or a shelter first.
- What to bring? This may include important papers and documents such birth certificate, social security card, license, passport, medical records, lease, bills, etc. This will also include house keys, car keys, cash, credit cards, medicine, important numbers, and your cell phone. If you are bringing children with you, remember to bring their important papers and legal documents. You can keep all of these things in an emergency bag. You should hide the bag—it is best if it is not in your house or car. If the bag is discovered, you can call it a "tornado" or "fire" bag.

*Protecting Your Friends.* You have a crucial role to play in keeping your friends safe. No matter what the setting, if you see something that doesn't feel quite right or see someone who might be in trouble, there are some simple things you can do to help out a friend.

- **Distract.** If you see a friend in a situation that doesn't feel quite right, create a distraction to get your friend to safety. This can be as simple as joining or redirecting the conversation: suggest to your friend that you leave the party, or ask them to walk you home. Try asking questions like: "Do you want to head to the bathroom with me?" or "Do you want to head to another party – or grab pizza?"
- **Step in.** If you see someone who looks uncomfortable or is at risk, step in. If you feel safe, find a way to de-escalate the situation and separate all parties involved. Don't be shy about directly asking the person if they need help or if they feel uncomfortable.
- **Enlist others.** You don't have to go it alone. Call in friends or other people in the area as reinforcements to help defuse a dangerous situation and get the at-risk person home safely. There is safety in numbers.
- **Keep an eye out.** Use your eyes and ears to observe your surroundings. If you see someone who has had too much to drink or could be vulnerable, try to get them to a safe place. Enlist friends to help you. Even if you weren't around when the assault occurred, you can still support a friend in the aftermath.

*Social Situations.* While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted in social situations.

- 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.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- 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. At parties, don't drink from the punch bowls or other large, common open containers.
- 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 him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

*Information on Risk Reduction was provided by RAINN: Rape, Abuse & Incest National Network: [www.rainn.org](http://www.rainn.org).*

### **13. AMENDMENTS**

The Montana Academy of Salons may amend this Sexual Misconduct Policy or the Procedures from time to time. Nothing in the Policy or Procedures shall affect the inherent authority of the Montana Academy to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the school community.

## VICTIM SUPPORT CONTACT INFORMATION

Great Falls, MT list of housing resources: Homeless Shelters, Supportive Housing, Halfway Housing, Transitional Housing, Day Shelters, Low Income Housing, Residential Alcohol and Drug Treatment Centers.

Shelter Listings is dedicated to serving the homeless and low-income. We have listed the shelters and low cost housing services in Great Falls, Montana. This list has homeless shelters, halfway houses, affordable housing, etc. The database consists of emergency shelters, homeless shelters, day shelters, transitional housing, shared housing, residential drug and alcohol rehabilitation programs and permanent affordable housing.

Mercy Home is Cascade County's only shelter for battered women and children, and one of the only such shelter in the state of Montana to offer around the clock security. Resident advocates are also present 24 hours a day to provide practical and emotional support.

Mercy Home | 220 2<sup>nd</sup> N | Great Falls, MT 59401 | (406) 452-1315

To offer food, clothing, shelter, and spiritual guidance to homeless men, women and children in need:

Rescue Mission | Box 127 | Great Falls, MT 59406 | (406) 761-2653

**Great Falls Housing Authority** Great Falls, MT 59405 (406)453-4311 Housing Authority, Low Income Affordable Housing, Public Housing

**Consumer Credit Counseling Services Of Montana Great Falls** Great Falls, MT 59401 (406)761-8721 Agency that provides HUD Approved Housing Assistance Programs

**NeighborWorks** Great Falls, MT 59401 (406)761-5861

**NeighborWorks Montana Great Falls** Great Falls, MT 59401 (406)761-5861 Agency that provides HUD Approved Housing Assistance Programs

## HOSPITALS:

Benefis Health System	(406) 455-5000
Great Falls Clinic Medical Center	(406) 216-8000
Benefis Health System-West Campus	(406) 455-2130
Community Health Care Center	(406) 454-6973
VA Great Falls Clinic	(406) 454-8070
Disaster & Emergency Services	(406) 454-6900

## TYPES OF SHELTERS AND SERVICE INFORMATION

**DAY SHELTERS** supplement homeless and low-income people when the shelter their staying in only offers shelter on an overnight basis. Case management is often provided and sometimes there are laundry and shower facilities. Meals and basic hygiene may also be offered. Almost all day shelters provide their services free of charge. Any emergency or homeless shelter that allows clients to stay during the day is also classified under this category.

**EMERGENCY HOMELESS SHELTERS** both provide short term relief for the homeless & low-income. Usually there is a maximum stay of 3 months or less. Many of these shelters ask their clients to leave during the

day. Meals and other supportive services are often offered. 3 times out of 5 these shelters offer their services free of charge.

**HALFWAY HOUSING** helps transition individuals and families from shelters or homelessness to permanent housing. Length of stay is usually anywhere from 6 months to 2 years. Residents are often required to pay at least 30% of their income toward program fees. Sometimes the money they pay in fees is returned to them when they leave. Any emergency or homeless shelter that allows their clients to stay more than 6 months is also classified under this category.

**PERMANENT AFFORDABLE HOUSING** is a long-term solution for housing. Residents are often allowed to stay as long as they remain in the low-income bracket but is sometimes limited 3 - 5 years. Residents pay no more than 30% of their income towards rent. Emergency shelters, homeless shelters and transitional housing programs that allow their clients to stay without a maximum stay is also classified under this category.

**DRUG AND ALCOHOL REHAB** programs are intended to treat alcohol and/or drug dependency. The cost of participating in one of these programs and the method of treatment range significantly. The database operated on this website only includes residential rehab programs (not outpatient programs). We also provide Access to Recovery (ATR) Grant programs for substance abuse treatment.

**SUPPORTIVE HOUSING** Programs that provide an alternative living arrangement for individuals who, because of age, disability, substance abuse, mental illness, chronic homelessness or other circumstances, are unable to live independently without care, supervision and/or support to help them in the activities of daily living; or who need access to case management, housing support, vocational, employment and other services to transition to independent living.

**SHARED HOUSING** Programs helps bring low income persons together and helps prevent homelessness by providing affordable housing options. This service is good for families, disabled persons, and others wanted more companionship. Shelterlistings.org finds these shared housing locations and lists them throughout our website.

**ROOMING HOUSE OR BOARDING HOUSE** A rooming house is a building in which renters occupy single rooms and share kitchens, bathrooms, and common areas. The location may be a converted single family home, a converted hotel, or a purpose built structure. Rooming houses are low cost housing and may have as few as three rooms for rent, or more than a hundred. The same goes for boarding houses. We list these types of residences throughout shelterlistings.org.

**TRANSITIONAL HOUSING** is affordable low cost supportive housing designed to provide housing and appropriate support services to persons who are homeless or who are close to homelessness. The transition is to help them be more self-sufficient to move towards independent living on their own. Services provided at transitional housing facilities varies, from substance abuse treatment, to psychological assistance, job training, domestic violence assistance, etc. The assistance provided varies, but it is generally affordable and low cost housing. Read the descriptions of each of the transitional living locations for more detailed information.

## **DRUG FREE SCHOOL POLICY**

The Montana Academy of Salons believes that it is very important to provide a safe environment for all of its students, guests and employees. Substance abuse, while at work, school or otherwise, seriously endangers the safety of students, guests and employees, as well as the general public, and creates a variety of problems including increased theft, decreased morale, decreased productivity, and a decline in the quality of services provided. It is also our Policy to prevent the use and/or presence of these substances in the school. The Montana Academy will strive to provide an environment conducive to making conscientious and healthy decisions when students are faced with difficult choices associated with the use of legal and illegal drugs.

### **PROHIBITED CONDUCT**

It is a violation of school policy for any student to:

- Use illegal drugs or misuse prescription drugs;
- Misuse alcohol;
- Possess, trade, manufacture, distribute, dispense, buy or offer for sale alcohol, illegal and/or prescription drugs while on duty, during break periods, or on school property;
- Arrive or return to school intoxicated from use of illegal drugs, misused prescription drugs or alcohol;
- Engage in the use of illegal drugs, misuse of prescription drugs or alcohol during school hours or while on school property (including parking lots);
- Use prescription drugs or non-prescription drugs that may affect the safety of the student or fellow students, and members of the public;
- Have tampered or attempted to alter or attempt to interfere with the testing procedure; or
- Otherwise has refused to be tested.

For the purpose of this Policy, a student is presumed to be under the influence of drugs and/or alcohol if a urine test, blood test or other scientifically acceptable testing procedures shows a forensically acceptable positive quantum of proof of drugs and/or alcohol usage.

Any student who is taking any prescription or non-prescription drug which might impair safety, performance, or any motor functions must advise his/her Instructor or the Chief Executive Officer before providing services under such medication.

Students are individually responsible for being aware of applicable laws, regulations, ordinances, and the school's policy for complying with them. The Montana Academy will assist in that endeavor by providing current information on an ongoing basis to all students.

### **MEDICAL MARIJUANA**

Although the State of Montana permits the use, possession, and cultivation of medical marijuana by individuals possessing lawfully issued medical marijuana cards, federal law prohibits use, possession, or cultivation in educational institutions and other recipients of federal funds. Therefore, the use, possession, and/or cultivation is prohibited at Montana Academy of Salons, including on campus, on Montana Academy's property, or at events sponsored by Montana Academy. Even if a student, faculty, or staff member possesses the appropriate documentation permitting the use, possession, and/or cultivation of medical marijuana, these activities are prohibited and are subject to disciplinary action.



## **SUBSTANCE ABUSE EDUCATION**

Montana Academy has developed a contact list to prevent the illicit use of drugs and the abuse of alcohol by faculty and students. The list provides services related to drug use and abuse including dissemination of informational materials, educational programs and counseling services.

## **REASONABLE SEARCH**

To ensure that illegal drugs and alcohol do not enter or affect the school, the Montana Academy of Salons reserves the right to search all vehicles, containers, lockers, or other items on school property in furtherance of this Policy. Individuals may be requested to display personal property for visual inspection upon the school's request. Searches will be conducted only where the Montana Academy has reason to believe that the student has violated the school's Policy. Failure to consent to a search or display of personal property for visual inspection will be grounds for discipline, up to and including termination from the program or denial of access to school premises. Searches of a student's personal property will take place only in the student's presence. All searches under this Policy will occur with the utmost discretion and consideration for the student involved. Individuals may be required to empty their pockets, but under no circumstances will a student be required to remove articles of clothing to be physically searched.

## **STUDENT ASSISTANCE**

The Montana Academy holds all students accountable in terms of substance use but also supports getting help for students. Students who come forward voluntarily to identify that they have a substance problem will not be reprimanded. It is important for the student to come to an understanding regarding the extent of the problem in order to correct the problem and be able to avoid future usage in violation of the school's Policy. This is required in order to correct the problem and be able to avoid violating the school's Policy in the future. If the student is willing to actively engage in resolving the substance use problem, the school will refer the student to a Substance Abuse Professional for an assessment and possible outpatient counseling at the student's expense. This leave will be conditioned upon receipt of reports from the treatment providers that the student is cooperating and making reasonable progress in the treatment program. The student will be permitted to return to school only if (s)he passes a drug /alcohol test and has satisfactory medical evidence that (s)he is fit for attendance.

This protection does not cover a student who confesses a problem after an incident or accident that requires a substance use test, or after being notified that a reasonable suspicion test is required.

## **DISCIPLINARY ACTION**

Violation of this Policy will result in the student's immediate termination. Re-admittance may be considered after 90 days. To be considered for re-admittance, the student must provide proof of having satisfactorily attended treatment that is provided by a Substance Abuse Professional (SAP) and/or prescribed by a SAP and completed a drug and/or alcohol test, determined by which test was previously positive, with a negative test result. If the student is re-admitted, (s)he must complete the prescribed follow-up testing by the SAP or by law, as applicable, to continue attending the Montana Academy. Treatment and follow-up testing will be at the expense of the student.

## **BIENNIAL REVIEW**

The Montana Academy will review the drug and alcohol prevention program every two years on the even number year. Any recommendations/data and or assistance available to substance abusers will be updated and distributed to all students and staff of the Montana Academy.

### **NOTICE OF FEDERAL STUDENT AID (FSA) PENALTIES FOR DRUG LAW VIOLATIONS**

The Higher Education Opportunity Act requires institutions to provide to every student upon enrollment a separate, clear and conspicuous written notice with information on the penalties associated with drug-related offenses under existing section 484(r) of the HEA. It also requires an institution to provide a timely notice to each student who has lost eligibility for any grant, loan, or work-study assistance as a result of penalties under 484(r)(1) of the HEA a separate clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which to regain eligibility under section 484(r)(2) of the HEA. Students are hereby notified that federal guidelines mandate that a federal or state drug conviction can disqualify a student for Federal Student Aid funds. Convictions only count if they were for an offense that occurred during a period of enrollment for which the student was receiving Title IV aid—they do not count if the offense was not during such a period. Also, a conviction that was reversed, set aside, or removed from the student's record does not count, nor does one received when he/she was a juvenile, unless the student was tried as an adult.

The Higher Education Act of 1965 as amended (HEA) suspends aid eligibility for students who have been convicted under federal or state law of the sale or possession of drugs, if the offense occurred during a period of enrollment for which the student was receiving federal student aid (grants, loans, and/or work-study). If you have a conviction(s) for these offenses, call the Federal Student Aid Information Center at 1-800-4-FED-AID (1-800-433-3243) to complete the "Student Aid Eligibility Worksheet" to find out how this law applies to you.

If you have lost federal student aid eligibility due to a drug conviction, you can regain eligibility if you pass two unannounced drug tests conducted by a drug rehabilitation program that complies with criteria established by the U.S. Department of Education.

By completing the FAFSA, you may be eligible for nonfederal aid from states and private institutions even if ineligible for Federal Aid. If you regain eligibility during the award year, notify your financial aid administrator immediately. If you are convicted of a drug-related offense after you submit the FAFSA, you might lose eligibility for federal student aid, and you may be liable for returning any financial aid you received during a period of ineligibility.

### **SCHOOL FLEXIBILITY**

The Montana Academy reserves the right to alter or amend any portion of this Drug Free School Policy at any time without prior notice. The school reserves the right to alter or modify this policy in a given situation depending on the totality of the circumstances. Time periods stated herein for the performance of any act or provision of any notice by the school are for guidance only and failure of the Montana Academy to strictly meet any time frame provided herein shall not preclude the school from taking any action provided herein. Under no circumstances shall failure to perform any act within the time frames herein excuse or relieve any student from his or her obligations, act to nullify any positive test, or relieve any student from the consequences of any positive test, or any other violation of this Policy.