

# Sexual Misconduct Policy

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*Montage Academy does not condone acts of sexual crimes including Dating Violence, Domestic Violence, Stalking, Sexual Assault, and Forcible sexual offenses. The Academy does not discriminate between genders when it comes to these offenses and will take action equally. Montage Academy will promptly address any report of a sexual misconduct.*

Montage Academy will investigate any report that is made about a crime on campus, as well as participate in off campus reports that have been reported at the school. Montage takes the safety of our staff, clients, and students very seriously and will not tolerate any sexual misconduct outlined in our Safe dates altered program. This program educates students and staff regardless of gender, or sexual orientation and does not discriminate (Title IX requires that this program is non-discriminate against gender). **The Academy will keep reports confidential for the victim as well as the accused.** This is to prevent further damage to the victim or contribute to name slander of the accused as they must be proven to be guilty. **This confidentiality may be broken by the school in certain circumstances where other agencies or individuals need to know. Such agencies that may need to be reported to are the Longmont Police Department, the Safe Shelter of St Vrain valley or other counseling services for the victim. Individuals that may need to be notified of the report are office staff that will need to aid the student in meeting their needs at the school and providing services for the victim.**

**Statistics on sexual crimes must be reported yearly but personal information is not involved in this report and will not violate the individual's confidentiality.**

## **Immediate assistance**

- Debbie Nilsen who is our Title IX trained professional on campus can be contacted for inquiries on reporting and assistance for abuse via her office during school

hours at 700 Ken Pratt Blvd Suite 510 Longmont, Co 80501, by phone at 303-776-8110, or by email at [Debbie.Nilsen@Montage.Academy](mailto:Debbie.Nilsen@Montage.Academy).

- The Longmont Police department is a primary source to make a report, and can be reached by 303-651-8555 or calling 911. The Longmont United Hospital located **1950 Mountain View ave. Longmont Colorado 80501** is a place to go for medical injuries that may have occurred during the attack and is very important in collecting evidence through a rape kit to help the victim get justice. The Safe Shelter of St Vrain valley in Longmont may also be contacted and provides excellent counseling and support for victims, they may be contacted through 303-772-0432 or by their crisis line 303-772-4422.
- Health care is provided by the Longmont Hospital where any injuries will be examined and treated. This is a very important resource as they can perform rape exams and help to collect evidence for the victim to pursue their assaulter and receive justice. The hospital can also provide preventative treatment for STDS and other health services that would be needed after an assault. The victim has the right to contact their local rape crisis center Safe Shelter of St. Vrain Valley (303-772-0432) in order to have an advocate at the hospital. The Title IX coordinator Debbie Nilsen may also act as an advocate for the victim in the Longmont United Hospital.

### **Ongoing assistance**

- Montage Academy works with Safe Shelter of St Vrain valley to provide counseling to victims whether they pursue charges on their attacker or not. The Academy also will provide assistance to the best of its ability to help the victim with their needs after an attack. These needs may include changing schools, or other reasonable request of the victim. These services are available to a victim whether a verdict has been made or not. The victim may waive their confidentiality if they begin to work with a crisis center and wish for the school to release information to the center or any other organization of their choosing by written consent to disclose their information.

## **Title IX coordinator explanation and duties**

Title IX promotes equal opportunity by providing that no person may be subjected to discrimination on the basis of sex under any educational program, or activity receiving federal financial aid. Sexual harassment and sexual violence must be reported to the Title IX coordinator. If more information is needed about what Title IX covers the Title IX coordinator Debbie Nielsen can provide that reading material. Even if sexual violence did not occur in the context of an educational program or activity, the school must process such complaints and consider the effects of the sexual violence when evaluating whether there is a hostile environment on campus or in an off campus education program.

### **Definitions**

- **Consent:** the voluntary agreement to engage in a sexual act with a partner. A person who is incapacitated by alcohol or drugs, asleep or unconscious cannot give consent. Consent is also not given if the person lacks the mental capacity or physical ability to give consent. Consent can be taken back at any moment during the interaction and silence is not a form of consent. Coercion, force, or threat negates a consent given through such means.
- **Sexual harassment:** unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive environment
- **Hostile environment caused by sexual harassment:** Hostile environment sexual harassment occurs when verbal, non-verbal and/or physical conduct is: sexual and/or based on sex, gender, gender identity or sexual orientation (actual or perceived). unwelcome, and sufficiently severe and pervasive to interfere with a person's work/learning/program performance or to create a hostile, intimidating or offensive environment. The determination is made on a case-by-case basis looking at the whole record, including the circumstances (such as the nature of the sexual advances) and the context in which the alleged incidents occurred.
- **Sexual exploitation:** Sexual exploitation means taking the advantage of sexuality and attractiveness of a person to make a personal gain or profit. It is the abuse of a position of vulnerability, differential power, or trust for sexual purposes.
- **Retaliation:** any action that would discourage an average victim from complaining about discrimination or sexual harassment.
- **Intimidation:** physical threats, and other verbal, visual, or physical conduct of a sexual nature.

- **Sexual Assault:** Unwanted sexual acts directed against another person.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with a victim.
- **Stalking:** Engaging in 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, surveys, threatens, or communicates to or about a person, or interferes with a person's property.
- **Domestic Violence:** a felony or misdemeanor crime of violence committed by a current or former spouse, a person with whom the victim shares a child, a person who has/is cohabitating with the victim as a spouse or intimate partner, a person similarly situated to a spouse under the domestic and family violence laws of the jurisdiction in which the crime of violence occurred; or any other person against an adult or youth victim who is protected from that person's acts under the domestic and family violence laws of the jurisdiction in which the crime of violence occurred.
- **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity..
- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent.
- **Exhibitionism:** The act or practice of exposing one's genitalia to another for the purpose of obtaining sexual gratification or stimulation or to shock or be offensive to another.
- **Voyeurism:** The act or practice of obtaining sexual gratification or stimulation by visual means- an example would be a window peeper.

## Reporting Protocols

If a victim reports a crime or a bystander reports a crime the Title IX coordinator will be notified to help handle the proceeding. It is best for a victim to report directly to the Title IX coordinator Debbie Nilsen, but if the initial report is to a staff member or friend that is trusted they both will report the crime to the Title IX coordinator. From there the Title IX coordinator will assist the victim in reporting the crime to the appropriate authorities and will carry out a school investigation itself.

## **Investigation procedures**

The Title IX coordinator will be making the final decision on the results in the investigation. The investigation will be conducted by the title IX coordinator and the investigation will entail three conferences. The first conference will be with each party and their representative if they choose to have one for support, but are not allowed to speak for the party itself this representative is not allowed to have any legal training as they are there for support only. The second conference will consist of going over the information with both parties and representatives in the same room where they then can dispute each other's claims and evidence but are not allowed to cross examine each other. This will be done in a controlled manor with each party being allowed to speak their parts. This investigation process will be conducted in a timely fashion that allows each party to obtain evidence. The verdict will be decided in a timely fashion and will depend on how much evidence is provided the time frame can vary from within the same day to within a month of the start of the investigation. It is important for each party to preserve evidence for their claim. Sharing any information that is not permissible for the party to discuss according to a criminal investigation by the police is not permitted in the school hearing if the investigation is still active during the time of the hearing. After a verdict if the victim feels they need accommodations within the scope of the school that is reasonable for their safety they may work with the school to obtain those accommodations. If a victim does not wish to take action against their attacker and wants the reporting to stay confidential the school will protect the confidentiality within the scope of the law, and will attempt to the best of their abilities to provide safety to the victim within the confines of confidentiality.

## **Grievance/ adjudication procedure**

Montage Academy will investigate any accusation; the victim and accused are allowed a representative to sit with them for support only but not to speak on their behalf. Each party will be spoken to alone or with their representative (who has no legal training), and then spoken to together. The verdict will be determined by the Title IX coordinator who is annually trained and will be punished accordingly but not limited to expulsion. Parties may provide evidence in their individual conference or in the conference with both parties. Evidence may be witnesses or physical evidence. Types of evidence that is not permissible would entail questioning or evidence about the complainant's prior sexual conduct as well as cross examining the opposite party. Evidence of past consent does not give the accused the right to obtain sexual interactions with the victim as past consent is not valid for future interactions. The verdict will be issued in writing to both parties and a copy kept at the school for records. If a party wishes to appeal the results of the investigation they must have new evidence and ask for an appeal in writing within **two** weeks of the initial verdict. The final results will be given in written notification to each party and a copy held in the school for their records.

## **Prevention, education, training**

Montage Academy has enlisted the Safe Dates program into the school for our prevention program. We also use the shifting the paradigm toolkit. Both of these programs combined are taught to teachers and staff who will then teach the students this material, staff will be taught this material as they gain employment with montage academy and can use the printed books and materials for review

at any time. The material is split up between two sections as our students go through the program faster than most institutions. Students will be introduced to the material at orientation, and will go into their first lesson on the first Saturday of attending school (or the following Saturday if a holiday lands on their first Saturday) and then will finish the program during their last Nuts and Bolts Class. The program will cover sexual violence against women and men and how to recognize it, stalking information, bystander interventions, how to help friends who are suffering from abuse, consent, and how to gain help. A private lesson is available for students who are unable to sit through a class with others due to emotional distress of the topic.

If these crimes are committed the school will take action to find the truth of the report and will punish the accused if proven guilty accordingly. If a crime is committed the school will offer their support to the best of their ability within reason and the title IX coordinator will help the victim to report the incident to the proper authorities. If the victim chooses to report the crime on their own the Academy will offer the sources to report to, and will offer their support in any reasonable way that the victim needs. Crimes will be reported to the Longmont police department. The student does hold the right not to press charges against their attacker. If a crime does occur it is important for the student to preserve any evidence. Keep a record of anything that is possible to keep a record of and in the case of rape it is important to get a rape kit performed to keep any DNA that can help the victim to prosecute their attacker. If the victim does not wish to press charges with the police Montage encourages the victim to seek help from the Safe Shelter of St. Vrain to get the emotional help and counseling they may need. If an attack happens off campus but is reported on campus the school will still help to the best of its ability and offers support to the victim and will help guide them through this process.