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Sexual Assault Policy

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Introduction and Purpose:

Students, staff, and faculty at Montana State University have the right to live, learn, and work in an environment that is free from all forms of sexual violence and sexual misconduct. This policy describes how to and where to report sexual assaults, how the University will respond to reports of sexual assault, the University educational sexual assault/offense prevention programs , procedures to support students who report a sexual offense, and support services for survivors of sexual assault/offenses. For the purposes of this policy, sexual offenses are those defined in the [Section 635.00 of the MSU Student Code of Conduct](#), including rape, acquaintance rape, and other forcible and nonforcible sex offenses.

Survivors or witnesses of sexual assault/offenses may come forward to various offices on campus described in Section [100.00](#) below and at varying lengths of time following the offense. The MSU VOICE Center (Victim Options In the Campus Environment) serves as the University's primary office that provides 24-hour response and support for survivors of sexual assault/offense.

100.00 Reporting Sexual Assaults

MSU encourages the reporting of sexual offenses such as sexual intercourse without consent, sexual assault, stalking, and other [sexual misconduct](#). Reporting is the only way the University can provide remedial assistance, institute protection procedures for the reporter and others, and take whatever actions are necessary to respond to the complaint.

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

- Report the sexual assault/offense and pursue criminal charges through the University Police Department or local law enforcement.
- Report the sexual assault/offenses to the Title IX Coordinator which could result in and pursue campus disciplinary charges-sanctions through the Dean of Students Office if the alleged perpetrator is a student.
- Report and pursue both University disciplinary and criminal charges if the alleged perpetrator is a student.
- Report the assault but choose not to pursue charges through MSU Police Department.
- Report and seek support at the [MSU VOICE Center](#).
- Report anonymously through the [Silent Witness Program](#).
- Do none of the above (the survivor is still encouraged to seek support).

Although it is important for the student to make the decisions about the kind of service he/she wants, timing is an important factor in many of these decisions. A VOICE Center advocate, counselor, or MSU Police can discuss all of these options confidentially with the survivor. Evidence may be collected if the assault occurred within 120 hours of the evidence collection. The student may request an exam and forensic evidence collection at no cost and without having to file a police report. The costs of the evidence collection will be covered as part of Montana's Forensic Rape Examination Payment Program. The Bozeman Deaconess Hospital (BDH) Emergency Room (406-585-1000) is the only location in Bozeman which conducts forensic examinations. BDH health care providers are specially trained and are sensitive to the needs of sexual assault survivors

Employees. University employees who receive a report of sexual violence, including sexual assault, sexual intercourse without consent or other -sexual misconduct are required to shall inform the [Title IX Coordinator](#). University employees may also report sexual assaults/offenses directly to the police. Only employees serving in certain professional roles which enjoy a statutory privilege under Montana law (e.g., medical providers, licensed professional counselors, VOICE Center counselors) are not required to report disclosures of sexual violence. An online reporting form can be found at www.montana.edu/titleIX/report.html.

110.00 VOICE Center – The VOICE [Victim Options in the Campus Environment] Center is the university's program for victims of sexual assault, stalking and domestic violence. VOICE will work with students to explain the options for reporting their offense to other campus authorities, including University Police and the the Dean of Students office Title IX Coordinator. MSU VOICE Center will assist the survivor in notifying authorities if he/she requests assistance and will advise survivors of the importance of preserving evidence if they choose to bring criminal charges in the future. However, the staff and student advocates in the VOICE Center will assist survivors whether they decide to report the offense to law enforcement officials or choose not to report.

MSU VOICE Center will treat the student's interactions with the VOICE Center confidentially in compliance with the privilege afforded to communications with victim advocates under state law. [§26-1-812, Montana Code Annotated.]

The VOICE Center is located in room 370 of the Strand Union Building (above the Leigh Lounge) and provides primary support and response for survivors of sexual assault/offenses. MSU VOICE Center has a 24-hour support line (406-994-7069) and provides confidential information to students about sexual assault reporting options, available resources and assistance for the survivor, and the survivor's rights.

VOICE Center staff and trained advocates are available 24 hours a day and can provide immediate crisis intervention; refer survivors to legal, medical, and psychological service options, and can accompany students in accessing these services. Information is also available at the [VOICE Center website](#).

Other services available 24 hours within the Bozeman community include the Sexual Assault Counseling Center (through the Help Center) at 406-586-3333, and HAVEN at 406-586-4111.

110.00 University Police Department (UPD) – Certain sexual offenses such as sexual intercourse without consent, sexual assault, and stalking are considered criminal violations of the law and University law enforcement officials are available 24 hours a day to help respond to reports of sexual assault/offenses. MSU encourages reporting to the police as soon as possible but if a student chooses not to report immediately, a report can be made later. At the MSU Police Department, a student can meet a detective or officer to learn more about his/her options, the process, the people involved and make an informed decision on pursuing criminal charges.

If, for any reason a person wishes to report to the police anonymously, the Silent Witness Program is available to anyone who has witnessed, or knows about a crime committed on campus. All campus members are welcome to send email to switness@montana.edu to report a sexual offense or any other crime.

120.00 Dean of Students office (DOS) – If the alleged perpetrator of sexual assault/offense is a student at MSU-Bozeman, the student may report the incident to the Dean of Students office.

Although all reports of sexual harassment, sexual violence, including sexual assault are referred to the Title IX Coordinator for investigation, the DOS office will work with ~~these students~~ and may take a number of immediate steps to protect the student's health and well-being, including providing informal consultation, issuing a no-contact order to the alleged perpetrator, adjusting classes to avoid contact with the perpetrator, providing other corrective and remedial assistance as outlined in Section 220.00 and initiating a formal disciplinary proceeding. Students can contact the Dean of Students Office by calling 406-994-28268 or visiting the office in SUB 174.

~~In all cases involving sexual offenses brought under Student Code of Conduct, both the charged student and the charging student have the right:~~

- ~~• To know ahead of time the names of witnesses~~
- ~~• To have someone accompany her/him through the hearing~~

- ~~• To have a closed hearing unless all parties agree otherwise~~
- ~~• To see all evidence, to question the accused, survivor and witnesses~~
- ~~• To be seated out of sight of the accused or participate by telephone~~
- ~~• To be informed in a timely manner the decision of the board~~
- ~~• To appeal the decision of the hearing board~~

Because a sexual assault/offense is often more than an assault on an individual's body, but is also an attack on the individual's dignity and sense of self, the decision to take action against the accused rests with the aggrieved student. However, there are certain circumstances in which the university must act if it receives a report of sexual assault/offenses if necessary to protect the student and members of the university community.

A survivor wishing to maintain complete confidentiality may report to [the VOICE Center](#) or to a licensed mental health professional through the MSU Counseling Center. ~~Under Montana law, the counselor is authorized to maintain counselor-client confidentiality.~~

130.00 Title IX Coordinator - Title IX, a federal statute, requires that the educational services of a university be provided without discrimination on the basis of sex. Sexual violence can be a form of discrimination in education prohibited by Title IX. . Montana State University has designated the Director of ~~Human Resources and Affirmative Action~~ [Institutional Equity](#) as the Title IX Coordinator for Montana State University [Bozeman campus](#). The Title IX Coordinator is responsible for assuring compliance with Title IX— ~~and will investigate reports of sexual discrimination, including sexual harassment, sexual misconduct and sexual violence.~~ Students who have been sexually assaulted ~~by someone other than a student~~ may file a complaint ~~under the University's Nondiscrimination Policy with the HR/AA office with the Title IX Coordinator.~~ [An online reporting form can be found at www.montana.edu/titleIX/report.html.](http://www.montana.edu/titleIX/report.html)

200.00 University Response to Sexual Assault

210.00 Expert Assistance. ~~Employees are required to report incidents of sexual violence to the Title IX Coordinator. However, N~~no matter where a student, faculty or staff member comes forward to report a sexual assault/offenses on campus, ~~it is vital for~~ the office or department receiving the report ~~to should refer the reporter to -consult with~~ the MSU experts on sexual violence located in the MSU VOICE Center and to make a referral for services.

220.00 Corrective and Remedial Action- The university, through the Dean of Students and Title IX Coordinator, may also take corrective and or remedial to prevent serious and immediate harm to the complainant and others; prevent retaliation against the complainant, the alleged perpetrator and/or witnesses; end discriminatory or harassing behavior and prevent its recurrence; and provide appropriate training in issues related to discrimination.

Remedial action may include, but shall not be limited to:

- Altering the academic environment;
- Reassigning or transferring one or more of the parties to another course, advisor, work location or reporting relationship;

- Moving students to different rooms in the residence halls or to different halls;
- Transferring students or faculty to different course sections;
- Assigning alternate advisors, mentors, supervisors, or evaluators and providing academic support services such as tutoring;
- Providing counseling and medical services;
- Providing an escort to ensure that the complainant can move safely between classes and activities;
- Arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's record.
- Withdrawal and retroactive withdrawal from the university.

The aggrieved student may request a remedial action by contacting the Dean of Students or the Title IX coordinator.

240.00 Interim Restrictions - The University may impose interim residence hall restrictions, campus trespass orders, University suspension or other restriction(s) upon a student pending [an investigation and](#) the resolution of disciplinary proceedings if there is reason to believe that the student's conduct poses an imminent and substantial threat of injury to or interference with persons or property.

250.00 Sanctions – If a student is found to have violated the Student Conduct Code by engaging in sexual assault/offenses, the university may impose a sanction against the student. These sanctions may include counseling, education, up to and including suspension or expulsion from the university. Please review the MSU [Student Conduct Code of Conduct](#) for further information ~~regarding sanctions and other information regarding hearing procedures for violations of the Code.~~

260.00 Disclosure of Student Disciplinary Proceedings - Montana State University will disclose the outcome of any student disciplinary proceeding related to sexual misconduct to both the charging student and the charged student. The outcome of a proceeding means the institution's final determination regarding whether there was a violation of the Student Conduct Code and the sanction imposed.

270.00 Retaliation Prohibited - Montana State University ~~strictly~~ prohibits retaliation against any person for reporting concerns, or filing, testifying, assisting or participating in any manner in investigations or proceedings involving allegations sexual assault/offenses. Any person ~~who~~ [found to have](#) violateds this policy will be subject to discipline.

300.00 Educational Programs

The VOICE Center provides education and advocacy services through annual campus-wide mailings, awareness campaigns, and educational presentations. VOICE Center staff and trained peer educators are available, upon request, to provide primary prevention and programming on sexual and relationship violence to classes, student groups, and residence halls.

Incoming first-year students are required to complete an on-line sexual assault awareness education program as part of Health Promotion's AlcoholEdu program.

The VOICE Center, in collaboration with MSU Police Department, Dean of Students Office, Title IX Coordinator, and members of the Gallatin County Sexual Assault Response Team provide annual training to relevant campus staff on responding to sexual assault/offenses.

The Dean of Students office offers annual support and training on preventing sexual violence to the student leaders involved with MSU fraternities and sororities. The Dean of Students office also offers ~~annual~~ training on Title IX compliance with sexual violence and sexual harassment cases to MSU faculty/staff/students who participate as campus [Conduct Officers, Hearing Officers or](#) hearing board members.

The Title IX Coordinator, Department of Residence Life, and MSU Police Department also provide training upon request.

400.00 Sexual Assault Support Programs and Services - On Campus

VOICE Center - The [VOICE Center](#) provides free and confidential services to male and female survivors of sexual assault/offenses, relationship violence and stalking. They also provide a 24-hour advocacy service. Services are available to anyone, regardless of sex, ethnic background, or identity. The VOICE Center is located in SUB 370 for daytime walk-in services, and operates a 24-hour support line, 406-994-7069 that gives survivors the option to speak with a student or community advocate. Advocates can accompany student to the hospital, police department, or court if necessary.

While most victims of sexual assault/offenses are women, sexual assault/offenses also impacts men and transgender students. It is important for men and transgender students to know that they are accorded the same services as women. Services are also available for friends and family members concerned about a victim.

MSU Counseling and Psychological Services - Talking with a counselor can also be an important step in learning about available options as well helping the recovery process. MSU Counseling and Psychological Services, 406-994-4531, offers FREE, confidential counseling to eligible students, and provides counseling on a limited basis for a fee to MSU faculty/staff. For more information and to schedule an appointment visit <http://www.montana.edu/wwwcc/> or visit the office at 211 Swingle.

MSU Student Health Service – Regardless of the length of time since an assault, health care providers recommend a clinical visit to assess pregnancy risks, sexually transmitted infections (including HIV) and physical injuries. Services are available to eligible MSU students and their spouses/domestic partners. There is no charge for a clinical visit. There are charges for lab tests, x-rays and pharmaceuticals which may be covered by a student's insurance. Morning-after contraception is available. Students can contact [MSU Student Health Service](#) at 406-994-2311 for information and to schedule an appointment. The Student Health Service does not perform

forensic rape exams. These exams are only performed at the Bozeman Deaconess Hospital Emergency Room.

500.00 Sexual Assault Support Programs and Services - Off Campus

Help Center and Sexual Assault Counseling Center – The Help Center is the confidential community crisis line that provides support and intervention for sexual assault, suicide, and mental health concerns. A sexual assault counselor is available 24-hours a day to speak confidentially with anyone who has been impacted by sexual assault. A person seeking assistance may contact Help Center & Sexual Assault Counseling Center, 406-586-3333.

HAVEN – HAVEN is Bozeman’s domestic violence shelter and provides 24-hour crisis support and advocacy for all domestic violence survivors. Survivors who are or have been involved in a violent relationship may receive support off-campus by contacting HAVEN, 406-586-4111.

Bridgercare – Bridgercare, 406-587-0681, is a non-profit reproductive healthcare facility in Bozeman. The professional staff provides affordable reproductive and sexual healthcare and education in a safe, supportive, and empowering atmosphere.

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