



ROCKY MOUNTAIN COLLEGE

Sexual Misconduct
Updated January 2024

Sexual Misconduct

Sexual misconduct including sexual assault, sexual harassment, dating violence, domestic violence, and stalking are unacceptable and will not be tolerated at Rocky Mountain College. This document outlines Rocky Mountain College's policies and procedures regarding sexual misconduct.

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1. POLICY STATEMENT

Sexual misconduct including, but not limited to: sexual assault, sexual harassment, dating violence, domestic violence, and stalking are unacceptable and will not be tolerated at Rocky Mountain College. The College urges an individual who has been subjected to sexual misconduct to make a formal complaint. A report of the matter will be dealt with promptly, and confidentiality will be maintained to the extent possible. The College is committed to providing information regarding on- and off-campus services and resources to all parties involved. Students, faculty, and staff found in violation of this policy will be subject to discipline up to and including termination, expulsion or other appropriate institutional sanctions; affiliates and program participants may be removed from College programs and/or prevented from returning to campus.

2. SCOPE OF POLICY

This Policy prohibits all forms of sexual misconduct including, but not limited to: sexual assault, sexual harassment, dating violence, domestic violence, and stalking. The Policy applies to all members of the College community, including students, faculty, staff, administrators, board members, consultants, vendors, visitors, and others engaged in business with the College. This Policy applies to conduct on or off-campus property that substantially interferes with the mission of the College including, but not limited to, interference with the safety and well-being of self or others and/or interference with the academic pursuits or employment environment of its students, faculty, or staff.

In the event of an alleged violation of this policy by an affiliated individual, such as a student, employee, or staff member, the College will proceed under the Sexual Misconduct Hearing & Adjudication procedures provided herein. In the event of an alleged violation of this policy by an unaffiliated individual, the matter will be referred to the Campus Safety Office, which may ban the individual from all College property and functions.

3. DEFINITIONS

Clery Act means the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f); 34 CFR Part 668.46).

Title IX means the Title IX of the Education Amendments of 1972 (20 USC § 1681; 34 CFR Part 106).

Title IX Sexual Harassment means Sexual Harassment, as defined herein, when it is alleged to have occurred in an education program or activity of the College against a person in the United States. This includes locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs. Additionally, this covers any building or property owned or controlled by an officially recognized student organization.

VAWA Sexual Misconduct means Sexual Assault, Dating Violence, Domestic Violence, or Stalking whether it is alleged to have occurred on or off-campus. VAWA Misconduct need not be on the basis of sex.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual misconduct. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct.

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College.

Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient 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 recipient's education program or activity; or
- (3) Sexual assault, dating violence, domestic violence, or stalking.

Sexual Assault is an offense that meets the definition of rape, fondling, incest, or statutory rape.

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

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

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

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

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

(i) 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.

(ii) For the purposes of this definition—

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(B) Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence is a felony or misdemeanor crime of violence committed—

(A) By a current or former spouse or intimate partner of the victim;

(B) By a person with whom the victim shares a child in common;

(C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

(D) 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

(E) 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.

Domestic violence. (i) A felony or misdemeanor crime of violence committed—

(A) By a current or former spouse or intimate partner of the victim;

(B) By a person with whom the victim shares a child in common;

(C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

(D) 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

(E) 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.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

For the purposes of the definition of Stalking –

(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.

(B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

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

Consent is informed, voluntary, and mutually understood. Consent requires an affirmative statement by each participant. If coercion, intimidation, threats and/or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that the person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption or being asleep or unconscious. Whether one has taken advantage of a position of influence over another may be a factor in determining consent.

Guidance for consent:

- One is expected to obtain consent to each act of sexual activity prior to initiating such activity. Consent to one form of sexual activity does not constitute consent to engage in other forms of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- When consent is requested verbally, the absence of any explicit verbal response constitutes a lack of consent. A verbal "no" constitutes a lack of consent, even if it sounds insincere or indecisive.

- If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of the other individual to proceed, both parties should stop and clarify verbally the other's willingness to continue before continuing such activity.
- Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Individuals with a previous or current sexual relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.
- Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.
- Consent is not valid if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual contact.
- A person's manner of dress does not constitute consent.
- An individual who is incapacitated from alcohol or other drug consumption (voluntarily or involuntarily) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent.
- In the State of Montana, persons under the age of 17 cannot legally consent to sexual activity. Thus, in Montana, any sexual activity with persons under the age of 17 could constitute sexual assault of a minor, and implicate mandatory child abuse reporting.

Retaliation

It is a violation of College policy to retaliate against any person making a complaint of sexual misconduct, or against any person cooperating in the investigation of any allegation of sexual misconduct including testifying as a witness in an investigation. Incidents of retaliation should be reported to the Title IX Coordinator.

4. CONFIDENTIALITY OF INFORMATION

The College will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information (even in instances where confidentiality has not been specifically requested). However, because of laws relating to reporting and other state and federal laws, the College cannot guarantee confidentiality to those who report incidents of sexual misconduct, except where those reports are privileged communications with those in legally protected roles (set forth below). The professional being consulted should, if possible, make these limits clear before any disclosure of facts.

An individual can speak confidentially with certain individuals in legally protected roles. They include the student health center, campus counselor and chaplain. Exceptions to maintaining confidentiality are set by law; for example, physicians and nurses who treat any physical injury sustained during an act of sexual misconduct are required to report it to law enforcement. Also, physicians, nurses, psychologists, psychiatrists, teachers, and social workers must report an act of sexual misconduct committed against a person under age 18.

Information shared with other individuals is not legally protected from being disclosed. Considerations with respect to a complainant's request for confidentiality include factors such as the College's ability to

respond effectively, to prevent further harassment or to ensure the safety of the College community. Rocky Mountain College employees are considered mandatory reporters in cases of Title IX Sexual Harassment. Mandatory reporters may need to inform the Title IX Coordinator to help protect the safety and rights of students, faculty, and staff in response to legal requirements. The College's Title IX Coordinators are ultimately responsible for determining what information should be disclosed and to which entity.

All disclosures to any College employee of an act of on-campus sexual misconduct must be reported for statistical purposes only (without personal identifiers) to the Rocky Mountain College Campus Safety Office, which has the responsibility for tabulating and annually publishing sexual misconduct and other crime statistics under the Clery Act. Such reports are for statistical purposes and do not include individual identities.

State law permits law enforcement authorities to keep confidential the identity of a person officially reporting a sexual assault. It is the policy of Rocky Mountain College to maintain such confidentiality. However, if the City Attorney files a criminal charge, confidentiality may not be maintained. If a complaint is filed through the Student Conduct system, then the accused student must be provided with the name of the alleged victim and witnesses, if applicable.

5. EDUCATION AND PREVENTION

Rocky Mountain College provides resources for the prevention of and response to acts of sexual misconduct. Students, faculty and staff are urged to take advantage of on-campus prevention and educational resources (both College-supported and student-led) and are encouraged to participate actively in prevention and risk reduction efforts.

The Rape Abuse and Incest National Network (RAINN) provides recommendations on ways to reduce the risk of sexual assault including, avoiding dangerous situations, personal safety planning, dealing with pressure, computer safety and tips for what men can do. These recommendations can be reviewed online at <https://www.rainn.org/get-information/sexual-assault-prevention>.

Rocky Mountain College provides case consultation to students and staff, case management for reported acts of sexual misconduct, and information and referrals to services on and off-campus. The College also assists with educational outreach and training to increase awareness, sensitivity and community accountability in the prevention of these acts. The Human Resources Department provides training programs regarding sexual harassment for the campus community. Some programs are required for faculty, staff, supervisors, instructors and newly hired staff. Information is available by contacting the Human Resources Office at (406) 657-1043. The Title IX Office and Human Resources in addition to other campus offices and clubs do periodic educational programming and distribute educational literature to students, faculty, and staff designed to promote campus safety, wellness and address sexual and relationship violence to the campus community.

6. RESOURCES FOLLOWING AN ACT OF SEXUAL MISCONDUCT

Whether a victim of sexual misconduct chooses to make a formal complaint or not, he or she is urged to seek appropriate help. On or off-campus resources for medical treatment, legal evidence collection, obtaining information, support, counseling and officially reporting sexual misconduct are listed below. Each resource can assist a person to access the full range of services available.

a. Services Available

Emergency medical and police services	911 (or 8-911 from campus)
The YWCA Gateway House in Billings	(406) 245-4472 (24-hour line); (406) 702-0229 (text line)
Sexual Assault Services	(406) 259-8100
RMC Residence Life	(406) 698-8777 (24 hour line)
RMC Campus Safety	(406) 238-SAFE [7233] (24-hour line)
National Domestic Violence Hotline	(800) 799-7233
MT Hotline for Domestic Violence & Sexual Assault	(800) 655-7867

Additionally, individuals may also go to the nearest hospital emergency department (Saint Vincent's Hospital or Billings Clinic).

b. Medical Treatment

An individual who has been sexually assaulted is urged to seek appropriate medical evaluation as promptly as possible.

- i. For life-threatening conditions, call 911 (or from a campus phone, call 8-911).
- ii. For the treatment of less serious injuries, students can use the Rocky Mountain College Health Center (406) 657-1068 or the nearest hospital emergency department (Saint Vincent's Hospital or Billings Clinic). Faculty and staff should consult their primary care physician.
- iii. For evaluation and prevention of sexually transmitted infections and pregnancy, as well as consultation for other health issues, students can use the Rocky Mountain College Health Center. Faculty and staff should consult their primary care physician.

c. Medical-Legal Evidence Collection

An individual who has been sexually assaulted is encouraged to request a collection of medical-legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or civil action as outlined in **section 7.d. Legal Options**.

Federal law provides for free medical-legal exams to victims of sexual assault. See the Violence Against Women Act of 2005 42 U.S.C. § 3796gg-4(d). For assistance in seeking such an exam, contact the YWCA (406) 259-8100, or Billings Police Department (406) 657-8460. RMC community members are strongly urged to contact the YWCA as early as possible because it provides immediate support and advocacy and will coordinate services with other agencies if requested. The YWCA Sexual Violence Victims Services 24-hour telephone line is (406) 259-8100. An individual seeking an exam is encouraged to request police escort to the St. Vincent Hospital or Billings Clinic Emergency Department.

Please note that St. Vincent Hospital and Billings Clinic are mandated assault reporters under state law and may have legal obligations to provide a report of an assault to a police agency.

d. Obtaining Information, Support, and Counseling

Whether one chooses to make a formal complaint, an individual who has suffered an act of sexual misconduct is encouraged to obtain information, support and counseling. Counselors at a variety of agencies, both on and off-campus, can help that person decide what steps to take,

such as seeking medical attention, preserving evidence, obtaining counseling or reporting to authorities. Information, support, and advice are available (see resources below) for anyone in the RMC community who wishes to discuss issues related to sexual misconduct, whether sexual misconduct has actually occurred and whether the person seeking information has been assaulted, has been accused of sexual misconduct, or is a third party. The degree to which confidentiality can be protected depends upon the professional role of the person being consulted and should be addressed with that person before specific facts are disclosed outlined in **section 4 Confidentiality of Information**.

Information, Support, and Counseling Resources:

The YWCA Gateway House in Billings	(406) 245-4472 (24-hour line); (406) 702-0229 (text line)
RMC Counselor	(406) 657-1049
RMC Health Center	(406) 657-1068
RMC Chaplain	(406) 657-1098
RMC Campus Safety Office	(406) 238-7293
RMC Vice President for Student Life	(406) 657-1018

e. Title IX Coordinators

The College designates a Title IX Coordinator who is responsible for coordinating compliance with Title IX of the Education Amendments of 1972 as well as at least two Deputy Title IX Coordinators. Reports of alleged sex-discrimination and requests for assistance should be directed to one of these officials.

The College’s Title IX Coordinators regularly participate in training specifically for Title IX coordinators and share the information with campus administrators, staff and faculty. They are knowledgeable concerning federal and state laws (e.g. ADA, Section 504, IDEA) prohibiting discrimination against all protected classes (race, color, national origin, religion, sex, age, or disability) and assist whenever possible. Coordinators have a working knowledge of the federal Title IX (of the Education Amendments of 1972) law and its implemented regulations. In addition, Coordinators have a copy of Title IX regulations readily available and understand the requirements and the intent of the law; they keep informed of current research and legal and judicial decisions related to Title IX and gender equity. Title IX Coordinators provide program development, including in-service training, to eliminate sex discrimination on campus.

Title IX coordinators oversee all Title IX complaints; they will identify and address any patterns or systemic problems that arise during the review of such complaints and assist in answering any other questions related to these policies and procedures.

f. Officially Reporting an act of Sexual Misconduct

A member of the College community who has suffered an act of sexual misconduct is encouraged to make a formal complaint as soon as possible, whether he/she intends, at that time, to seek criminal or civil redress or pursue internal disciplinary measures. Even when a victim of sexual misconduct is not willing to bring forward a disciplinary case, a victim may benefit from interim measures outlined in **section 9.d. Resources and Interim Measures**.

Those who have questions or concerns that he or she is being or has been a victim of sexual misconduct should contact one of the individuals or offices below who can assist in determining an appropriate response to an alleged incident. In addition, victims of sexual misconduct are

encouraged to contact local law enforcement officials by calling 911 or (406) 657-8460. Upon request, College personnel will assist in notifying campus and law enforcement authorities of any incident of sexual misconduct.

Title IX Coordinator, Brad Nason	(406) 657-1018
Deputy Title IX Coordinator, Shaydean Saye	(406) 657-1051
Deputy Title IX Coordinator, Marcy Buster	(406) 657-1043
Campus Counselor	(406) 657-1049
RMC Chaplain	(406) 657-1098
Office of Human Resources	(406) 657-1043

To submit a report of sexual misconduct please go online to <https://form.jotform.com/212665470464054>

g. Anonymous and third-party reporting

Where a complainant requests to remain anonymous or that no formal action be taken, the College must balance this with its obligations to provide a safe and non-discriminatory environment for all community members and to afford a respondent fundamental fairness by providing notice and an opportunity to respond before any action is taken against a respondent. In the event that the circumstances of the complaint dictate a full investigation, the College will take all actions necessary to conduct the investigation while balancing the wishes of the complainant. This may include disclosing the identity of the complainant and other steps that might compromise the complainant's request for confidentiality and anonymity. Subject to these limitations, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. The College shall inform the complainant that its ability to investigate or take action will be limited based on the nature of the request by the complainant.

If the individual decides not to file a complaint with the College, the College encourages the individual to seek out the available medical and mental health resources as outlined in **section 6.d. Obtaining Information, Support, and Counseling**. Individuals who wish to make a complaint at a later date may contact any of the Title IX Coordinators at any time. Please note that a delay in reporting could affect the College's ability to gather information and evidence to determine whether a person is responsible for sexual misconduct.

Reports that are made anonymously or by third parties may initiate the formal complaint process. However, Title IX requires the College to investigate all incidents about which the College knows or has reason to know in order to protect the health and safety of the College community. The College may undertake an initial assessment even in cases where the alleged victim and/or complainant choose not to cooperate or participate. As necessary, the College reserves the right to initiate a formal complaint, and to initiate conduct proceedings without a formal complaint by the complainant or respondent.

7. POLICY ENFORCEMENT

This policy was authorized and approved by the President of Rocky Mountain College and is enforced under the authority of the Executive Vice President & Dean for Student Life. In addition to institutional consequences, an individual who violates this policy may be subject to criminal prosecution and/or civil litigation. For all complaints of alleged sexual misconduct, regardless of what type of resolution the

complainant wishes to pursue, the College may, at its discretion, undertake an appropriate inquiry and take prompt and effective action as is reasonably practicable under the circumstances to support and protect the complainant. This includes, but is not limited to, taking appropriate interim measures (such as removing or banning an alleged assailant from campus, no contact and protective orders, and academic schedule and housing accommodations as requested and available) before the final outcome of the investigation and/or hearing, if any. These actions on the part of RMC should not be interpreted as an indication of guilt or innocence, rather, they are steps taken to create the most comfortable environment possible while the incident is being resolved.

a. Disciplinary and Other Administrative Actions for Students

An act of sexual misconduct is a violation of the fundamental standard governing student behavior. The process and procedures governing student disciplinary cases involving sexual misconduct not addressed by this Policy are found on the Student Conduct website, <https://www.rocky.edu/campus-life/student-life-offices/student-conduct-policies/student-conduct-programs>.

The Office of Student Life (406) 657-1018 investigates all formal complaints of student misconduct, including allegations of sexual misconduct not subject to this Policy, and initiates formal disciplinary procedures if the evidence supports the allegation. Sanctions for violations of this Policy or Student Conduct Policies may include, but are not limited to, an oral reprimand, a written reprimand, a warning added to the respondent's file or probation, suspension or expulsion of a student. Mediation between parties is not available in cases of sexual misconduct.

Rocky Mountain College processes guarantee that the rights of students, including those of the respondent, are protected. The College will maintain the confidentiality of students involved in disciplinary cases. However, in situations involving an allegation of sexual misconduct, the reporting individual and the respondent student may each choose to be accompanied by a person of his or her choice at all stages of the investigation process as outlined in **section 9.e. Advisor of Choice**. Each student will be kept informed of the status of an investigation and its outcome. For more information go to <https://www.rocky.edu/campus-life/student-life-offices/student-conduct-policies/student-conduct-programs>.

b. Disciplinary Action for Faculty and Staff

Processes for review and adjudication of formal complaints of sexual misconduct are outlined herein. The final dispensation of disciplinary action will be conducted in accordance with applicable faculty and staff personnel policies and the adjudicatory panel's findings. If violations are found, possible sanctions range from censure to termination from the College.

c. When Complainant does not want to pursue resolution or requests confidentiality

If a complainant does not want to pursue a formal resolution or requests that the complaint is kept confidential, Title IX requires the College to investigate and take reasonable action in response to the complainant's information. The complainant will be informed that the College's ability to respond may be limited if confidentiality is requested. The College may conduct a preliminary investigation into the alleged misconduct or assault and weigh the request for confidentiality against the following factors: the seriousness of the alleged misconduct, whether

there have been other complaints against the same respondent and the respondent's right to receive information about the allegations.

d. Legal Options

In addition to College disciplinary actions, a person who engages in sexual misconduct may be the subject of criminal prosecution and/or civil litigation. A police report must be made before a criminal prosecution can be considered by the City Attorney's Office. The chances of successful prosecution are greater if the report to the police is timely and is supported by the collection of medical-legal evidence as outlined in **section 6.c. Medical-Legal Evidence Collection**. Due to the standards for finding a violation of criminal law differing from the standards for finding a violation of the Sexual Misconduct Policy, criminal investigations or reports are not determinative of whether sexual misconduct, for purposes of this policy, has occurred. Conduct may constitute sexual misconduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute. Moreover, the filing of a complaint of sexual misconduct with the College is independent of any criminal investigation or proceeding. The College will not wait for the conclusion of any criminal investigation proceeding to commence its own investigation and/or to take interim measures to protect the complainant and College community.

Complainant(s) are not required to file a report with local law enforcement authorities.

A person who wishes specific information about legal options should consult a private attorney or the YWCA Sexual Violence Victims Services program, (406) 259-8100.

8. INSTITUTIONAL RESPONSES

a. Public Information

Requests for information concerning an incident of sexual misconduct should be directed to the Rocky Mountain College Communications Department (406) 657-1104 or the Rocky Mountain College Campus Safety Office (406) 238-7293.

b. Public Notification of Incidents

As required by state and federal law, the Rocky Mountain College Campus Safety Office must collect and report annual statistical information concerning acts of sexual misconduct including statutory rape, dating violence, domestic violence, stalking, incest, rape and fondling occurring on campus. To promote public safety, the Campus Safety Office also alerts the campus community to incidents and trends of immediate concern.

9. SEXUAL MISCONDUCT HEARING & ADJUDICATION

Reporting –

A student, employee, or other party who is participating in or attempting to participate in the College's education program who wishes to pursue disciplinary action should make a Formal Complaint with one of the College's Title IX Coordinators in writing. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. Other parties may also bring alleged violations of this policy to the attention of the Title IX Coordinator.

The Title IX Coordinators will select among themselves one Coordinator to oversee the complaint, one to assist, and a third to serve as an appellate officer. The College may appoint other trained officials as needed.

The Title IX Coordinator upon receiving a formal complaint will provide a written notice to all parties who are known that includes sufficient details to prepare a response before an initial interview. The notice will also explain the rights afforded complainants and respondents under this policy including that the respondent is presumed not responsible and that a determination shall be made only at the conclusion of proceedings. If the Title IX Coordinator believes that the respondent poses an immediate threat the College will undertake an individualized safety and risk analysis. If the College effects an emergency removal of a respondent they will immediately be provided with an opportunity to challenge the decision to the appellate officer.

The Title IX Coordinator will investigate all formal complaints alleging sexual harassment, as that term is defined in Section 3, to determine if the conduct alleged in the complaint even if proved would not constitute Title IX Sexual Harassment as defined in this policy pursuant to federal regulation. If the allegations would not constitute Title IX Sexual Harassment the College will dismiss the formal complaint as a Title IX matter. Formal complaints which are determined to not allege either Title IX Sexual Harassment and or VAWA Sexual Misconduct shall be referred to Student Conduct and or Human Resources to be addressed further.

If a formal complaint is dismissed as a Title IX matter the Title IX Coordinator must provide simultaneous written notification to both the Complainant and Respondent within five (5) business days. The notice will include a rationale for the determination and an option for both parties to appeal it within five (5) business days to the designated appellate officer. Appeals may be made on one or more of the following bases: Procedural irregularity that affected the outcome of the matter; New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and The Title IX Coordinator, investigator(s), or decision-maker(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. The appellate officer shall render a decision within five (5) business days.

Timelines & Training –

The timelines provided for by this Policy may be delayed for good cause provided that simultaneous written notice is provided to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Title IX Coordinators, investigators, decision-makers, any person who facilitates an informal resolution process and any other person who is charged with any of these responsibilities receive training on the definition of Title IX Sexual Harassment and VAWA Sexual Misconduct, the scope of the recipient's education program or activity, how to conduct an investigation and disciplinary proceeding including hearings (as is relevant to their duties), appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Officials will also be trained on the College's Sexual Misconduct Policy and any logistical information needed to conduct a hearing.

All formal complaints, including those signed by a Title IX Coordinator, of Title IX Sexual Harassment that aren't dismissed or VAWA Sexual Misconduct will be referred to the Sexual Misconduct Hearing Panel for formal hearing and adjudication. The College, at its discretion, may consolidate complaints. The Sexual Misconduct Hearing Panel is a three-person panel composed of members of the faculty and/or administrative staff. All members of the Sexual Misconduct Panel have received formal adjudicatory training as well as training relative to the issues of sexual harassment.

Investigation & Hearing –

When a formal complaint contains at least one allegation of Title IX Sexual Harassment all related allegations will be handled according to the Sexual Misconduct Hearing & Adjudication procedures, including the opportunity for parties to have an Advisor conduct cross examination of witnesses as required by federal Title IX regulations. When a formal complaint is dismissed as a Title IX matter but contains at least one allegation of VAWA Sexual Misconduct, including when a complainant may not be affiliated with the College, all related allegations will be handled according to the Sexual Misconduct Hearing & Adjudication procedures, except that all questioning of witnesses will occur through the hearing panel.

A respondent is presumed not responsible until a determination is made at the conclusion of the disciplinary proceedings. All relevant evidence will receive an objective evaluation including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person's status as a complainant, respondent, or witness. The College must prove responsibility using the Preponderance of the Evidence standard, meaning that the charges are more likely than not true. All related records will be retained for a period of no less than seven (7) years.

The College in Title IX Sexual Harassment matters, consistent with federal requirements, does not restrict the ability of either party to discuss the allegations under investigation or gather and present relevant evidence.

a. Formal Complaint Resolution Procedure

The following procedures will be used to resolve incidents where a Formal Complaint has been filed:

- All resolutions will include a prompt, fair, and impartial process from the initial investigation to the final result.
- The proceedings described here are not those of a court of law and the active participation of legal counsel is not permitted except as provided for in Section 9.e. – Advisor of Choice.
- Both complainants and respondents may have another person present at discussions of the complaint as outlined in Section 9.e. – Advisor of Choice.
- The Formal Complaint will describe the incident and request a formal investigation. In some cases it may be appropriate for the designated officers to draft the written complaint.
 - The Title IX Coordinator will appoint two (2) official investigative officers to review the Formal Complaint.

- If the respondent is a senior administrator at the College, or if the President of the College believes it appropriate in any case, the College may employ an independent investigator trained in sexual misconduct investigations to manage the investigation. Such an independent investigator will report directly to the President of the College.
- If the respondent is the President of the College the matter shall be referred to the Chair of the Board of Trustees. The Chair of the Board of Trustees may employ an independent investigator trained in sexual misconduct investigations to manage the investigation. Such an independent investigator would report directly to the Chair of the Board of Trustees. The findings from the investigation will be reported to a special committee of the Board of Trustees selected by the Chair of the Board of Trustees for final determination. In such a case the President and complainant shall be afforded the same rights as if the case were heard by a Sexual Misconduct Hearing Panel.
- In order to protect the safety and welfare of both parties, it may be necessary to implement restrictions and/or behavioral expectations on individuals during the investigative and hearing process as outlined in Section 9.d. – Resources and Interim Measures. Restrictions will be outlined in writing to each party immediately following the initial consultations.
- All proceedings involving Title IX Sexual Harassment and or VAWA Sexual Misconduct will be conducted in a manner that will include timely notice of meetings at the which the complainant and respondent, or both may be present. Further, the proceedings will provide timely and equal access to the complainant, the respondent, and all appropriate officials to any information that will be used during any informal and formal disciplinary proceedings.
- The College 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.
- Complaint procedures will be conducted by officials who do not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
 - Either party may raise a challenge to the designated investigators on the basis of actual bias or conflict of interest. This challenge must be raised, in writing, to the Title IX Coordinator within two (2) business days of receipt of the Notice of Investigation.
 - Either party may raise a challenge to the designated hearing panel officers on the basis of actual bias or conflict of interest. This challenge must be raised, in writing, to the Title IX Coordinator within two (2) business days of receipt of the Notice of Hearing.
 - Either party may raise a challenge to the Appeals Officer on the basis of actual bias or conflict of interest. This challenge must be raised, in writing, to the Title IX Coordinator within two (2) business days of receipt of notice of acceptance of the appeal.

b. Formal Complaint Process/Timeline. The timetable set forth below is approximate. The Title IX Coordinator, in consultation with the investigative officers, may, at his or her discretion, allow additional time for any of the steps noted. All relevant parties will be notified simultaneously in writing if additional time is needed and the basis for any delay.

1. Within five (5) business days of receiving the Formal Complaint, the complaint will be made available to the respondent for review, who may then file a written response. Written responses must be provided to the Title IX Coordinator within (3) business days of the written complaint being made available. Additionally, should the complainant or respondent select an Advisor of Choice for the proceeding the name and e-mail contact information for their selected Advisor must be provided to the Title IX Coordinator. If the complainant or respondent wishes to have an Advisor appointed to them for the disciplinary proceeding they must make that formal request to the Title IX Coordinator in writing.
2. Within three (3) business days of receiving the written complaint and supplemental response(s) provided by the respondent, the investigative officers will consult with the relevant parties, including the complainant and respondent, in order to ascertain the facts and views of both parties.
3. If the College decides to investigate additional allegations not included in the original notice a subsequent notice of these allegations will be provided to the parties whose identities are known.
4. All parties will be afforded an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
5. Within fourteen (14) business days from Formal Complaint being referred to the investigative officers they will conduct an inquiry and prepare a report summarizing the relevant evidence. Note: hearsay evidence related by a witness that is not based on first-hand information will be identified as such.
6. The report of the investigative officers and evidence provided as part of the investigation will be made available to the complainant, respondent, and their Advisors by the Title IX Coordinator. Within ten (10) business days thereafter, the complainant and the respondent may each submit a final statement to the Title IX Coordinator concerning the report.
7. The Title IX Coordinator will convene the Sexual Misconduct Hearing Panel within five (5) business days of receipt of the investigative report, evidence provided, and the final statements of each party for a preliminary hearing to formally review the case as outlined in section 9.c. – Sexual Misconduct Hearing Procedure.
8. Within two (2) business days of completing the hearing, the Sexual Misconduct Hearing Panel will decide whether a violation of this policy has occurred, and if so, what the consequences shall be as outlined in Section 9.f. – Sanctions.

c. Sexual Misconduct Panel Hearing Procedure

1. The Title IX Coordinator will convene the Sexual Misconduct Hearing Panel for a preliminary hearing and will present members with the investigative officers' report, evidence provided as part of the investigation including witness statements and physical evidence, the final statements of the parties, and any other relevant reports.
2. Panel members will review all materials in the preliminary hearing. Based on their review the Panel will determine what follow up questions/information needs to be gathered from the complainant, respondent, or witnesses.
3. Investigation officers are not to be considered witnesses for the purpose of Hearings.
4. A formal hearing will be scheduled at the hearing panel members' earliest possible convenience. The College will provide simultaneous written notification of the

scheduling to all parties. During the formal hearing, panelists will consider the evidence, conduct interviews if applicable and debate the merits of the complaint. One member of the panel shall be selected to chair the proceedings and render opinions as needed.

5. The College will provide for the live hearing to occur with the parties located in separate rooms or locations with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
6. Before a complainant, respondent, or witness answers a cross-examination or other question, the chair must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
7. 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 or 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.
8. The College will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
9. The Sexual Misconduct Hearing Panel will use the preponderance-of-the-evidence standard to reach a finding. The preponderance-of-the-evidence standard means the decision-maker must determine whether alleged facts are more likely than not to be true.
10. The range of sanctions that may be imposed are those enumerated in Section 7. – Policy Enforcement.
11. The panel will render a decision in the case which shall be transmitted to the complainant and respondent in writing simultaneously by the Title IX Coordinator within two (2) business days. The notification will identify each charge individually, and the sanctions imposed, if any. Notification will include information about how to file an appeal under this Policy.
12. The notification shall include the rationale for the finding for each allegation, explaining the procedural steps taken in the case, how the Panel weighted what was presented during the proceeding, and explaining how that supports the result and sanctions for each individual allegation using the standard of evidence applied. It will also address whether remedies, if any, designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant.

d. Resources and Interim Measures

Upon receipt of a report, and throughout the investigation, hearing, adjudication and appeal processes, the College will implement reasonable and appropriate interim measures designed to eliminate the reported hostile environment and protect all parties involved. The College will maintain consistent contact with the parties to ensure that all reasonable safety and emotional and physical well-being concerns are being addressed and will review any measures to ensure on-going effectiveness and necessity. Measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the College in order to ensure the preservation of the Complainant's educational or employment experience and the overall College environment.

A Complainant or Respondent may request separation or other protection, or the College may choose to impose interim measures without a request, to ensure the safety of all parties, the

broader College community, and/or the integrity of the investigative and/or resolution process. The College will take immediate and responsive action to enforce a previously implemented measure, and disciplinary sanctions can be imposed for failing to abide by a College-imposed measure.

Potential measures, which may be applied to the Complainant and/or the Respondent to the extent reasonably available and warranted by the circumstances, include:

- a. Access to counseling services and assistance in setting up an initial appointment, both on and off-campus
- b. The imposition of a “no-contact directive” while on-campus or at RMC sponsored events
- c. Rescheduling of exams and assignments
- d. Providing alternative course completion options
- e. Change in class schedule, including the ability to transfer course sections or withdraw from a course without penalty
- f. Change in on-campus work schedule(s) or job assignment(s)
- g. Change in student’s College controlled housing
- h. Limit of an individual’s or organization’s access to certain College facilities, including dining facilities, or activities, pending resolution of the matter
- i. Voluntary leave of absence
- j. Providing an escort and needed transportation to ensure safe movement between classes and activities
- k. Uphold no-contact orders or orders of protection issued by other entities
- l. Providing academic support services, such as tutoring
- m. College-imposed administrative leave or separation
- n. Interim suspension
- o. Any other remedy which can be tailored to the involved individuals to achieve the goals of this Policy.

e. Advisor of Choice

Being involved in a Sexual Misconduct matter can be stressful, and many people find it helpful to have the support and advice of someone they trust during the process. Both the Complainant and the Respondent may have one Advisor of Choice present to support and advise them throughout the complaint process. The Advisor may accompany them to interview meetings, fact-finding interviews, hearings, and any meetings or other proceedings related to the Complaint process. Other than required reasonable accommodations for registered disabilities, the Complainant and Respondent may not be accompanied by anyone except their Advisor.

The Complainant and the Respondent are not limited in their choice of an Advisor. Advisors may be friends, victim advocates, attorneys, or others. It is the discretion of the Title IX Coordinator whether the Advisor may also serve as a witness in the proceedings depending on the facts and circumstances of fact-finding. The Title IX Coordinator will advise all parties that selecting someone to serve as both their Advisor and a witness, or someone who may be a witness for another party, may adversely impact the ability of the College to provide a prompt, fair, and impartial process from the initial investigation to the final result. **In Title IX Sexual Harassment cases if a party doesn’t select an Advisor the College will appoint one for the purposes of conducting cross-examination.**

An Advisor is someone who can provide emotional, logistical, or other support to a party during the process. The Advisor may take notes, help organize documents, or consult with a party in a non-disruptive fashion, but does not provide representation of the party. An Advisor must not delay or otherwise interfere with the process. An Advisor may be removed from a proceeding if they fail to follow these rules.

The Advisor of Choice does not have a speaking role during the process, except for the purpose of cross-examining witnesses in Title IX Sexual Harassment matters in a live hearing. The College's communications will be directly with the Complainant and Respondent, but with each party's permission their Advisor may be copied on all correspondence.

f. Sanctions

Sanctions for violations of this Policy by students may include an oral reprimand, a written reprimand, a warning added to the respondent's file or probation, suspension or expulsion.

Sanctions for violations of this Policy by employees may include an oral reprimand, a written reprimand, a warning added to the respondent's file, or probation, suspension, or dismissal.

g. Protection of Rights

Both parties will have access to the facts developed in the course of the investigation and will be promptly informed about the final outcome of the proceedings. To the extent reasonably possible, all proceedings will be conducted in a way calculated to protect the confidentiality interests of both parties. Moreover, all reasonable action will be taken to ensure that both parties and those testifying on behalf of either party will suffer no retaliation as a result of their actions. In the event that the allegations are not substantiated, all reasonable steps will be taken to restore the respondent(s) if he or she may have been damaged by the proceedings. If a complainant is found to have been intentionally dishonest in making the allegations or to have made allegations maliciously, the complainant is subject to institutional discipline.

h. Appeals Related to Sexual Misconduct

In accordance with Federal law, Title IX and the Clery Act, both the Respondent and Complainant have the right to appeal the Panel's decision. If either party wishes to appeal, they must submit a written statement to the designated appellate officer within ten (10) business days stating, with specificity, the reasons for their appeal and the grounds for a reversal of and or change to the decision.

Appeals may be considered only for the following reasons: Procedural irregularity that affected the outcome of the matter; New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; The Title IX Coordinator, investigator(s), or decision-maker(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; and Sanctioning not in accord with the offense. The Title IX Coordinator responsible for managing the case will inform the other party that an appeal has been filed in writing, share the appeal with them, and afford them ten (10) business days to respond in writing.

The appellate officer, within thirty (30) days of submission of any response to the appeal or if none the submission of the appeal, shall either affirm or overturn the decision. Appeals will be

based upon the record made before the appellate officer and will not constitute a rehearing of the evidence. **The written response of the appellate officer will constitute the final determination of the College.**

10. PROHIBITION AGAINST RETALIATION

Retaliation exists when action is taken against a complainant or participant in the complaint process that (i) adversely affects the individual's employment or academic status; and (ii) is motivated in whole or in part by the individual's participation in the complaint process.

No individual who makes a complaint alleging a violation of this Policy or who participates in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation. Any acts of retaliation, as defined in this Policy, shall be grounds for discipline or corrective measures, up to and including expulsion, termination of employment or termination of the relationship with the College.

11. RIGHT TO ALTERNATIVE PROCEDURES

Nothing in this policy is intended to interfere with or deny the right of any individual to pursue other avenues of recourse which may include, but are not limited to, filing a complaint with the United States Department of Education, local law enforcement or other local, State or National organizations.

Addendum A: Minors

Approved, RMC Board of Trustees

September 24, 2021

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I. STATEMENT OF POLICY

This policy is to prevent and prohibit:

- Sexual abuse of minors by faculty, staff, and volunteers affiliated with Rocky Mountain College; and
- Sexual abuse of minors by medical personnel working at the College's student health center, athletic facility, or similar facilities.

Sexual abuse is unacceptable and will not be tolerated at Rocky Mountain College (RMC). RMC urges an individual to make a formal report to one of the College's Title IX Coordinators if that individual is the victim of sexual abuse, has knowledge of another person in the College community being the victim of sexual abuse, or believes in good faith that they have witnessed a possible warning sign of sexual abuse by or against someone in RMC's community. A report of sexual abuse will be investigated promptly. Confidentiality will be maintained to the greatest extent possible.

Violators will be subject to disciplinary action that may include termination, expulsion, suspension, removal from campus, cancellation of contract, other appropriate institutional sanctions, or any other means necessary to address the behavior. Referral to other policies of RMC may occur. Prosecution by civil or criminal authorities may also occur.

II. SCOPE OF POLICY

All members of RMC's community regardless of role, tenure, or compensation, including, but not limited to students, student-employees, faculty, staff, medical personnel, volunteers, and independent contractors are subject to this policy.

All on-campus activities and institution-sponsored activities off-campus are subject to this policy.

This policy does not address sexual harassment or sexual misconduct that is not considered sexual abuse under this policy. That conduct is addressed in a separate policy located on the [College's website](#). This can be confusing. Please do not let this stop you from reporting. Any report of suspected sexual abuse can be made to the Title IX Coordinator (or designee) who can assist in assessing the application of RMC's policies.

III. CONDUCT PROHIBITED BY THIS POLICY

A. Prohibited Sexual Abuse

RMC prohibits sexual harassment and sexual assault involving current students under other policies located on the [College's website](#). In addition to conduct prohibited under those policies, this policy specifically prohibits sexual abuse of minors, which includes serial sexual misconduct and child molestation:

- **Serial Sexual Misconduct.** Serial Sexual Misconduct is any actual or alleged illegal or otherwise wrongful sexual conduct: (a) with more than one victim and (b) committed by or alleged to have been committed by any perpetrator who is covered by this policy.

- **Child Molestation.** Child molestation means actual or alleged illegal or other sexual abuse with a minor by a person who is covered by this policy.

Sexual abuse with respect to a Protected Person includes the intent to arouse or satisfy the sexual desires of either the Protected Person or the perpetrator. This policy also prohibits sexual abuse defined by state law. Current Montana laws regarding sexual abuse and misconduct can be found at RAINN.ORG. Montana laws pertaining to reporting and investigating child abuse and neglect are found in Title 41, Chapter 3, Part 2, MCA. This law provides that all records concerning the reporting of child abuse or neglect are confidential and grants immunity from any liability, civil or criminal, that might otherwise be incurred or imposed, unless the person acted in bad faith or with malicious purpose.

B. Retaliation

RMC prohibits retaliation against any individual who in good faith reports an incident of conduct prohibited by this policy, including sexual abuse or the possible witnessing of the warning signs of sexual abuse.

RMC prohibits retaliation against a person who engages in activities protected under this policy. Reporting, or assisting in reporting, suspected violations of this policy and cooperating in investigations or proceedings arising out of a violation of this policy are protected activities under this policy.

C. Improper Conduct During an Investigation

Any member of the College community who provides knowingly false information or who refuses to cooperate in an investigation related to this policy will be subject to disciplinary action, up to and including expulsion, suspension, termination, removal from campus, cancellation of contract, or any other means necessary to address the behavior.

IV. CONFIDENTIALITY OF INFORMATION

RMC will make every effort reasonably possible to preserve the privacy of an individual who makes a report under this policy and to protect the confidentiality of the information reported. The degree to which confidentiality can be protected, however, depends upon the College's legal duty to respond to the information reported and the professional role of the person being consulted. The person being consulted should make these limits clear before the disclosure of any facts.

As required by law, all disclosures to any RMC employee of an on-campus act of sexual abuse are tabulated for statistical purposes without personally-identifiable information. Further information regarding disclosure is set forth below.

V. WHAT TO DO FOLLOWING AN ACT OF SEXUAL ABUSE

A member of RMC's community who is the victim of sexual abuse, has knowledge of another person being the victim of sexual abuse, or believes in good faith that he/she has witnessed a possible warning sign of sexual abuse as defined by this policy is urged to make a formal report to the police and/or the one of the College's Title IX Coordinators:

Title IX Coordinator

Mr. Brad Nason

Executive VP & Dean for Student Life

brad.nason@rocky.edu

406.647.1018

Title IX Deputy Coordinators

Ms. Shaydean Saye

Director of Housing and Residence Life

shaydean.saye@rocky.edu

406.657.1051

Ms. Marcella Buster

Chief Human Resources Officer

marcella.buster@rocky.edu

406.657.1043

All victims of sexual abuse are urged to seek appropriate help, which may include a medical evaluation and obtaining information, support, and counseling, either on or off campus. The resources listed in this policy may be used to assist in accessing the full range of services available.

A. Medical Treatment

A person who is the victim of sexual abuse is urged to seek appropriate medical evaluation as promptly as possible.

- For life-threatening conditions, call 911.
- The YWCA Sexual Violence Victims Services (406) 259-8100.
- St. Vincent Healthcare, 1233 N 30th St, Billings, MT 59101 (406) 237-7000
- Billings Clinic Hospital, 2800 10th Ave N, Billings, MT 59101 (406) 238-2500

B. Medical-Legal Evidence Collection

A person who is the victim of sexual abuse is encouraged to request collection of medical-legal evidence. Collection of evidence entails interaction with police and filing of a police report. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action.

Billings Police Department, 220 N 27th St, Billings, MT 59101 (406) 657-8200

C. Obtaining Information, Support, and Counseling

Whether or not one makes a formal report, a person who is the victim of sexual abuse is encouraged to obtain information, counseling, and support. Counselors at a variety of agencies, both on and off campus, can help a person decide what steps to take, such as seeking medical attention, preserving evidence, obtaining counseling, or filing a report with authorities.

Information, support, and advice are available for anyone who wishes to discuss issues related to sexual abuse, whether or not an act of sexual abuse has actually occurred, and whether or not the person seeking information has been assaulted, accused of an act of sexual abuse, or is a third-party.

The degree to which confidentiality can be protected depends upon whether RMC has a legal duty to respond and investigate formal and informal allegations and the professional role of the person consulted. The scope of confidentiality should be addressed by that professional person before specific facts are disclosed.

The YWCA Billings (406) 245-4472 (24-hour line);
(406) 702-0229 (text line)

RMC Counselor (406) 657-1049

RMC Health Center (406) 657-1068

RMC Chaplain (406) 657-1098

RMC Campus Safety Office (406) 238-7293

VI. REPORTING SEXUAL ABUSE

A. Confidential Reporting

RMC has a board-approved policy and procedures in place for the confidential reporting by faculty, staff, and students of ethics-related issues such as sexual abuse, which includes:

- RMC Chaplain, (406) 657-1098; and
- RMC Campus Counselor, (406) 657-1049; and

- You may also anonymously report ethics related issues via the following email address, <https://form.jotform.com/212665470464054> (no personally identifiable information is collected through this site).

B. Internal Reporting

Any employee regardless of role, tenure, or compensation, and any volunteer or contractor who has knowledge of a minor being the victim of sexual abuse or child molestation, or believes in good faith that he/she has witnessed a possible warning sign of sexual abuse or child molestation is required to make a formal report, as soon as possible, to:

- The designated Title IX Coordinator, campus administrator; and/or campus police.

RMC Residence Life	(406) 698-8777 (24-hour line)
RMC Campus Safety	(406) 238-SAFE [7233] (24-hour line)

- Local law enforcement authorities.

Emergency medical and police services	911 (or 8-911 from campus)
The YWCA Gateway House in Billings	(406) 245-4472 (24-hour line); (406) 702-0229 (text line)
Sexual Assault Services	(406) 259-8100
National Domestic Violence Hotline	(800) 799-7233
MT Hotline for Domestic Violence & Sexual Assault	(800) 655-7867

To the extent consistent with state and federal regulations, medical personnel will also report any suspected or reported sexual abuse of minors or child molestation.

C. External Mandatory Reporting

Consistent with state law, any employee, regardless of role, tenure, or compensation, or any volunteer or contractor who has knowledge of alleged or actual child molestation, including but not limited to sexual abuse involving a minor or believes in good faith that they have witnessed a possible warning sign of sexual abuse or child molestation, is required to make a formal report, as soon as possible, to local law enforcement, child protective services, or similar government agency, as well as to one of the College's Title IX Coordinators:

Title IX Coordinator

Mr. Brad Nason

Executive VP & Dean for Student Life

brad.nason@rocky.edu

406.647.1018

Title IX Deputy Coordinators

Ms. Shaydean Saye

Director of Housing and Residence Life

shaydean.saye@rocky.edu

406.657.1051

Ms. Marcella Buster

Chief Human Resource Officer

marcella.buster@rocky.edu

406.657.1043

and to Campus Safety Director, (406) 65. Additionally, the employee must comply with any applicable state laws requiring reporting of allegations or conduct constituting sexual abuse. The minor's parent or guardians will be notified. Any report of serial sexual abuse will be reported to campus administrators.

D. Failure to Report

A failure of an employee or volunteer to report sexual abuse as required by this policy may result in discipline up to and including termination. Any employees who fail to report to known or suspected cases of child abuse or neglect, or who prevent another person from reasonably doing so, may be held civilly liable for the damages proximately caused by such failure or prevention and is guilty of a misdemeanor under Montana law.

VII. POLICY ENFORCEMENT

A. Disciplinary Action for Sexual Abuse

All reported alleged incidents of sexual abuse will be reviewed and investigated if necessary and in conjunction with RMC's Campus Safety Department, where applicable. Federal, state, and local law enforcement agencies may also investigate a report.

Depending on the nature of the allegations and the parties involved, reports of sexual misconduct will be investigated pursuant to this policy, or the procedures set forth in RMC's Policy on Handling Complaints of Prohibited Discrimination or the Policy on Sexual Harassment Prohibited by Title IX. Note: these policies are available at [Harassment & Discrimination](#), [Sexual Misconduct](#).

RMC may resolve complaints at the investigation stage if the facts warrant resolution. However, if the evidence supports the allegation, the applicable College judicial procedures as described in the applicable handbook for students, faculty, and staff will be initiated. For policy violations, possible

sanctions may include, but are not limited to, expulsion, suspension, removal from campus, cancellation of contract, and/or termination. Other members of RMC's community who are not subject to an explicit judicial procedure, upon a finding of a violation, shall be subject to adverse actions such as removal from campus, cancellation of contract, or any other means necessary to address the behavior.

B. Title IX Compliance

Where applicable, any actions under this policy shall be consistent with RMC's obligations under the Policy on Sexual Harassment Prohibited by Title IX.

VIII. INSTITUTIONAL DISCLOSURES OF INFORMATION

A. Request from the Public

All requests from the media, the campus community at large, or the general public for information concerning an alleged incident of sexual abuse should be directed to the Title IX Coordinator. It is critical to protect the privacy of those involved, particularly minors. Failure to comply with this requirement may be subject to possible sanctions including, but not limited to, expulsion, suspension, removal from campus, cancellation of contract, and/or termination.

B. Public Notification of Incidents

As required by law, RMC collects and annually reports statistical information concerning sexual abuse occurring within its jurisdiction. To promote public safety, RMC also alerts the campus community to incidents and trends of immediate concern.

IX. EDUCATION AND PREVENTION EFFORTS

A. Title IX Coordinator

RMC's designated Title IX Coordinators are:

Title IX Coordinator

Mr. Brad Nason

Executive VP & Dean for Student Life

brad.nason@rocky.edu

406.647.1018

Title IX Deputy Coordinators

Ms. Shaydean Saye

Director of Housing and Residence Life

shaydean.saye@rocky.edu

406.657.1051

Ms. Marcella Buster

Chief Human Resources Officer

marcella.buster@rocky.edu

406.657.1043

Information concerning sexual abuse prohibited by this policy can be reported to any of the Title IX Coordinators noted above.

B. Educational Programs

RMC provides resources for education about and prevention of sexual abuse. Members of RMC's community are urged to take advantage of the following on-campus prevention and educational resources:

Safe Colleges Vector Solutions -

<https://www.vectorsolutions.com/brand/safecolleges/>

C. Background Checks

RMC performs pre-employment background checks on all new employees as a condition of employment.

RMC performs background checks on adjunct faculty and part-time employees (such as coaches, athletic trainers, etc.) whose work involves contact with minors, or other Protected Persons as soon as possible after they have been appointed and prior to any contact with students or Protected Persons.

Background checks are not required on current employees with the exception of those employees changing positions. For current employees changing positions, including those filling interim positions, a background check is only required when the new position increases the impact of the perceptible risk factor (contact with Protected Persons). If an employee experiences a position change within the same or greater perceptible risk factor, a new background check needs to be conducted if it has been five or more years since their last background check.

RMC performs background checks on all Key Students, Camp Counselors, and Program Leaders prior to any College-related contact with Protected Persons.

All third-party users of campus facilities, including summer camps, are responsible by contract for complying with these background check standards for their employees, volunteers, and subcontractors.

All third-party contractors and vendors who have contact with minors are responsible by contract for complying with these background check standards for their employees, volunteers, and subcontractors.

D. Training

Sexual abuse often takes place when there is a power imbalance. A sound sexual abuse prevention training program prioritizes awareness directly tied to prevention of the sexual abuse of minors and adult students, along with strategies for a proactive response once a warning sign emerges. Training will also include required internal reporting and mandated reporting under state law (for sexual abuse of minors.)

Sexual abuse prevention training, including training related to the reporting requirements described in this policy, is required for members of the campus community according to the following schedule:

- Title IX Coordinators and campus safety personnel/law enforcement, within 30 days of hire;
- New faculty and staff, within six months of hire;
- All faculty and staff who come in contact with Protected Persons, annually;
- All faculty and staff who do not come in contact with protected persons, annually;
- Administrative staff or faculty members who are considered state mandated reporters for sexual abuse of minors, annually;
- Administrative staff of medical clinics, health care facilities, etc. on campus that provide services to primarily to students, within 30 days of hire;
- Members of RMC's Board of Trustees, annually;
- Key students, camp counselors, and program leaders prior to performing the duties or participating in the qualifying activity; and
- Volunteers who come in contact with Protected Persons, annually.

X. OTHER DEFINITIONS

A. Background Checks

This policy defines background checks as including, but not limited to, the following:

- A search for sex-related offenses in an individual's counties of residence for the past seven years;
- A search of the state registry of sex offenders; and
- A database search for criminal activity in the individual's states of residence for the past seven years;

- A review of state and federal databases verifying an individual's social security number, driver's license, residency, and prior employment.

B. Key Students

This policy defines Key Students as those students who are in practicum involving Protected Persons or the medical field, student teachers, resident assistants, and employed students working with Protected Persons.

C. Camp Counselors and Program Leaders

This policy defines Camp Counselors and Program Leaders as those students, faculty, staff, and volunteers who in the course and scope of their employment or service to RMC conduct activities at or on behalf of the college and come in contact with Protected Persons.

D. Minors

This policy defines minors as those individuals who have not yet reached the age of majority and are participating in any programs or activities of RMC. Montana recognizes 18 years old as the "age of majority,"

E. Protected Persons

This policy defines Protected Persons to include minors, students, and vulnerable individuals regardless of age. Vulnerable individuals include those who are mentally incapacitated, whether temporarily or permanently, for any cause, including, but not limited to, intoxication, drugs, or mental incapacity.