



# MONTANA ACADEMY OF SALONS ANNUAL SECURITY REPORT



501 2ND ST S  
GREAT FALLS MT 59405

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## CAMPUS SAFETY & SECURITY

Montana Academy of Salons is committed to providing safety to all its students and employees. 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 does not offer on-campus student housing.

Montana Academy of Salons will provide students and employees 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 the 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. When a victim of a crime elects to or is unable to make such a report, Montana Academy will accept reportable incidents from the closest source of the victim. Montana Academy does not have a working relationship with the State Authorities, it is unlikely they would get involved with this campus. The State Authorities have referred us to the local authorities for support.

### 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. This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus. Each year prior to October, the CEO emails the local law enforcement and requests verified crimes. The email then is looked over and crimes are verified by geography, in-house crimes, complaints, etc. The CEO gathers the information, and all crime statistics are put together and assembled for the ASR. The full text of this report can be located on our website at <http://www.montanAAcademy.edu>.

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, 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 provide the website to access this report. Employees receive similar notifications at our faculty meetings and Professional Development. All employees and potential students may obtain copies of the report online at [montanaacademy.edu](http://montanaacademy.edu) 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 Montana Academy's Chief Executive Officer (CEO) and/or a designated Campus Security Authority. Montana Academy identifies all staff to be a Campus Security Authority, CSA. The CSAs role will ensure the academy complies with the law and discloses accurate crime statistics and issues or facilitates timely warning or emergency notifications for crimes that pose a serious or continuing threat to the academy community. CSAs will keep good records to minimize the chance of double reporting crimes, document any crime, and timely report the crime to CEO and or Title IX official.

## **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 regarding 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 crime statistics for the institution. Montana Academy has an open-door policy that allows victims of crimes at any time, during academy hours, to walk in and ask to speak with the CEO.

## **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 (CSA) listed in this report. Please note, CSAs are not required to disclose personally identifiable information. Reporting to a CSA is not the same as reporting a crime voluntarily and confidentially to the CEO. 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**

Employees, 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 Montana Academy'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, Montana Academy's Title IX Coordinator or Deputy 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 and does not have such policies or procedures for confidential crime reporting. 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 EMPLOYEES 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 at 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 students and employees 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 the orientation. In addition, information is disseminated to students and employees through tips posted in Montana Academy buildings, in-class announcements, and announcements through social media.

To enhance personal safety, 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 (CSA)**

The Montana Academy's administration attempts to provide a safe, secure educational environment for all students and employees. Montana Academy 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. Academy 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 academy facilities. The Montana Academy's Chief Executive Officer is Montana Academy'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 works in partnership to offer students and employees the safest possible environment. Montana Academy does not have any non-campus locations of officially recognized student organizations and Montana Academy does not, therefore, monitor any criminal activity at such locations.

### **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. The north side and west side entrance/exit always remained locked. These doors are unable to be opened from the outside but can be opened at any time from the inside. All employees have keys to all outside doors. Students only have access to enter the building by the south door.

The CEO and staff administer the maintenance of the campus facilities by doing a “walk about”. The CEO oversees the property and equipment maintenance. Such maintenance consists of security cameras, overhead lighting, and station repairs. When the CEO is not available, the staff will “walkabout” and determine if such maintenance is warranted.

### **CRIMINAL ACTIVITY OFF CAMPUS**

The Montana Academy of Salons does not recognize student organizations. We do not provide law enforcement services or monitor criminal activity on off-campus properties. This policy statement applies to whether criminal activity is monitored at off-campus locations.

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

The possession, sale, or furnishing of alcohol on Montana Academy of Salon’s campus is prohibited. Montana Academy has been designating-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 the Montana Academy Alcohol Policy for anyone to consume or possess alcohol in any public or private area of Montana Academy.

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. Montana Academy will immediately contact law enforcement officials to report all unlawful activity. Violators are subject to disciplinary action, criminal prosecution, fine, and imprisonment. The possession uses 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 Montana Academy’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 students or visitors from carrying weapons in academy facilities or on academy 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 student in possession of a firearm or other weapon within academy 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 threats, 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 employees; employees to students; or employees to employees. All employees and students have a responsibility to cooperate fully with the investigation of alleged bullying or harassment complaint. Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. 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 employee 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 individual's 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, cyberbullying, 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 employee 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 employee. 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 the 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.montanAAcademy.edu">www.montanAAcademy.edu</a> / paper copy upon request
Date Document was Last Updated:	10/2022
Date Policies and Procedures Updated:	3/2020

**ADDITIONAL CAMPUS SECURITY AUTHORITIES INCLUDE:**

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

**CAMPUS SAFETY OFFICER LINDA M. MCPHERSON**

The Campus Safety Officer is also the person responsible for obtaining and gathering information, making sure Montana Academy is safe for learning, and creating a relationship with students.

**CAMPUS FIRE SAFETY OFFICER-LINDA M. MCPHERSON**

At least annually the Campus Fire Safety Officer conducts a fire drill. This is scheduled and the facilitators conduct the drill either announced or unannounced by yelling "Fire" and the students and staff are timed to meet in the appropriate meeting places in front and behind the academy. Roll call is taken to make sure all students and staff have cleared the academy. When all students are accounted for, the students and staff are led back into the academy.



**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
Rape Crisis Center	(800) 656-4673

**MENTAL HEALTH AGENCIES:**

Ambre's Bridge Counseling	(406) 637-3204
Aware	(406) 563-8117
We Care Behavioral Health	(406) 604-0319
Center for Mental Health	(406) 761-2104
Benefis Neurosciences	(406) 455-2760
Youth Dynamics Inc	(406) 453-5592
Cascade Counseling Service	(406) 761-1700
Pike, Lori	(406) 799-1895
Kuka, Rich	(406) 452-4561
Great Falls Counseling	(406) 771-8713
Encouragement Counseling Center, LLC	(406) 453-3384
Tim Dallacqua LCSW	(406) 763-0318
Jamey Ivey LCPC, LAC	(406) 799-3731
Bonnie Huestis Counselor	(406) 453-6066
Marilyn J Ivers, LCPC	(406) 453-3384
Vicki C Stull, LCPC	(406) 870-1192

**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

**STATE GOVERNMENT OFFICES RELATED TO EMERGENCY MANAGEMENT (HAZARDS):**

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

## **SEXUAL HARASSMENT POLICIES & PROCEDURES**

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

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

The Montana Academy's Sexual Harassment Policy and Grievance Procedures govern sexual harassment that occurs in the Academy's education programs or activities. 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 harassment 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, Montana Academy 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 and non-forcible sex offenses cases 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 because 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

### TIMELY WARNING

If a situation arises, or a crime occurs either on or off campus, that, in the judgment of the Chief Executive Officer, either by visual or verbal means, constitutes a threat to students, employees, or guests, a campus wide “timely warning” will be issued. The warning will be issued by and through Montana Academy by either verbal communications, whistles, 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 or safety of students, employees, or guests, Montana Academy 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) 771-8772 or in person at Montana Academy of Salons, 501 2<sup>nd</sup> St S, Great Falls, MT 59405.

### EMERGENCY NOTIFICATION

Emergency notification is immediate notification of an unforeseen combination of circumstances that calls for immediate action. All employees have received training on how to handle a pending emergency and are trained in the following Emergency Code.

### CODES FOR AN EMERGENCY SITUATION

Code Lock Down: A lockdown situation has occurred. Employees, 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 Evacuate Side: Indicates a need to evacuate through the side 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 determine the content of the notification and initiate the notification system considering the safety of Montana Academy’s employees, students, guests, and community neighbors.

The CEO will identify/determine the extent of the emergency and enact appropriate means of notifications. The response will be issued by and through Montana Academy by either verbal communications, whistles, 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 or safety of students, employees, or guests, Montana Academy will follow the Emergency Notification procedures contained in this report.

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

The CEO will determine the extent of information that needs to be released and will disseminate it to employees, students, and guests/public as appropriate. The information will be by either verbal communications, intercom broadcast system, cell phones, emails and/or text, social media, and signage to staff, students, and guests.

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, scheduled drills such as evacuation tests, are designed for the assessment and evaluation of the emergency plans and capabilities. During student training, the employee(s) will conduct announced or unannounced drills. Drills are documented by dates, times, and whether the exercise was announced or unannounced. The results of the emergency and evacuation exercise are publicized in the Emergency & Safety Book and the results are either posted in the Student Lounge or emailed to students and employees. The drill notification tests employee and students' capabilities necessary for security, safety, and crime prevention at Montana Academy.

Employees and students complete a tour of Montana Academy, locating fire extinguishers and emergency exit route maps. Fire extinguishers are in the student service area, in the laundry room, and in the locker area by the side emergency exit door. Students and employees are informed of what to do in case of an emergency.

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

All employees will have a group text. In the event, an employee does not have access to text, the Chief Executive Officer will notify that employee by phone call.

When the Chief Executive Officer makes the decision to close the school, he/she will notify the Admissions Office or Financial Aid office to send an email to all students and notify the Marketing Department to put the sign on the academy message board.

## **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, 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 a significant emergency or dangerous situation involving immediate threats, to the health or safety of employees and students occurring on the campus.

### **BASIC EMERGENCY KIT**

A basic emergency supply kit could include the following recommended items and is checked at least annually:

- + 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 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 must. Plan 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 provide some protection such as long pants, long-sleeved shirts, and a cap.

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

- + Call 9-1-1
- + Do not move the 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, the facilitator's office, and our emergency kit

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: The 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 EMPLOYEES, STUDENTS, GUESTS, AND NEIGHBORS**

Are brought to the attention of the CEO or another Campus Security Authority and, if confirmed, Montana Academy will alert students by announcing, emailing, text, and /or 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 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 canceled. Once the weather conditions are diminished, the CEO will alert the faculty and students when classes will resume.

## **BOMB THREATS**

Most bomb threats are received by phone or handwritten note. Bomb threats are serious until proven otherwise. Employees 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 an employee 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 notes 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 the voice familiar? If so, what 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 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 of terrorism; however, we believe the risk is low in relationship to Threats/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 contain hazardous chemicals
- + No luggage is stored or kept on-premises
- + No underground parking



## PLAN FOR A PANDEMIC

Plan for a pandemic by having on hand the following:

- + Disposable Gloves
- + Protective Eyewear
- + Face masks
- + Disinfectant Concentrate
- + Hand sanitizer
- + Disinfectant Spray/Wipes
- + Liquid Soap
- + Towels (cloth/paper)
- + Spray Bottles
- + E-Mist to fog academy areas

Daily Risk Management Assessment

- + Through verbal and email communication with staff, students, and guests

Post signs at the academy entrance

- + Wash hands
- + Covering sneezing, coughs
- + Social distancing

Take your temperature

- + If your temperature elevates,
- + Inform staff
- + Stay at home

Stay home when you are sick

- + For at least 24 hours after you no longer have a fever or signs of a fever without the use of fever-reducing medicines

Cover your coughs and sneezes with

- + Tissue
- + Crook of your arm

Wash your hands often with soap and water for at least 20 seconds

- + Staff, students, and guests entering the academy may wash their hands
- + The use of at least 60% alcohol-based hand sanitizer
- + Positioned around the academy are hand sanitizers
  - o Use your elbow to dispense the product

Clean frequently touched surfaces and objects

- + Use wipes on tools
- + Use the spray on larger surfaces
- + Use the pump spray for floors, walls, chairs, stations
- + Clean the bathrooms every 15 minutes with the spray (Front desk set a timer)
- + Other Frequently Touched Surfaces in the academy
  - o Reception Desk- phones, computers, and credit card machines

- Retail Products
- Light Switches, Door Handles
- Cabinets
- Swatch books
- Toilet Handles, Sinks, Sink Handles, Towel Dispensers, Hand Sanitizer Dispensers
- Barber and Cosmetology styling chairs
- Manicure and Pedicure chairs
- Esthetic chairs
- Refrigerators, microwaves, and cabinets in the Student Lounge
- Lobby Furniture
- Washer/Dryer
- Hot Towel Cabinets
- Sugar Pots
- Multi-Function Facial Machines, Skin Care Machines
- Treatment Tables

#### Disposable items/throw away after one use

- + Cotton Rolls
- + Cotton Gauze pads, 2x2 and 4x4
- + Disposable Applicators, Brushes, Etc.
- + Finger Cots
- + Q-tips
- + Wax Strips

#### Face masks

- + Face masks are worn by staff, students, and guests
  - Clinic Area
  - Classroom
  - Student Lounge
  - Offices
  - Front Desk
- + When eating and observing social distancing, the student may take off the face mask and sit in the designated area. When a student is not eating, the student in the Student Lounge will wear a face mask.
- + Montana Academy will follow the direction of local health authorities such as the Cascade County Health Department regarding mask mandates, health and safety requirements, and safe distancing.

#### Eye protection

- + When doing any service for nails and facials.

#### Disposable Gloves

- + When doing any service for nails, facials, and pedicures

The social distancing of at least six feet-where social distancing is not possible, close the area.

- + Front Desk
  - Wear Disposable Gloves always when handling money and credit cards
  - Stand behind the sneeze guard

- Wear face masks
- Follow the sanitation procedures for #8
- + Clinic Area
  - Staggering barber, cosmetology, manicuring chairs
  - Enter the academy one student at a time observing social distancing
  - Use every other pedicure station
  - Use every other barber, cosmetology, and manicuring stations
- + Classroom
  - Staggering chair practicing social distancing
- + Closed areas
  - Library
  - Biometric scanner
    - Front Desk will take attendance in the am and pm
    - Front Desk will give the attendance to the Financial Aid Officer
    - Financial Aid Officer will key in attendance in SMART
    - Continue to monitor absenteeism, LOA
- + Classroom door will be left open, so that staff, students, and guests don't touch the doorknobs
- + Laundry Room
  - Only one student in attendance at a time
  - Wash Capes, Towels, Sheets, and Blankets
  - Wash on hot
  - Dry immediately on Hot
  - Store in Cabinets
- + Discontinue Group Gatherings such as
  - Energy
  - Meetings

Communication post on Facebook, Website, and Emails for daily updates for known confirmed viruses

- + Students
- + Staff
- + Guests

Allow staff and students to stay home if:

- + Public schools are closed
- + Daycares are closed
  - Allow children of staff to accompany their parents if daycare is not available
  - Children must be separated from students
  - Children will adhere to wearing face masks and washing hands
- + Tending to someone who is sick

Encourage students to take an LOA

Allow students to continue attending the academy if the above is followed

Contact the City-County Health Department if

- + Staff, students, or known guest test positive for the virus.
  - o Identify the student and any contacts the student may have had
- + Inform the students of websites to follow for updates

If a staff member, student, or guest that has been in contact with any member of the academy tests positive, we will:

- + Decide if the closure is short-term or long-term.
  - o Short term to clean and trace the case.
  - o Custodial staff or staff to clean and disinfect the affected academy area
  - o Long-term if the breakout is substantial at the academy
    - Allow local health officials and administrators to determine appropriate next steps, including whether to extend the duration to stop or slow down the further spread of the virus
- + Post a message on the electronic sign for
  - o Closure for guests
  - o Closure for students
- + Disinfecting and sanitation of the academy if a staff, student, or guest tests positive for a virus.

Plan for digital and temporary distance education

- + Montana Board of Barbers and Cosmetologists
  - o 100% of Temporary Distance Education (TDE) in Foundations to include theory and practical for students diagnosed.
- + NACCAS
  - o Only up to 50% of Temporary Distance Education (TDE) in Fountains to include theory and practical for students diagnosed.

## **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 employees 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 employees 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 employees 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 Montana Academy and locate at the “NO PARKING” sign or across the street at GERBERS.
- + Support employees at the front desk will help guests in the 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**

## 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).

### ANNUAL SECURITY REPORT CRIME STATISTICS

Criminal Offense	On Campus			Non-Campus			Public Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	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	0	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
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Arrests &amp; Disciplinary Actions</b>									
Liquor Law Violations	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
Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0

Occurrences of Hate Crimes								
Category of Bias for crimes reported in 2019, 2020, 2021								
Criminal Offense	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0
Manslaughter By Negligence	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Simple Assault		0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0
Intimidation	0	0		0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0

*Hate Crimes* – There were no reported hate crimes for the years 2019, 2020 or 2021 in the geographic areas of Montana Academy of Salons.

Unfounded Crimes	2019	2020	2021
	0	0	0

*Unfounded Crimes*-There were no unfounded crimes reported for the years 2019, 2020 or 2021 from local law enforcement and or Montana Academy of Salons that were within the geographic areas.

**DISCLOSURE OF ANNUAL CRIME STATISTICS**

Montana Academy provides all employees 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.

## **DRUG-FREE SCHOOL POLICIES**

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, academy, 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 Montana Academy. The Montana Academy will strive to provide an environment conducive to making conscientious and healthy decisions when students and employees are faced with difficult choices associated with the use of legal and illegal drugs.

### **PROHIBITED CONDUCT**

It is a violation of academy 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 academy property;
- + Arrive or return to the academy intoxicated from the use of illegal drugs, misused prescription drugs, or alcohol;
- + Engage in the use of illegal drugs, misuse of prescription drugs or alcohol during academy hours or while on academy property (including parking lots);
- + Use prescription drugs or non-prescription drugs that may affect the safety of the student or fellow students, employees, 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 Facilitator or the Chief Executive Officer before providing services under such medication.

Students are individually responsible for being aware of applicable laws, regulations, ordinances, and Montana Academy'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 and employees.

### **RECREATIONAL MARIJUANA**

Under certain circumstances, adults age 21 and older may possess and use marijuana for recreational purposes in Montana. Consuming marijuana or marijuana products in a public place is prohibited. Smoking marijuana in an area where smoking tobacco is prohibited is also prohibited. Consumption of marijuana is limited to adults over 21. see Montana Code Annotated (MCA)16-12-108.



Montana law prohibits the possession or consumption of marijuana or marijuana products or possession of marijuana paraphernalia on the grounds of any property owned or leased by a postsecondary school. 16-12-108(g)(i), MCA. The Montana Academy of Salons strictly prohibits the possession or consumption of marijuana or marijuana products or possession of marijuana paraphernalia on academy property. It is also a violation of academy policy for any individual to arrive or return to the academy under the influence of marijuana.

Notwithstanding any allowable recreational use of marijuana under Montana law, recreational marijuana use is still a criminal act under federal law. Recreational use of marijuana by adults that might otherwise be permissible under Montana law may be subject to criminal penalties under applicable federal laws.

### **MEDICAL MARIJUANA**

Montana law allows limited medical marijuana to use and possession. However, using and possessing marijuana in any form is still a criminal act under federal law. The use and possession of marijuana, including medical marijuana, are prohibited by the academy's Drug-Free School Policies, and are not permitted on any academy property.

### **SUBSTANCE ABUSE EDUCATION**

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

### **DRUG-FREE SCHOOLS AND COMMUNITIES ACT (DFSCA)**

The Drug-Free Schools and Communities ACT Of 1989 - also known as the Drug-Free Schools and Campuses Act - requires institutions of higher education to establish policies that address unlawful possession, use, or distribution of alcohol and illicit drugs. The DFSCA also requires the establishment of a drug and alcohol prevention program. (See Montana Academy of Salons Student Catalog)

### **REASONABLE SEARCH**

To ensure that illegal drugs and alcohol do not enter or affect Montana Academy, the Montana Academy of Salons reserves the right to search all vehicles, containers, lockers, or other items on academy property in furtherance of this Policy. Individuals may be requested to display personal property for visual inspection upon Montana Academy's request. Searches will be conducted only where the Montana Academy has reason to believe that the student has violated Montana Academy'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 academy 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 Montana Academy's Policy. This is required in order to correct the problem and be able to avoid violating Montana Academy's Policy in the future. If the student is willing to actively engage in resolving the substance use problem, Montana Academy 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 the academy 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 be grounds for disciplinary action up to and including termination. Students who have been terminated may be considered for re-admittance 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 an 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 for an even number of years. 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 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 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 receive 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.

### **ACADEMY 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. Montana Academy 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 Montana Academy are for guidance only and failure of the Montana Academy to strictly meet any time frame provided herein shall not preclude Montana Academy from taking any action provided herein. Under no circumstances shall fail 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.

### **BULLYING POLICY**

Montana Academy will address issues involving harassment or bullying in any form; student to student; student to the staff member(s); staff member(s) to a student; or staff member to staff member. All staff members and students have a responsibility to cooperate fully with the investigation of an alleged bullying complaint. Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or staff. 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 staff 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 individual's academic performance or participation, is carried out repeatedly, and is often characterized by an imbalance of power.

### **THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT (DFSCA) OF 1989**

The DFSCA requires institutions of higher education to establish policies that address unlawful possession, use, sale, or distribution of alcohol and illicit drugs. The DFSCA also requires the establishment of a drug and alcohol prevention program.

### **DRUG AND ALCOHOL ABUSE PREVENTION**

- + Montana Academy will immediately contact law enforcement officials to report all unlawful activities.
- + The health risks of the use of illicit drugs and alcohol abuse require providing education and referral for students and staff. Health risks associated with the use of illicit drugs and the abuse of alcohol include impaired mental and physical health, neurological disease/damage, memory and intellectual performance interference, mental and physical depression, uncontrollable violence, impulsive behavior, convulsive seizures,

homicide, suicide, cardiac disease or damage, cardiovascular collapse or heart failure, gastrointestinal disease or damage, ulcers or erosive gastritis, anemia, liver and pancreatic disease, liver failure or pancreatitis, deteriorating relationships, and death.

- + Montana Academy provides education and distribution of materials annually and refers students and staff to local services.
- + Area drug abuse information, counseling, referral, and treatment and rehabilitation centers information is made available to students or staff members.

### **PHYSICAL WARNING SIGNS OF DRUG AND ALCOHOL ABUSE**

- + Bloodshot eyes, pupils larger or smaller than usual
- + Changes in appetite or sleep patterns
- + Sudden weight loss or weight gain
- + Deterioration of physical appearance, and personal grooming habits (Alcohol and Other Drug Abuse and Violence Prevention (AOD) Re-Published 3-2018)
- + Unusual smells on breath, body, or clothing
- + Slurred speech, or impaired coordination
- + Depression
- + Irritability
- + Fatigue
- + Nausea and vomiting
- + Headaches

#### Where can you go for help?

Rocky Mountain Treatment Center 920 4th Ave No. Great Falls, Mt. 59401 800-521-6572 or 406-727-8832

Benefis Healthcare Treatment Center 500 15th Avenue South  
Great Falls, Montana 59405  
(406) 455-2367

### **FEDERAL DRUG TRAFFICKING PENALTIES**

The full Drug and Alcohol Policy / Abuse / Prevention information can be found in this document.

Federal Drug Trafficking Penalties are as follows: Criminal homicide, forcible and non-forcible sex offenses, robbery, aggravated assault, simple assault, intimidation, vandalism, burglary, motor vehicle theft, larceny-theft, destruction, damage, or vandalism to property, arson, hate crimes including crimes involving bodily injury reported to Great Falls Police Department agencies that show evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity or disability, arrests for violations of liquor and drug law violations, and illegal weapons possession, and persons not arrested but referred for disciplinary action for liquor, drug, and weapons law violations.

### **SUMMARY OF MONTANA DRUG AND ALCOHOL LAWS**

The applicable Montana laws relating to the unlawful manufacture, distribution, possession, or use of a controlled substance are found respectively in Montana Code Annotated 45-9-101 through 301.

45-9-101. Criminal distribution of dangerous drugs. (1) Except as provided in Title 50, chapter 46, a person commits the offense of criminal distribution of dangerous drugs if the person sells,

barter, exchange, give away, or offer to sell, barter, exchange, or give away any dangerous drug, as defined in 50-32-101.

- A person convicted of criminal distribution of a narcotic drug may be subjected to a prison term of up to life and fines of up to \$50,000

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

- A person convicted of criminal possession of dangerous drugs may be subjected to a prison term of up to five years and fines of up to \$50,000.

45-9-103. Criminal possession with intent to distribute. (1) Except as provided in Title 50, chapter 46, a person commits the offense of criminal possession with intent to distribute if the person possesses with intent to distribute any dangerous drug as defined in 50-32-101.

- A person convicted of criminal possession with intent to distribute a dangerous drug may be subjected to a prison term of up to 20 years and fines of up to \$50,000.

45-9-110. Criminal production or manufacture of dangerous drugs. (1) Except as provided in Title 50, chapter 46, a person commits the offense of criminal production or manufacture of dangerous drugs if the person knowingly or purposely produces, manufactures, prepares, cultivates, compounds, or processes a dangerous drug, as defined in 50-32-101.

- A person convicted of criminal production or manufacture of dangerous drugs may be subjected to a prison term of 20 years or more and fines of up to \$100,000.

### **CAREER COUNSELING & PROFESSIONAL ASSISTANCE**

Posted in the student lounge and restroom are various career and professional counselors.

# **MONTANA ACADEMY OF SALONS SEXUAL HARASSMENT POLICIES & GRIEVANCE PROCEDURES**

## **1. INTRODUCTION**

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

The Academy does not discriminate on the basis of sex in its educational, extracurricular, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

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

## **2. SCOPE OF THE POLICY**

This Policy governs sexual harassment that occurs in the Academy’s education programs or activities. This Policy applies to all students, employees, and third parties conducting business with the Academy, regardless of the person’s gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion, or other protected status. The Academy encourages victims of sexual harassment 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 this Policy, the Academy 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 harassment comprises a broad range of behaviors focused on sex that may or may not be sexual in nature. Sexual harassment includes an Academy employee conditioning the provision of an Academy aid, benefit, or service on an individual’s participation in unwelcome sexual conduct. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Academy’s education programs or activities also constitutes sexual harassment. Sexual assault, stalking, domestic violence, and dating violence are all forms of sexual harassment. Retaliation following an incident of alleged sexual harassment or attempted sexual harassment is strictly prohibited. The definitions for specific acts of sexual harassment can be found in the Definitions of Key Terms at the end of this Policy statement.

Sexual harassment 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 harassment.

#### **4. OPTIONS FOR ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL HARASSMENT**

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

##### Reporting Incidents of Sexual Harassment

Victims of sexual harassment may file a report with the Great Falls Police Department. Victims may also file a report with the Academy's Title IX Coordinator or Deputy Title IX Coordinator. More information about reporting an incident of sexual harassment can be found in Section 6 of this Policy, below.

The Academy will respond promptly when it has actual knowledge of sexual harassment in its education programs or activities. The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures as described below, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Academy will also provide the complainant with written notification about assistance available both within and outside of the Academy community.

A complainant may choose for the investigation to be pursued through the criminal justice system and/or through the Academy's disciplinary procedures by filing a formal complaint as described in this Policy. The Academy 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 complainant through the available options and support the complainant in his or her decision.

##### Supportive Measures

The Academy's Title IX Coordinator will work with all students affected by sexual harassment to ensure their safety and support their wellbeing. This assistance may include providing supportive measures to support or protect a student after an incident of sexual harassment while an investigation or disciplinary proceeding is pending. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the Academy's education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Academy's educational environment or deter sexual harassment.

Supportive measures may include:

- + counseling,
- + extensions of deadlines or other course-related adjustments,
- + modifications of work or class schedules,
- + campus escort services,
- + mutual restrictions on contact between the parties,
- + changes in work or housing locations,
- + leaves of absence,
- + increased security and monitoring of certain areas of the campus, and
- + other similar measures.

The Academy will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the Academy to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The measures needed by each student may change over time, and the Title IX Coordinator will communicate with each student throughout any investigation to ensure that any supportive measures are necessary and effective based on the students' evolving needs. Students who report an incident of sexual harassment may also be able to obtain a formal protection order from a civil or criminal court. The Academy will work with the student and the applicable court to assist in the enforcement of any such protective orders.

#### Support Services Available

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

Sexual harassment 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.

#### 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, healthcare providers can still treat injuries and take steps to address health concerns. Victims of sexual harassment are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, and other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful in connection with an Academy or police investigation.



## 5. TITLE IX COORDINATOR

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

Knowledgeable and trained in Academy policies and procedures and relevant state and federal laws;

Available to advise any individual, including a complainant, respondent, or a third party, about Academy and community resources and reporting options;

Available to provide assistance to any Academy 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 Academy's Title IX Coordinator or Deputy Title IX Coordinator:*

### **LEAD TITLE IX COORDINATOR**

**LINDA M. MCPHERSON CEO**

**COMPLIANCE OFFICE**

501 2ND ST. S

GREAT FALLS, MT 59405

PHONE - 406-771-8772 EXT. 3

EMAIL - LINDA@MONTANAACADEMY.EDU

### **DEPUTY TITLE IX COORDINATOR**

**DAWN ZURIS**

**ADMISSIONS OFFICE**

501 2ND ST. S

GREAT FALLS, MT 59405

PHONE - 406-771-8772 EXT. 5

EMAIL - ADMISSIONS@MONTANAACADEMY.EDU

## 6. REPORTING POLICIES AND PROTOCOLS

Montana Academy of Salons strongly encourages all members of the Academy community to report information about any incident of sexual harassment as soon as possible. Reports can be made either to the Academy and/or to law enforcement.

### Reporting to the Academy

An incident of sexual harassment may be reported to the Academy's Title IX Coordinator, Deputy Title IX Coordinator, or to a Designated Academy Official as described in Section 7, below. No other Academy officials or employees have the authority to institute corrective measures under these Policies and Procedures on behalf of the Academy. The Academy will not be deemed to have actual knowledge of alleged sexual harassment unless the Academy's Title IX Coordinator, Deputy Title IX Coordinator, or a Designated Academy Official possesses such knowledge. Reports of sexual harassment to Academy officials or employees other than the Title IX Coordinator, Deputy Title IX Coordinator, or a Designated Academy Official will not confer actual knowledge to the Academy of such allegations unless the Title IX Coordinator, Deputy Title IX Coordinator, or a Designated Academy Official subsequently obtain such actual knowledge.

If the Academy's Title IX Coordinator is the alleged perpetrator of the sexual harassment, the report should be submitted to the Deputy Title IX Coordinator or a Designated Academy Official.

Filing a report with the Academy will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed in Section 6 for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator, Deputy Title IX Coordinator, or a Designated Academy Official receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or Deputy Title IX Coordinator.

While there is no time limit for reporting, reports of sex discrimination or harassment should be brought forward as soon as possible. All incidents should be reported even if significant time has elapsed, but prompt reporting will better enable the Academy to respond, investigate, provide an appropriate remedy, and impose discipline if appropriate. Note that if a complainant seeks to file a formal complaint for the Academy to initiate an investigation into allegations of sexual harassment, the complainant must be participating in or attempting to participate in the Academy's education programs or activities at the time of filing a such formal complaint. The Academy is committed to supporting the rights of a person reporting an incident of sexual harassment to make an informed choice among the options and services available.

The Academy 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 harassment, prevent its recurrence, and address its effects.

#### Reporting to Law Enforcement

An incident of sexual harassment 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 Academy will assist the complainant in contacting law enforcement. If the complainant decides to pursue the criminal process, the Academy 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).

#### Reporting of Crimes & Annual Security Reports

Campus safety and security are important issues at Montana Academy of Salons. 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 harassment under this Policy.

Each year the Academy prepares an annual security report to comply with the Clery Act. The full text of this report can be located on the Academy's website at [www.montanAAcademy.edu](http://www.montanAAcademy.edu) under the disclosure tab. 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 provide the website to access this report. Copies of the report may also be obtained in person from the Academy's Chief Executive Officer or by calling 406-771-8772. All prospective employees may also obtain a copy from the Academy's Chief Executive Officer.

### Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of the Academy's Chief Executive Officer constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. The Chief Executive Officer will immediately notify the Academy community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring at the Academy unless issuing a notification will compromise efforts to contain the emergency. The warning will be issued through the most effective and efficient means available and may include instant messaging to students and Academy employees. Notices may also be posted in the common areas throughout the Academy. Anyone with information warranting a timely warning should report the circumstances to the Chief Executive Officer by phone at 406-771-8772 or in person at the Academy. The Academy will provide adequate follow-up information to the community as needed.

### Third-Party and Anonymous Reporting

In cases where sexual harassment is reported to the Title IX Coordinator, Deputy Title IX Coordinator, or a Designated Academy Official 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 Academy prohibits retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. The Academy will take strong responsive action if retaliation occurs. Any incident of retaliation should be promptly reported to the Title IX Coordinator or the Academy's Chief Executive Officer.

Except as may otherwise be required by law, the Academy will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness.

Charging an individual with a violation of the Academy's code of conduct for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### Coordination with Drug-Free Academy Policy

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

## **7. ACADEMY POLICY ON CONFIDENTIALITY**

The Academy encourages victims of sexual harassment to talk to somebody about what happened – so victims can get the support they need, and so the Academy 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 harassment. The Academy 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 Academy does not provide professional or pastoral counseling but can assist a victim of sexual harassment in obtaining support services from these groups or agencies.* Contact information for these support organizations is listed in Section 4 of this Policy.

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

ALSO NOTE: If the Academy determines that the alleged perpetrator(s) pose a serious and immediate threat to the Academy community, the Academy's 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 a Designated Academy Official

A "Designated Academy Official" is an Academy employee who has the authority to institute corrective measures on behalf of the Academy upon actual notice of sexual harassment.

A Designated Academy Official will report to the Title IX Coordinator all relevant details about the alleged sexual harassment shared by the complainant – including the names of the complainant and respondent, 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 Designated Academy Official will be shared only with people responsible for handling the Academy's response to the report. Designated Academy Officials should not share information with law enforcement without the complainant's consent or unless the complainant has also reported the incident to law enforcement.

In addition to the Title IX Coordinator and Deputy Title IX Coordinator, the Academy's Designated Academy Officials include the Chief Executive Officer and Chief Financial Officer.

Before a complainant reveals any information to a Designated Academy Official, the official should ensure that the complainant understands the official's reporting obligations – and, if the complainant wants to maintain confidentiality, direct the complainant to confidential resources.

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

Designated Academy Officials will not pressure a complainant to request confidentiality but will honor and support the complainant's wishes, including for the Academy to fully investigate an incident. By the same token, Designated Academy Officials will not pressure a complainant to make a formal complaint and initiate an Academy investigation if the complainant is not ready to do so.

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

#### Reporting to Title IX Coordinator

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

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

The Title IX Coordinator will not pressure a complainant to request confidentiality but will honor and support the complainant's wishes, including for the Academy to fully investigate an incident. By the same token, the Title IX Coordinator will not pressure a complainant to make a formal complaint and initiate an Academy investigation if the complainant is not ready to do so.

**REQUESTING CONFIDENTIALITY:** How the Academy Will Weigh the Request and Respond if a complainant discloses an incident to the Title IX Coordinator but wishes to maintain

confidentiality or requests that no investigation into a particular incident is conducted or disciplinary action is taken, the Academy must weigh that request against the Academy's obligation to provide a safe, non-discriminatory environment for all students, including the complainant.

If the Academy honors the request for confidentiality, a complainant must understand that the Academy's ability to investigate the incident and pursue disciplinary action against the respondent will be limited. A complainant may provide the Title IX Coordinator with confidential knowledge of alleged sexual harassment and receive supportive measures from the Academy without the complainant filing a formal complaint and initiating an investigation. Although rare, there are times when the Academy may not be able to honor a complainant'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 complainant'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:

An increased risk that the respondent will commit additional acts of sexual harassment or other violence, such as:

- + whether there have been other sexual harassment complaints about the same respondent;
- + whether the respondent has a history of arrests or records from a prior Academy indicating a history of violence;
- + whether the respondent threatened further sexual harassment or other violence against the complainant or others;
- + whether the sexual harassment was committed by multiple respondents;
- + Whether the sexual harassment was perpetrated with a weapon;
- + Whether the complainant is a minor;
- + Whether the Academy possesses other means to obtain relevant evidence of the sexual harassment (e.g., security cameras or personnel, physical evidence); and
- + Whether the complainant'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 Title IX Coordinator to file a formal complaint to investigate and, if appropriate, pursue disciplinary action. If none of these factors are present, the Academy will likely respect the complainant's request for confidentiality.

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

Assist the complainant 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 respondent pending the outcome of an investigation), or adjustments for assignments or tests; and Inform the complainant of the right to report a crime to local law enforcement – and provide the complainant with assistance if the complainant wishes to do so.

The Academy may not require a complainant to participate in any investigation or disciplinary proceeding.

Because the Academy is under a continuing obligation to address the issue of sexual harassment campus-wide, reports of sexual harassment (including non-identifying reports) will also prompt the Academy to consider broader remedial action – such as increased monitoring, supervision, or security at locations where the reported sexual harassment 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 Academy determines that it can respect a complainant's request for confidentiality, the Academy will also take immediate action as necessary to protect and assist the complainant. This includes the Title IX Coordinator promptly contacting the complainant to discuss the availability of supportive measures. A complainant's request for confidentiality will limit the Academy's ability to investigate a particular matter. The Academy may take steps to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the respondent or revealing the identity of the student complainant. Examples include providing increased monitoring, supervision, or security at locations or activities where the harassment occurred; providing training and education materials for students and employees; revising and publicizing the Academy's policies on sexual harassment; and conducting climate surveys regarding sexual harassment.

#### Off-campus Counselors and Advocates

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the Academy unless the complainant requests the disclosure and signs a consent or waiver form. Contact information for these off-campus resources can be found in Section 4 of this Policy.

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

The Academy will investigate all formal complaints of sexual harassment. A formal complaint must be in writing filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the Academy investigate the allegation of sexual harassment. A formal complaint form may be obtained from the Title IX Coordinator, although no particular form is required to submit a formal complaint so long as the complaint is in writing, signed by a complainant, alleges sexual harassment against a respondent, and requests an investigation. The Academy's Title IX Coordinator oversees the Academy's investigation, response to, and resolution of all reports of prohibited sexual harassment, and related retaliation, involving students, faculty, and staff.

As soon as practicable after receiving a formal complaint, the Title IX Coordinator will make an initial assessment of the formal complaint to determine whether the formal complaint, on its face, alleges an act prohibited by this Policy. If the Title IX Coordinator determines the formal complaint states facts which, if true, could constitute sexual harassment in violation of this

Policy, the Title IX Coordinator will proceed through the formal investigation process (see below). If the Title IX Coordinator determines the complainant's report does not state facts that, if true, could constitute a violation of this Policy, the Title IX Coordinator will communicate this determination in writing to the complainant. In such circumstances, the complainant may still file a report with the federal Office for Civil Rights, or the police, or seek available civil remedies through the judicial system. The complainant may also re-file the report with the Academy upon discovery of additional facts.

The Academy would dismiss a formal complaint if the conduct alleged in the formal complaint would not constitute sexual harassment under Title IX even if proved, did not occur in the Academy's education program or activity, or did not occur against a person in the United States. *Such dismissal does not preclude action under another provision of the Academy's code of conduct.* The Academy may dismiss the formal complaint if a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint; the respondent is no longer enrolled or employed by the Academy, or specific circumstances prevent the Academy from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. The Academy will promptly send written notice of the dismissal and reasons therefore simultaneously to the parties.

#### Notice

Upon receipt of a formal complaint, the Academy will provide written notice of the Academy's grievance process to the parties who are known. The Academy will also provide the parties with notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident if known; the conduct allegedly constituting sexual harassment; and the date and location of the alleged incident if known. The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence that is submitted to and/or collected by the Academy in connection with the investigation. The written notice will also inform the parties of any provision in the Academy's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If during an investigation, the Academy decides to investigate allegations about the complainant or respondent that are not included in a prior notice provided to the parties, the Academy will provide notice of the additional allegations to the parties whose identities are known.

#### Voluntary Resolution

The voluntary resolution, when selected by all parties 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 safety and welfare needs of the Academy community. If all parties voluntarily agree to participate in an informal resolution that does not involve a full investigation and adjudication after receiving notice of a formal complaint, and if the Academy determines that the particular formal complaint is appropriate for such a process, the Academy will facilitate an informal resolution to assist the parties in reaching a voluntary



resolution. The Academy retains the discretion to determine which cases are appropriate for 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 harassment occurred; facilitating a meeting with the respondent and the complainant present; and any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy.

Voluntary resolution may also include restorative principles that are designed to allow a respondent to accept responsibility for harassment and acknowledge harm to the complainant or to the Academy 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 Academy will not compel parties to engage in mediation or to participate in any particular form of informal resolution. 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 a voluntary resolution is unsuccessful at resolving the complaint.

In connection with any informal resolution process, the Academy will provide written notice to the parties disclosing the allegations and the requirements of the informal resolution process. The Academy will notify the parties that any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. The Academy must obtain the parties' voluntary, written consent to the informal resolution process. The informal resolution process may not be utilized to resolve allegations that an Academy employee sexually harassed a student.

The time frame for completion of voluntary resolution may vary, but the Academy will seek to complete the process within 15 days of all the parties' requests for voluntary resolution.

#### Formal Investigation Process

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the Academy and not on the parties. The Title IX Coordinator is responsible for the investigation of a formal complaint. The Title IX Coordinator may designate a specially trained investigator (or team of investigators) to conduct the investigation.

The Academy's process for responding to, investigating, and adjudicating sexual harassment 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, the respondent, and any witnesses. They will also gather pertinent documentary materials (if any) and other information. The Academy will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. Each party shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and

exculpatory evidence. The Academy will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

#### 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 a formal complaint from the complainant or the Title IX Coordinator of the request 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 absences or delays by the parties, the need for language assistance or accommodation of disabilities, account for Academy 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 simultaneously 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 Academy will take prompt steps to protect complainants pending the final outcome of an investigation, including the provision of supportive measures to the complainant and/or the respondent. The Academy may remove a respondent from the Academy's education programs or activities on an emergency basis, provided that the Academy undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. The Academy may place a non-student employee respondent on administrative leave during the pendency of a grievance process.

The Academy will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the Academy does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the Academy will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The Academy will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

#### Investigation Report

The investigator will prepare an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing, send to each party and the party's advisor, if any, the Annual Security Report

Published April 24, 2018

Re-published October 1, 2022

investigative report in an electronic format or a hard copy, for their review and written response. Such report will include a statement of the allegations and issues, the positions of the complainant and respondent, a summary of the evidence (including from interviews and documentation gathered), an explanation of why any proffered evidence was not investigated, an assessment of individual credibility, findings of fact, and an analysis of whether a violation of the Policy has occurred. The investigator will use “preponderance of evidence” as the standard of proof to determine whether a violation of the Policy occurred. A preponderance of evidence means that the party must present evidence that leaves one with a firm belief or conviction that it is more likely than not that the alleged conduct occurred. The complainant and respondent will be simultaneously notified of the completion of the investigation and provided with the investigator’s report.

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

### Hearing Panel

The Academy will convene a hearing panel following the end of the investigation. The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Policy.

The hearing panel will consist of three members. The Title IX Coordinator will designate the members of the hearing panel but will not serve as a panel member. The investigator responsible for the Academy’s investigation of the formal complaint may not serve as a panel member. The 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 Academy utilizes technology enabling the panel members and parties to simultaneously see and hear the party or witness answering questions. 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 harassment. 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 a perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made to the Title IX Coordinator at least three days 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 harassment 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 give the complainant and respondent at least 10 calendar days' advance notice of the hearing. The Title IX Coordinator may 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 Academy personnel may be present during the proceeding. The Academy's Chief Executive Officer will work with Academy 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 virtually, with technology enabling the participants to see and hear each other simultaneously.

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:

- + Cross Examination. At the hearing, the hearing panel shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real-time by the party's advisor of choice and never by a party personally.
- + At the request of either party, the Academy will provide for the hearing to occur with the parties located in separate rooms with technology enabling the hearing panel members and parties to simultaneously see and hear the party or the witness answering questions.
- + Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- + If a party does not have an advisor present at the live hearing, the Academy will provide without fee or charge to that party, an advisor of the Academy's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
- + Information Regarding Romantic or Sexual History. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the

complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. 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 harassment.

- + 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.
- + If a party or witness does not submit to cross-examination at a live hearing, the hearing panel will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the hearing panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.
- + The Academy will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.
- + Live hearings may be conducted with all parties physically present in the same geographic location or, at the Academy's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to see and hear each other simultaneously.

The Academy will create audio or audiovisual recording, or transcript, of any hearing and make it available to the parties for inspection and review. The panelists may request a copy or transcript of the recording. 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 hearing panel will issue a written determination regarding responsibility. The panel will use "preponderance of evidence" as the standard of proof to determine whether a violation of the Policy occurred. A preponderance of evidence means that the party must present evidence that leaves one with a firm belief or conviction that it is more likely than not that the alleged conduct occurred. The panel will find whether a student is responsible, or not responsible, based on a majority vote. The panel will generally render a written determination within 10 calendar days after the conclusion of a hearing.

#### The panel's written determination will include:

- + Identification of the allegations potentially constituting sexual harassment;
- + A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- + Findings of fact supporting the determination;
- + Conclusions regarding the application of the Academy's code of conduct to the facts;

- + A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Academy imposes on the respondent, and whether remedies designed to restore or preserve equal access to the Academy's education program or activity will be provided by the Academy to the complainant; and
- + The Academy's procedures and permissible bases for the complainant and respondent to appeal.

The parties will be informed of the results of the adjudication hearing by simultaneous written notice to both parties of the outcome of the formal complaint. The determination regarding responsibility becomes final either on the date that the Academy provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

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

The hearing panel shall be responsible for imposing sanctions that are:

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

No disciplinary sanctions or other actions that are not supportive measures will be imposed against a respondent until the completion of the Academy's grievance procedures, including any applicable appeal. The hearing panel will consider relevant factors, including if applicable: (1) the specific sexual harassment 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 Academy community; and (7) the respondent's conduct during the disciplinary process. The sanctioning decision will be communicated in writing to the complainant and the respondent as part of the hearing panel's written determination.

The Academy 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 Academy 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 Academy employment;
- + Suspension (limited time or indefinite); and
- + Expulsion.

In addition to any other sanction (except where the sanction is expulsion), the Academy 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 harassment violation at issue. The Academy 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 supportive measures and the Title IX Coordinator will determine whether such supportive measures are appropriate. Potential ongoing supportive measures 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; and
- + Providing access to tutoring or other academic support, such as extra time to complete or re-take a class.

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

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

## **11. APPEALS**

Either the respondent or the complainant or both may appeal from a determination regarding responsibility, and from a recipient's dismissal of a formal complaint or any allegations therein, on the following bases:

- + A procedural irregularity that affected the outcome of the matter.
- + New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal, which could affect the outcome of the matter; and
- + The Title IX Coordinator, investigator(s), or hearing panel member(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

The decision maker(s) for the appeal may not be the same person as the hearing panel members, the investigator(s), or the Title IX Coordinator. The appealing party must submit the appeal in writing to the Academy within seven calendar days after receiving the written determination regarding responsibility. If either the complainant or respondent submits an appeal, the Title IX Coordinator will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing party may submit a written response within seven days after notice of an appeal.

If the decision-maker concludes that a change in the hearing panel's determination is warranted, the Academy may enter a revised determination, reconvene the panel to reconsider the determination or return the matter for additional investigation. If both the complainant and respondent appeal, the appeals will be considered concurrently.

The decision maker will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties. Appeals decisions will be rendered within 15 calendar days after the receipt of the written appeal. All appeal decisions are final.

## **12. RECORDS DISCLOSURE & RECORDKEEPING**

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

Additional information about FERPA can be found on the Academy's website at [www.montanAAcademy.edu](http://www.montanAAcademy.edu) in the disclosure tab in the Student Catalog.

The Academy will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, a report on the results of any disciplinary proceeding conducted by the Academy against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

The Academy will maintain for a period of not less than seven years records of:

- + Each sexual harassment investigation including any determination regarding responsibility; any audio, audiovisual recording, or transcript from a hearing conducted in response to a formal complaint; any disciplinary sanctions imposed on the respondent; and any remedies provided to the complainant designed to restore or preserve equal access to the Academy's education programs or activities;
- + Any appeal and the result therefrom;
- + Any informal resolution and the result therefrom; and
- + All materials used to train Title IX Coordinators, investigators, hearing panel members, decision-makers, and any person who facilitates an informal resolution process. The Academy will make these training materials publicly available on its website.

The Academy will create and maintain for a period of not less than seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the Academy will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Academy's education program or activity. If the Academy does not provide a complainant with supportive measures, then the Academy will document the reasons why such a response was not clearly unreasonable in light of the known



circumstances. The documentation of certain bases or measures does not limit the Academy in the future from providing additional explanations or detailing additional measures taken.

### 13. EDUCATION AND PREVENTION PROGRAMS

As set forth in Section 3 of this Policy statement, sexual assault, sexual harassment, dating violence, domestic violence, and stalking are all forms of prohibited conduct.

The Academy is committed to offering educational programs to promote awareness and prevention of prohibited conduct. Educational programs include an overview of the Academy'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.

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

The Title IX Coordinator, investigators, hearing panel members, and anyone else who is involved in responding to, investigating, or adjudicating sexual harassment 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 harassment.

#### Definitions of Sexual Harassment under Montana Law

Under Montana Law:

A person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault. *Mont. Code Ann. § 45-5-502(1)*

An act "in the course of committing sexual assault" includes an attempt to commit the offense or flight after the attempt or commission. *Mont. Code Ann. § 45-5-502(4)*

A person who knowingly has sexual intercourse without consent with another person commits the offense of sexual intercourse without consent. *Mont. Code Ann. § 45-5-503(1)*

Under Montana Law:

A person commits the offense of stalking if the person purposely or knowingly engages in a course of conduct directed

at a specific person and knows or should know that the course of conduct would cause a reasonable person to: fear for the person's own safety or the safety of a third person; or suffer other substantial emotional distress.

For the purposes of this section, the following definitions apply:

"Course of conduct" means two or more acts, including but not limited to acts in which the offender directly or indirectly, by any action, method, communication, or physical or electronic devices or means, follows, monitors, observes, surveils, threatens, harasses, or intimidates a person or interferes with a person's property.

"Reasonable person" means a reasonable person under similar circumstances as the victim. This is an objective standard.

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

This section does not apply to a constitutionally protected activity.  
Mont. Code Ann. § 45-5-220

Under Montana law:

A person commits the offense of partner or family member assault if the person: purposely or knowingly causes bodily injury to a partner or family member; negligently causes bodily injury to a partner or family member with a weapon; or purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family member.

"Family member" means mothers, fathers, children, brothers, sisters, and other past or present family members of a household. These relationships include relationships created by adoption and remarriage, including stepchildren, stepparents, in-laws, and adoptive children and parents. These relationships continue regardless of the ages of the parties and whether the parties reside in the same household.

"Partners" means spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship.

Mont. Code Ann. § 45-5-206

Under Montana Law, the term "without consent" means words or overt actions indicating a freely given agreement to have sexual intercourse or sexual

contact and is further defined but not limited by the following:  
an expression of lack of consent through words or conduct means there is no consent or that consent has been withdrawn;  
a current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue does not constitute consent; and  
lack of consent may be inferred based on all of the surrounding circumstances and must be considered in determining whether a person gave consent.  
The victim is incapable of consent because the victim is:  
mentally disordered or incapacitated;  
physically helpless;  
overcome by deception, coercion, or surprise;  
less than 16 years old;  
Mont. Code Ann. § 45-5-501(1)(a)

### Bystander Intervention

The 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.

### Risk Reduction

The 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 as 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 money for transportation.
- + Don't allow yourself to be isolated from someone you don't trust or someone you don't know.
- + Avoid putting headphones in or on 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 or relative's house, or you may consider going to 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 as a 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 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 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).

#### **14. AMENDMENTS**

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

## **MONTANA ACADEMY OF SALONS SEXUAL HARASSMENT POLICIES & GRIEVANCE PROCEDURES**

### Definitions of Key Terms

**SEXUAL HARASSMENT** - means conduct based on sex that satisfies one or more of the following:

- 1) An employee of the Academy conditioning the provision of aid, benefit, or service of the Academy on an individual's participation in unwelcome sexual conduct.
- 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Academy's education programs or activities; or
- 3) "Sexual assault," "dating violence," "domestic violence," or "stalking" as defined herein.

**SEXUAL ASSAULT** - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Unified Crime Reporting ("UCR") program. 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. 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. 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. Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.

**DOMESTIC VIOLENCE** - A felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**DATING VIOLENCE** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

“Education program or activity” includes locations, events, or circumstances over which the Academy exercises substantial control over both the respondent and the context in which the sexual harassment occurs. It includes all the academic, educational, extra-curricular, and other programs of the Academy, whether they take place in the facilities of the Academy, at a class or training program sponsored by the Academy at another location, or elsewhere. An instructor’s alleged sexual harassment of a student would likely constitute sexual harassment in the Academy’s education programs or activities even if the alleged harassment occurs off campus. The Academy’s education programs and activities may also include computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of, the Academy.

**PROHIBITED CONDUCT** – The Academy prohibits Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, and Stalking as defined in these Definitions of Key Terms.

**STALKING** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. A course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

**RETALIATION** – The Academy shall not, and no individual shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX and/or this Policy. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith during a grievance proceeding does not constitute retaliation; provided, however, that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith.

Consent is a voluntary agreement to engage in sexual activity.

- + Past consent does not imply future consent.
- + Silence or an absence of resistance does not imply consent.
- + Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- + Consent can be withdrawn at any time.
- + Coercion, force, or threat of either invalidates consent.
- + Someone who is incapacitated cannot consent. Incapacitation refers to a situation in which a person is not capable of providing consent because the person lacks the ability

to understand her or his decision. This situation may occur due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the student from having the capacity to give consent.

**COMPLAINANT** – means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**RESPONDENT** – means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.



# MONTANA ACADEMY OF SALONS SEXUAL HARASSMENT POLICIES & GRIEVANCE PROCEDURES

## 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 shelters 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 they are 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 its clients to stay more than 6 months is also classified under this category.

*PERMANENT AFFORDABLE HOUSING* is a long-term housing solution. Residents are often allowed to stay if they remain in the low-income bracket but are sometimes limited to 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 are 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 help bring low-income persons together and help 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 on 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](http://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 vary, 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.