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MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

FORWARD MONTANA; LEO
GALLAGHER; MONTANA
ASSOCIATION OF CRIMINAL
DEFENSE LAWYERS; GARY ZADICK,

Plaintiffs,

vs.

THE STATE OF MONTANA, by and
through GREG GIANFORTE, Governor,

Defendant.

Cause No. ADV-2021-611

Hon. Mike Menahan

**AFFIDAVIT OF BRENT MEAD IN
SUPPORT OF BRIEF IN
OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT**

I, Brent Mead, being first duly sworn upon her oath, state as follows based on my personal knowledge:

1. I am co-counsel for Defendant in the above action, am over the age of 18, am competent to testify as to the matters set forth herein, and make this Affidavit

based upon my own personal knowledge and/or belief. I am generally familiar with the claims, materials, documents and pleadings regarding this matter.

2. One of my roles in defending this case is to conduct discovery into the Plaintiffs' claims, including the specific factual allegations made in the Verified Amended Complaint.

3. Each of the attached exhibits relates to the specific factual allegations made by Plaintiffs.

4. Exhibit A is a true and accurate copy of the University of Montana's Housing Student Handbook for 2020-21, effective at all times relevant herein.

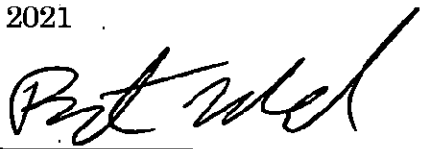
5. Exhibit B is a true and accurate copy of Board of Regents Policy 1008 which governed the use of campus facilities at all times relevant herein.

6. Exhibit C is a true and accurate copy of University of Montana-Western's Policy 600.4 (Political Campaign Solicitation), effective at all times relevant herein, restricting political activity to defined areas of campus. Exhibit C was copied directly from the University of Montana-Western's website as noted in the exhibit.

7. Exhibit D is a true and accurate copy of Montana State University's Freedom of Expression Policy, effective at all times relevant herein. Exhibit D was copied directly from Montana State University's website as noted in the exhibit.

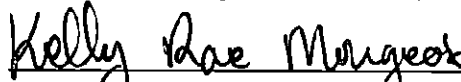
8. Exhibit E is a true and accurate copy of Senate Bill 319 as introduced in the 2021 Montana Legislature.

Dated this 20th day of December, 2021



Brent Mead

Subscribed and sworn to before me this 20th day of December, 2021.



Notary Public in and for the State of
Montana
Residing at: *Helena*
My Commission Expires: *July 18 2024*

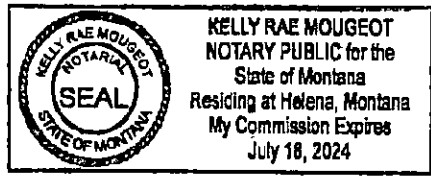


Exhibit A

UM Housing
Student Handbook

Residence Halls 2020-2021



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Welcome to UM Housing

UM Housing Community

Home away from home...

The UM Housing Staff are great resources and happy to assist you! The main UM Housing Office is in Turner Hall and is open Monday-Friday from 8:00 am-5:00 pm. Your Area Desk is open Monday-Friday from 8:30 am-Midnight, and Saturday-Sunday from 10:00 am-Midnight. We encourage you to contact your Resident Assistant on your floor/wing or the Community Development Coordinator in your area with any questions or concerns you have while living on campus. Additionally, Area Coordinators, our professional live-in staff members, are also available in your building communities during business hours.

It is important to become involved in your UM Housing community. UM Housing offers a number of ways to get involved with your community from Programming Boards to RA-planned events and programs, and more! Talk with your RA about how to get involved with your community.

The residence halls are owned and operated by the University on a self-supporting basis. This means your room fees pay for the cost of operations (e.g., utilities, maintenance, and staffing), capital improvement work, and repayment of money borrowed for the original construction and the interest on these loans. These buildings are your University home. Your cooperation, personal concern, and care are needed to avoid any unnecessary and wasteful expenses such as damage repair and replacement.

No community is entirely risk free. Crimes take place in our society as well as on our university campuses. The University and the UM Housing Office want to encourage you to take joint responsibility for your safety here on campus. The best protection against criminal activities is for all residents, faculty, and staff to be aware of and report any prohibited acts. All members of our community can reduce the risk of campus crime by being responsible for their personal safety and taking practical precautions.

Helpful hints for your safety...

Always...

- Be aware of your surroundings. If something seems like a problem, Step Up and say something. It's up to you!
- Lock your door at night or whenever you leave the room.
- Lock your vehicle.
- Tell your roommate/friends where you're going and when you plan on returning.
- Call GrizWalk at 406-243-2777 to be escorted across campus, or walk in groups.
- Look assertive and confident, and be aware of your surroundings.
- Trust your gut feelings. If you feel uncomfortable, get out of the situation.
- Know where the emergency phones are on campus (lit with a blue or green light).
- Contact your Resident Assistant or a UM Police Officer at 406-243-6131 if you have a problem or see something/someone that you think is unsafe.
- If there is an emergency, call 911 immediately.
- Take advantage of educational programs in your hall.

Never...

- Leave your room unlocked when you are not home.
- Prop open the hallway or outside doors of buildings. They are locked for your safety.
- Let people in the building you don't know. They will have Griz Card access if they are allowed to access the building.
- Lend your Griz Card, keys, or access card to friends.
- Put social norms or etiquette before your own personal safety.

Electronic Monitoring

All outside doors and certain public access areas within the residence halls are monitored using electronic devices such as video cameras and door access readers. This monitoring is for the protection and safety of the residents and UM Housing property.

Access Cards, Keys, and Locks

The University of Montana assists students in protecting their personal property as well as the property of the residence halls by providing each student with a room access card. Students access the outside residence hall doors and hallway doors (where applicable) using their Griz Card, and when a student checks into the residence hall they will be issued a room access card. Each student must return this card and their mailbox key at the time they move out of the residence halls. Charges will be assessed if room access cards and/or mailbox keys are not returned at the time of move out.

Outside residence hall doors and hallway doors (where applicable) are locked 24/7. Students are advised to have their access cards, mailbox key, and Griz Card on them at all times.

UM Housing and the students are jointly responsible for safety in their communities. Residents can take responsibility for their own security of the hall by locking their rooms, reporting prohibited behavior, and not propping open doors. UM Housing offers periodic personal security programs in order to help provide a safe and secure community for its residents.

If a resident loses their key and/or access card, a temporary key/card may be obtained at the Area Desk. The temporary key/card checkout fee is \$10.00, which will be charged to the student's account. Temporary keys/cards must be returned within 7 days of checkout. After 7 days, the student will be charged for replacement of the temporary card (\$25.00)/mailbox key (\$100.00).

Room Inspection

The University recognizes the right of privacy of all residents living in the residence halls, but also reserves the right to inspect its property at any time for necessary reasons. For health, safety, or emergency purposes, it is sometimes necessary for a University staff member to enter a resident's room when they are not present. Every effort will be made to have one or both occupants of the room present when an inspection is made. Periodic inspection of rooms will be made by the Resident Assistant on each floor to check for cleanliness and safety, and to ensure that health standards are being maintained. Written notification will be made at least 24 hours before these health/safety inspections.

Resources

Area Desks

UM Housing has three Area Desks. The Area Desk's function is to provide residents with information and additional services. Craig Area Desk is for Craig, Duniway, and Elrod residents. Jesse Area Desk is for Jesse, Knowles, and Turner residents. Miller Area Desk is for Miller and Pantzer residents. Your Area Coordinator's office is also located at your hall's Area Desk.

There are many items available at your hall's Area Desk including:

- Temporary cards for room access
- Temporary keys for mailbox access
- Building/floor access cards
- Games/sports equipment
- DVDs
- Vacuums
- Special mail delivery/packages
- Smiles and resourceful information

Bulletin Boards/DEN Network

To stay up to date on campus and hall news and events, check the hall lobby bulletin boards and/or DEN Network which is in the hall lobby and on Channel 3 of your TV.

Laundry

Every residence hall provides complimentary use of the washers and dryers for residents only. If you are new to doing laundry, refer to the chart in the laundry room for helpful tips, or ask your hall staff for assistance. Please do not leave laundry unattended and do not prop laundry room doors. UM Housing is not responsible for lost, stolen, or damaged laundry.

Mail

Your mailbox number corresponds with your room number and may be opened with your mailbox key. Note that mail will only be delivered to the occupants of the room number assigned. You'll receive mail Monday-Saturday, provided it is addressed correctly. As a general rule, residence hall mailboxes may not be used for any mailings other than those acceptable to the U.S. Post Office. Exceptions to this rule may be granted subject to the approval of the Executive Director of UM Housing. Check your mail often for time-sensitive mail.

Packages

Packages and items too large to fit in your mailbox will be held at your hall's Area Desk. An email will be sent to your student email account notifying you that you received a package. You will need to present your Griz Card or valid photo ID at the Area Desk to sign for your package.

Mailing Address

Your mailing address consists of your first and last name, followed by your room number and hall name. Please do not include "University of Montana," "32 Campus Drive," or zip code "59812," as this may delay delivery.

Example:

Monte Bear [Full Name]
123 Duniway Hall [Room # and Hall Name]
Missoula, MT 59801 [City, State, Zip Code]

Storage

The only storage available within the halls are the rental units located in Jesse, Knowles, Pantzer, and Miller Halls. Please contact the UM Housing Office for information on availability and cost. The rental units are for residents of any building and are available for the entire year. Residents should read their Residence Halls Storage Rental Agreement carefully before utilizing their storage unit. There are also privately operated storage units available throughout the local Missoula community.

Bicycles

Bike theft is very common, so please be sure to always lock your bike up when you are not using it. We ask that residents park and lock their bikes up in the racks provided. Please do not chain or lock them to the stairwells or walkways as this is against the State of Montana fire safety codes.

There are closets that can be used for bike storage in the Pantzer suites. In all other buildings, the resident can either leave them outside locked to bike racks or inside their individual rooms. If you choose to store your bike in your room, please be aware of potential damage when moving the bike around. Please contact the UM Police Department at 406-243-6131 for bike registration and bike safety information.

Computers

Computer terminals in each hall are linked to the main University network for residents' use and are available free of charge. Gaming and nonresident use is not permitted. Printing is also available from certain computers. Check with your Area Desk for details.

SAIT and TECs

Student Affairs IT provides free/low-cost tech support and computer help for students of the University of Montana. TECs can often help with any technology. We joke that we can help with anything that has an on/off switch. SAIT provides support via phone at 406-243-2625 from 8:00 am-5:00 pm, Monday-Friday. Walk-up hours at the SAIT Service Desk in the University Center are from 11:00 am-5:00 pm, Monday-Friday. You can also schedule an appointment for help in your residence hall or Lewis and Clark Village apartment between 2:00 pm-5:30 pm, Monday-Friday. Go to www.umt.edu/sait or call us to make an appointment!

Trash and Recycling

Residents are responsible for taking out their own personal trash. Personal trash should not be placed in the common areas (lounges, bathrooms, etc.). Instead, personal trash must be taken outside to the appropriate dumpsters or placed down the trash chute. Personal trash must never be placed in the hallways outside a resident's room, nor may trash be swept into the hallway. Charges may be assessed to your student account if this occurs.

Recycling is located outside all residence halls for the following items: aluminum cans, newspaper, plastic, mixed paper, and cardboard. It is the responsibility of every resident to take their recycling outside. Recyclable products should not be placed down trash chutes.

Hypodermic Needles

Some students have medical conditions requiring the use of needles. Improper disposal of hypodermic needles is dangerous, because these needles may carry blood-borne pathogens. Proper disposal of hypodermic needles is mandatory. A disposal container can be obtained at no charge by simply asking for one at the Curry Health Center (406-243- 2122). Please keep our campus and staff safe by properly disposing of needles.

Vending Machines

Snacks and soft drinks are available on the basement level, first floor, or 11th floor of your hall.

Energy Conservation

Energy costs are the most expensive items in the residence halls' operation. The residence halls do not receive any state or University funds, and must pay for this cost out of room rental. Please help keep housing rates reasonable by conserving energy:

- Set room thermostat at 65.
- Close draperies when possible.
- Turn lights and other electrical appliances off, when not in use.
- Report any malfunctions of heating/ventilating units to the Area Desk immediately.

Repair and Maintenance

If repairs or special maintenance are needed, please notify your Resident Assistant or the Area Desk. You can also log on to myHousingPortal at www.umt.edu/myhousingportal to submit maintenance requests. The UM Housing Office reserves the right to make assessments for special cleaning of residents' rooms, and for missing room furnishings including windows, screens, mattresses, etc. These charges may be significant. For purposes of safety, sanitation, and general upkeep, the University reserves the right to maintain and make repairs in the residence hall rooms anytime during the school year. Management and maintenance staff may enter any room for the above purposes whether the room's occupants are present or not.

Bed Height Options

All residence halls have adjustable/moveable furniture. Beds can be arranged in a number of ways, including standard height, captain height, lofted, or bunked. For additional information, or to sign up for these services, please log on to myHousingPortal at www.umt.edu/myhousingportal.

Personal Property

Residents should report any personal property that is missing from their rooms to their RA and the UM Police Department immediately. The information to be given should include: a complete description of the items and their value; whether the room was locked; whether a key was lost recently; and any person suspected of the theft.

Do not leave personal property in residence hall common areas. Items left in common areas will be collected and discarded by UM Housing staff.

If a loss occurs outside the residence halls, the resident should report it to the UM Police Department. The University as a state institution is not responsible for damage to or theft of personal property on campus, unless the loss is due to negligent or wrongful acts or omissions of University agents or employees. Insurance for personal property while on campus may be available through parents' homeowners' insurance, tenant's coverage, or purchased through a private company. UM Housing has a preferred vendor for renters insurance, GradGuard. Grad Guard has reasonable student rates. You can visit the GradGuard website by logging into your housing application or visiting https://enroll.gradguard.com/starRez_renters_enroll.

Common Area Damage/Vandalism

UM Housing is a non-profit enterprise. Rental rates are set at a level to cover expenses and do not include excessive damage costs. Our preference is to hold individuals responsible for damage caused intentionally or unintentionally. Students are encouraged to report in a timely manner any acts of vandalism or damage in their community to a member of the UM Housing staff.

Repair and maintenance costs will be assessed to the individual whenever possible. When individual(s) responsible cannot be identified specifically, costs will be shared by the smallest identifiable group of residents within a building, floor, wing, room, or suite. Examples of vandalism that may result in shared costs distributed within a community include, but are not limited to: bulletin board or signage ripped off walls; ceiling tile damage; damage to paint/vinyl in stairwells, hallways, bathrooms, or floor lounges, etc.

UM Housing may refuse, revoke, suspend, or reassign housing for a student or group of students based on inappropriate behavior or damages. If students are found responsible for malicious or careless damage to University property they will be sanctioned through the conduct process. If no responsible individuals can be identified, common area damages will be assessed as outlined above.

Students may initiate damage appeal proceedings at the UM Housing Office in Turner Hall. Appeals of decisions may be made to the Residential Appeals Committee.

Assignments

Room Changes

Room changes are allowed during the semester as space allows. No room changes are allowed during the first two weeks of classes in order to complete the semester audit. Once the semester audit is complete, and all students assigned to temporary interim rooms have been moved to permanent rooms, the semester room change waitlist will be used to move students around to available room spaces. The semester room change waitlist opens the first day of classes on myHousingPortal at www.umt.edu/myhousingportal. If you are having issues with your roommate, please talk to your Resident Assistant or Area Coordinator. All room changes including room swaps must be approved by the UM Housing Office, and the room change agreement form must be completed before the move occurs. Each resident is allowed one free room change. After the first move, residents will be charged a room change fee of \$50.00 for each additional move per academic year.

Release During the Semester

Once you have picked up your keys, you are considered to be moved into the residence halls. In order to move out mid-semester, you must be released by the Executive Director of UM Housing. To request to

be released, you must fill out a form and write a statement explaining why you would like to be released. The form is available online at www.umt.edu/housing/forms.

Rooms are assigned for both Fall and Spring semesters. Moving out at the end of Fall Semester must be approved by the UM Housing Office. Requests to move out at the end of Fall Semester must be submitted by November 20, 2020. Notices and changes to plans submitted after November 20, 2020, are assessed a \$40.00 late vacate notice fee.

If you are not properly released for Spring Semester, you will not receive a refund on your room charges. If you are released for Spring Semester, you will be charged a \$200.00 cancellation fee, plus a prorated amount for the days you had keys for the room and until an official checkout is completed.

Semester Break

The residence halls close for Winter Break on Monday, November 30, 2020, at Noon. Students living on campus again for the Spring Semester may leave their items in their room, but must be out of the hall by Noon on Monday, November 30, 2020, unless they have made arrangements to stay. Students that wish to stay in their residence hall room for any part of the Winter Break must make arrangements to do so in the UM Housing Office by 5:00 pm on November 20, 2020.

Please note that there are additional charges to stay for Winter Break, as this is not included in the semester housing rate. The residence halls will re-open for Spring Semester on Wednesday, January 6, 2021, at 9:00 am. Students who wish to arrive early may do so without arrangements beginning on Saturday, January 2, 2021, at 9:00 am, and will be charged a daily early arrival rate until the halls officially open on Wednesday, January 6, 2021.

Emergency Procedures

Fire Alarms and Fire Equipment

All possible measures are taken to maintain a safe community for the residents. This includes having established fire evacuation rules and regular fire drills. Tampering with fire alarms and fire equipment is prohibited. Prosecution by the criminal authorities and/or disciplinary action under the UM Student Conduct Code resulting in dismissal from the University are potential penalties for intentionally setting off false fire alarms, the unauthorized use of fire equipment, and for starting fires.

In case of a fire, call 911. Fires are a potentially serious problem in all shared living space communities due to the high concentration of individuals living in each building. Please use caution and common sense to avoid a disaster.

Prevention can save your life and the lives of others. Explore your community and familiarize yourself with all exits. Keep exits and access areas clear of all debris and storage. Residence hall staff will conduct fire drills twice annually in order for all residents to evaluate proper evacuation routes in case of a fire emergency. Please note that halogen lamps, candles with wicks, and incense are not allowed in order to reduce the risk of fires within the residence halls.

Fire Emergency

When the general alarm for your building sounds, you must evacuate the building immediately via the closest emergency exit. Be sure you close and lock your room as you leave. The emergency exit routes are clearly marked. Residents must proceed in an orderly fashion by walking quickly to the emergency egress routes and out of the building. **ELEVATORS CANNOT BE USED AS EMERGENCY EXIT ROUTES.**

Students with disabilities who cannot egress the building should go to the nearest safe area of rescue and activate the area of rescue signal. Emergency personnel will come to this area and assist the student from the building.

Once outside the building you must move to a site at least 25 feet from the building. This will allow room for emergency vehicles and personnel to work and protect your safety. During inclement weather, students will be moved inside to other buildings during the emergency situation. Do not re-enter the building until instructed to do so by a UM Housing staff member or the on-scene emergency personnel.

Medical Emergency

If you believe there is a medical emergency, call 911 or UMPD at 406-243-4000 immediately. Medical response personnel will include UM Police, the Missoula Fire Department, and an ambulance from Missoula Emergency Services. If the emergency personnel on the scene determine the student may be treated at the Curry Health Center, arrangements will be made to transport the student to that facility.

Police Emergency

For police emergencies, dial the campus emergency number, 406-243-4000. UM Police Department Officers will respond to all campus police emergencies.

Residence Hall Policies

Students have the responsibility to conduct themselves in a manner that does not impair the welfare or educational opportunities of others in the University community. Students must act as responsible members of the community, respect the rights, privileges, and dignity of others, and refrain from actions which interfere with normal University functions.

In addition to the Student Conduct Code, UM Housing expects all students and their guests to abide by the following policies within the residence halls. Students may find the Student Conduct Code online at <http://www.umt.edu/vpesa/Dean%20of%20Students/default.php> and a current list of all Residence Hall Policies online at <http://www.umt.edu/housing/rh/policies/default.php>. Violations to any policies within the Student Conduct Code or Residence Hall Policies will be documented, and students are subject to the disciplinary process.

Residents will be notified via their student email should they have a mandatory meeting resulting from a policy violation. Residents are responsible for checking this email in a timely manner for all University communications.

Non Discrimination Statement

Policy Statement

The University of Montana is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among all people at our University. Acts of discrimination, harassment, sexual misconduct, stalking, and retaliation will be

addressed consistent with this policy. Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities.

It is important that members of the University community understand that the law does not just prohibit discrimination and harassment of employees by employers. The law also prohibits discrimination and harassment between members of the UM community more generally: for example, between an instructor and a student, between two students, between two employees, or between a student and an applicant or campus guest.

The policy applies in all University programs and activities, including, but not limited to, discrimination in athletics, instruction, grading, university housing, and university employment. In addition, the law prohibits retaliation against an individual for opposing any practices forbidden under this policy, for bringing a complaint of discrimination or harassment, for assisting someone with such a complaint, for attempting to stop such discrimination or harassment, or for participating in any manner in an investigation or resolution of a complaint of discrimination or harassment. It is central to the values of this University that any individual who believes they may have been the target of unlawful discrimination or harassment feel free to report their concerns for appropriate investigation and response, without fear of retaliation or retribution.

This policy shall not be construed or applied to restrict academic freedom at UM, nor shall it be construed to restrict constitutionally protected expression, even though such expression may be offensive, unpleasant, or even hateful.

Report policy violations to:

Alicia Arant

Title IX Coordinator, Office of Equal Opportunity & Title IX

Telephone: 406-243-5710

Fax: 406-243-2797

Email: eoaa@umontana.edu or alicia.arant@umontana.edu

Office: University Hall, Room 006

Mailing Address: EO/TIX, University Hall 006, Missoula, MT 59812

Website (with online option for submitting complaint): www.umn.edu/eo

Title IX Coordinator

The Title IX Coordinator is responsible for coordinating the University's compliance with federal and state discrimination and sexual harassment laws, including Title IX. The Director of the Office of Equal Opportunity & Title IX (EO/TIX) is the Title IX Coordinator for the UM community. The Title IX Coordinator oversees compliance with the University's policy prohibiting discrimination, harassment, sexual misconduct, stalking, and retaliation. Specifically, the Title IX Coordinator will:

- Coordinate educational programs regarding discrimination and sexual harassment prevention for students, staff, and faculty;
- Respond to, investigate, and/or seek resolution to allegations of discrimination and sexual harassment following the procedures;
- Provide information about and, if requested, assist with criminal reporting;
- Provide information about resources for obtaining advocacy, healthcare, and counseling services; and
- Coordinate interim measures such as arranging for an escort on campus, modifying campus living arrangements, and helping with academic accommodations.

A full copy of the University's Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Policy and the accompanying Discrimination Grievance Procedures are available in the policy section of the EO/TIX website. More information about reporting options, resources, and other information about sexual harassment, including sexual assault, is located at www.umt.edu/sexualmisconduct.

Alcohol and Drug Offenses

1. Alcohol Policy

- A. Residents and their guests must abide by the Student Conduct Code expectations regarding alcohol use.
- B. For residents under the age of 21:
 - i. Residents and their guests who are under the age of 21 may not possess or consume alcohol. Based on Montana State Law, being intoxicated by alcohol is considered possession of alcohol.
 - ii. Residents who are under the age of 21 may not display and/or possess alcohol containers (empty or full), shot glasses, alcohol decorations (trophy bottles), etc.
 - iii. It is a violation of policy for anyone under the age of 21 to be present in a residential space where they know that alcohol or alcohol containers are present (empty or full), or in a common area where violations of this policy are occurring.
- C. For residents over the age of 21:
 - i. Residents and their guests may not consume alcohol in the presence of those under the age of 21, including roommates.
 - ii. It is a violation of housing policy to be visibly intoxicated in the residence halls. Students who are 21 or over who are disruptive because of the use of alcohol may be considered in violation of this policy.
 - iii. Residents of legal age must discreetly transport alcohol to their rooms.
 - iv. Containers of alcohol are not permitted in public or common areas either inside or outside of residential buildings. Common areas include, but are not limited to, outside entry or adjacent sidewalk areas, all lounges, lobbies, kitchens, recreation rooms, entertainment areas, hallways, bathrooms, stairways, fire exits, elevators, and laundry rooms, and a student room with an open door.

Behavior in violation of this policy is addressed through student conduct and may require attendance at Behavioral Health Options. More severe consequences are dependent on the behavior displayed at the time of documentation. The cost of the Options program is the responsibility of the student (see the Behavioral Health Options website for cost: <https://www.umt.edu/curry-health-center/Counseling/Behavioral-Health-Options.php>). Alcohol violations also carry with them the prospect of a Minor In Possession (MIP) and other criminal charges.

2. Illegal Use or Misuse of Drugs

- A. Residents and their guests must abide by the Student Conduct Code expectations regarding drug use.
- B. The possession, use, distribution, and cultivation of drugs in housing is prohibited. This is true even if a resident has a medical card.

- i. Although the State of Montana permits the use, possession, and/or cultivation of medical marijuana, federal law prohibits the use, possession, and/or cultivation of medical marijuana in educational institutions and other recipients of federal funds. The use, possession, and/or cultivation of medical marijuana is therefore prohibited in University of Montana housing facilities on the University of Montana premises. Even if a student, faculty, or staff member possesses documentation permitting the use, possession, and/or cultivation of medical marijuana, this activity cannot occur on University of Montana premises.
- C. It is a violation of policy for anyone to knowingly be present in a room/suite where drugs are present, or where violations of the Student Conduct Code are taking place.
- D. It is prohibited to be under the influence of drugs in any form, with the exception of the use of prescriptions in the manner that is instructed by a medical professional. Residents and their guests who exhibit behaviors that appear to have been influenced by drug use may be subject to disciplinary process. Such behaviors may include, but are not limited to slurred speech, odor of drugs, lack of balance, or swaying.
- E. Residents may not possess drug paraphernalia, which includes equipment, products and materials of any kind which are marketed or designed for drug use including, but not limited to, bong, smoking pipes, vaporizers, and roach clips.

UM Housing staff is instructed to call the campus police and allow law enforcement to take over a situation if illegal drugs are suspected to be present. Federal Student Financial Aid may be withdrawn if a student is convicted of a drug crime. The University has strict policies regarding the illegal use and abuse of substances. Do not jeopardize your education by using illegal substances.

3. Tobacco Free Policy

- A. UM Housing supports the University of Montana's tobacco free campus policy, and does not permit the use of tobacco products in any of our residence halls or apartment buildings. All buildings are designated "No Smoking" in all areas including student rooms. Smoking of any kind (e.g., hookahs, E-cigarettes, and vape/vapor/vaporizer pens) and the use of tobacco products (e.g., chew, snuff, etc.) are not allowed in areas including study rooms, restrooms, hallways, stairways, lobbies, elevators, lounges, student rooms, etc.
- B. In accordance with the University of Montana's tobacco free campus policy, students may also not smoke or use tobacco products, E-cigarettes, or vape/vapor/vaporizer pens outside the residence halls on campus property. Tobacco use is allowable at the following locations: sidewalks along Beckwith, Arthur, 5th and 6th Streets west of Maurice, Maurice north of 6th, Kim Williams Trail, and all properties outside of those borders and beyond boundaries of any property of the University of Montana.

Illegal and Disruptive Conduct

4. Disruptive Behavior

- A. Any act that poses a danger to health, safety, or property within housing facilities is prohibited.
- B. Students shall not obstruct or disrupt the University living environment. Disruptive behavior is behavior that interferes with the University living and learning environment, or that interferes with the other students' rights to socialize, study, or sleep. Disruptive behavior may include, but is not limited to the following:

- i. Excessive noise or nuisance;
 - ii. Failure to cooperate with the reasonable directive of a University official (including all members of UM Housing), acting in the performance of their duties;
 - iii. A student's failure to obtain express consent from the resident(s) of another room prior to entrance.
- C. Any unauthorized use of electronic or other devices to make an audio or video recording of any person without that person's prior knowledge, or without effective consent when such a recording is likely to cause injury or distress, is prohibited. This includes, but is not limited to, surreptitiously taking pictures of another person in a restroom or other location where a person would expect privacy.
- D. Residents who assist anyone in a policy violation or a crime may be in violation of housing policy themselves.

Hall staff reserve the right to require items that cause an ongoing disruption to the living environment be removed from the residence halls immediately.

5. Noise Policy / Quiet Hours

The realities of community living dictate that individuals respect community needs for the moderation of noise regardless of established quiet hours. Noise is any sound which is disturbing to any resident. In an effort to reduce the amount of noise in the living groups, specified quiet hours are established in each living group.

- A. Excessive Noise - Noises that are disruptive at any time are prohibited. Disruptive noises, including but not limited to, loud stereos, amplified instruments, or loud voices, infringe on the rights of other students. Residents with stereos are encouraged to use headphones. Amplifying music or other sounds out of residence hall windows into public spaces is prohibited. While it is the responsibility of all to control noise, it is also the responsibility of those bothered by noise to contact the offending party and request that the problem be corrected. All residents must assume responsibility for monitoring their own behavior.
- B. Courtesy Hours - Courtesy hours are in effect at all times. Courtesy hours allow all residents to sleep, study, and relax or host visitors without distracting noises from neighbors. If any student makes a reasonable request that another student reduce the volume of their music, talking, and TV, they must comply with the request. Residents must comply with staff requests to reduce noise. For more information see the Disruptive Behavior policy. Retaliation against the person making such a request may result in further conduct action.
- C. Quiet Hours - Quiet Hours are from 8:00 pm to 8:00 am beginning Sunday evening through Friday morning, and from 11:00 pm to 9:00 am beginning Friday evening through Sunday morning. When quiet hours are in effect, the living environment should be quiet enough to allow others to sleep. Guidelines for behavior during Quiet Hours include:
- i. Radios and stereos should not be heard outside the room.
 - ii. Musical instruments can only be played outside the residence hall.
 - iii. The right of a roommate to study and sleep has priority over your right to entertain guests in your room.

- iv. Because of disturbances to hall residents and the potential injury to bystanders, outdoor games are limited to the lawns south of Pantzer Hall, east of the second sidewalk in front of Craig Hall, and on the River Bowl. Drumming activities should be taken to the River Bowl area.

- D. During the week before finals and finals week, quiet hours are extended to 23 hours per day, with courtesy hours in effect from 7:00 am – 8:00 pm.

UM Housing reserves the right to perform maintenance and construction of the residence halls, which may occur throughout the year and at various times of the day. Maintenance and construction may cause noise within the residential facilities.

UM Housing Property

6. Building Security

- A. Outside residence hall doors and hallway doors (where applicable) are locked 24/7. Propping doors jeopardizes the safety of students, staff, and property. Residents are prohibited from propping exterior and hallway doors.
- B. Residents may not open doors for non-residents of the hall or allow non-residents to follow them into the building. Residents are responsible for the behavior of anyone they allow into the building. See Visitors and Guests Policy for more information.
- C. Residents are responsible for proper use of their access cards, including Griz Cards. Students may not loan their access cards to other people.

UM Housing and the students are jointly responsible for safety in their communities. Residents can take responsibility for their own security of the hall by locking their rooms, reporting prohibited behavior, not allowing people to follow them into the building, and not propping open doors. UM Housing offers periodic personal security programs in order to help provide a safe and secure community for its residents.

7. Cleanliness

- A. Residents must keep their contracted spaces (including bathrooms, common spaces, and shared kitchens in suite-style arrangements) clean and free of health and safety hazards.
- B. Residents must clean up after themselves in common areas. Common areas can include kitchens, lounges, lobbies, bathrooms, laundry rooms or other space that is for general resident use. Restrictions to access and charges could ensue if it is determined you were responsible for messes left in such areas.
- C. All trash must be disposed of properly in the trash chutes on each floor.
- D. Residents may not store their personal items in areas outside of their assigned space, including, but not limited to, study lounges, roommate's desk or closet spaces, other rooms within a pod/suite, and common spaces, even if they do not have a roommate.

The Area Desk has vacuums to check out for student use. Some cleaning equipment is also available on each floor. Students can receive replacement light bulbs by contacting the Area Desk.

8. Fire Safety

- A. Residents may not tamper with, disable, cover, or damage fire equipment, including but not limited to sprinkler heads, smoke detectors, alarms/strobe lights, exit signs, pull stations,

sprinkler system, fire doors and fire extinguishers, heat sensors, and fire safety signage. Residents who tamper with fire equipment may face disciplinary action, a monetary fine, or both, and may also be referred to law enforcement authorities.

- B. Residents may not hang items from the sprinkler heads, cages covering the sprinkler heads, pipes associated with sprinklers, or the ceiling.
- C. Candles, incense, heat lamps, and space heaters have been found to be a severe fire hazard, and their use is prohibited in the residence halls. Wickless candles are an acceptable alternative and provide fragrance without the flame. Exceptions to this policy for religious or spiritual purposes, including smudging, need to be approved by the Executive Director of UM Housing prior to any such practices.
- D. Students may not plug power strips or extension cords into other power strips or extension cords. Do not overload outlets. Do not use extension cords and/or surge protectors that are not UL rated and/or do not have fire shield capabilities.
- E. Residents may not leave items in the hallways, as they pose a tripping hazard. These items include, but are not limited to shoes, bikes, bed parts, and trash.
- F. Residents and their guests are not allowed to sleep in public and common areas.
- G. Residents and their guests may not leave food unattended while cooking. Residents may only put food and items that are microwave safe into a microwave.
- H. Residents are not allowed to post on the walls or ceilings in the hallway.
- I. No more than 30% of any door or wall surface inside a resident's room may be covered with combustible materials. Wall surfaces include doors, windows, ceilings, and floors.
- J. When a fire alarm is activated, all persons inside a residential facility are required to leave the building immediately, even if it is believed to be a drill or false alarm.

9. Misuse of Facilities

- A. All residence halls facilities are reserved for the exclusive use of students who reside in the residence halls and their guests.
- B. Nonresidents may not use any hall facilities for any reasons. Unauthorized use of residence hall facilities (bathrooms, lounges, study rooms, laundry rooms, computer rooms, etc.) may result in disciplinary action and/or criminal action.
- C. Residents cannot tamper with, vandalize, or misuse the elevators. This includes misuse of the Emergency button.
- D. Residents may not damage any University property or property owned by other residents.
- E. Residents may not permanently alter University property/space.
- F. Residents are required to report any individuals they see damaging property. A witness may be subject to disciplinary action if they fail to report.
- G. Residents may not remove any University-issued furniture from their assigned room or residence hall common areas.
- H. Residents may not unlatch screens, remove windows, or throw items from the windows for any reason.

- I. Residents may not enter or exit the building through the windows.

10. Possession of Prohibited Items

- A. Please exercise good judgement when deciding to bring items to the residence halls. All items need to meet the following criteria to be permitted within the residence halls:

- i. All items should be in good working order and cannot be under recall by the manufacturer. Some information regarding recalls can be found here: <https://www.cpsc.gov/Recalls>.
- ii. Any damaged or altered items are prohibited.
- iii. All appliances should be UL listed and have fire shield capabilities.
- iv. All appliances must have an automatic shutoff.
- v. Items should be shut off when not in use and any cords should be examined to ensure they are not worn or frayed or subject to pinch damage.
- vi. The misuse or illegal use of electrical appliances creates serious hazards in residence halls and is prohibited.
- vii. No exposed heat element (e.g., hot plates, toaster ovens, and electric woks).
- viii. No open flame.
- ix. Storing flammable or combustible liquids or gasses is prohibited, including, but not limited to, gasoline, kerosene, and cleaning fluids.
- x. Any appliance that produces steam, smoke, or grease laden vapors is prohibited. Clothes irons, electric kettles used to boil water, and scent diffusers are the only exceptions.
- xi. Any device with light bulbs that generate excessive heat is prohibited (including halogen bulbs and/or incandescent bulbs that exceed 100 watts).
- xii. Any device that would exceed the electrical load is prohibited.
- xiii. Any approved cooking appliance must be attended at all times.

- B. The following items are never approved in the residence halls:

- i. Barbecues and grills; crockpots; electric fryers; electric grills and sandwich makers/presses; electric woks; fog, smoke, and haze machines; hookahs, hookah smoking accessories, e-cigarettes, vaporizers; hot plates; Hoverboards, Swagways, IO Hawks, Skywalkers, and similar devices; portable space heaters; pressure cookers and instant pots; rice cookers; and toasters and toaster ovens.
- ii. Air conditioners are not allowed in the residence halls unless approved by Disability Services for Students.

- C. Exceptions

- i. Cooking appliances are not allowed in the halls except for coffee pots, microwaves (1200 watt max), and popcorn poppers.
- ii. In hall kitchens, baking is allowed, but cooking meals that contain meat or cooking with oils is prohibited.

- iii. Mini refrigerators must be under 4.0 cubic feet.

If the use of your item poses a health or safety concern, causes a disruption to the community, causes property damage or property loss, regardless of whether the item is approved, you may be subject to disciplinary action and associated costs or sanctions.

Other Conduct Issues

11. Animals

- A. Fish, in 10-gallon tanks or less, are the only pet allowed in the residence halls. No gravel is allowed down the drains in the sinks, showers, or toilets.
- B. All other animals of any kind, except certified service or approved assistance animals, are strictly prohibited in the residence halls.
- C. Pets will not be permitted to "visit" or be on the premises for any reason. Exceptions will be made for individuals requiring a service animal(s).
- D. Individuals with approved assistance animals must follow the expectations outlined in the UM Assistance Animal Policy. If you need a copy of your signed Assistance Animal Policy agreement, you should contact UM Housing.

Requests to have an animal approved as an assistance animal must go through the Disability Services for Students Office. This request must be submitted and approved prior to the animal being at the residence hall. Unauthorized pets may result in a fine for each day the animal resides in the residential facilities unapproved.

12. Firearms, Explosives, and Weapons

- A. Possession, use, or threatened use of firearms, ammunition, dangerous chemicals, weapons, and destructive devices are prohibited.
 - i. "Firearm" means a weapon, by whatever name known, which is designed to expel a projectile by the action of black powder, smokeless powder, or compressed air and which is readily capable for use as a weapon. Ammunition is not allowed in the residence halls.
 - ii. "Weapon" means any object that may be used to injure. Not all weapons can be listed here. Some common weapons that are prohibited include, but are not limited to, knives having a blade that projects or swings into position by force of a spring, by centrifugal force, or by gravity and is commonly known as a switchblade knife; or any knife with a blade longer than 4 inches or not intended for kitchen use. Weapons also include, but are not limited to, any hunting or target bow; any crossbow; any dirk, dagger, slingshot, metal knuckles, bow and arrow, BB/pellet gun, blowgun, paintball gun, sword, stun gun/Tasers or any similar instrument by the use of which injury could be inflicted upon the person or property of any other person.
 - iii. "Destructive Device" means a projectile containing an explosive or incendiary material or any other dangerous chemical substance; or a bomb, grenade, missile, or similar device or any launching device.
- B. Pepper spray/mace/bear spray is permitted as a tool for safety and should only be deployed in the case of an emergency. If used in an offensive manner and not in self-defense, it is

considered a non-lethal weapon subject to this policy. Offensive use of pepper spray could also come with criminal charges in the State of Montana.

The University of Montana offers weapons storage through the University of Montana Police Department. Weapons can be stored or checked out Monday-Friday from 8:00 am to 5:00 pm. Special appointments are available upon request. Please contact UMPD Dispatch at 406-243-6131 for additional information, or to speak with an officer.

13. Gambling

To conform to state laws, no form of gambling is permitted in the residence halls.

14. Guests and Visitors

- A. Guests and visitors are defined as any individuals who are not contracted residents of the specific room or building in question.
- B. No persons other than escorted guests, residents, or University staff on University business may enter a living group. Residents must escort their guest(s) the entire time their guest(s) is in the building.
- C. Residents are responsible for the behavior of their guest(s). Guests are expected to comply with all state, federal and University rules and policies.
- D. Only people assigned to a room may reside in that room.
- E. Residents are responsible for ensuring that their guest(s) are using the appropriate bathroom facilities.
- F. Residents may not give their room or hall access cards to their guests.
- G. Guests are permitted only with the permission of the contracted resident(s) of the room and then only in designated areas and within the previously agreed upon frequency. In no event will guests be permitted more often than the frequency listed below. Residents may have guests stay providing they meet all of the following criteria:
 - i. They receive permission from all roommate(s) or suitemate(s), if applicable;
 - ii. for visits occurring during the day, the guest does not stay for longer periods of time than agreed upon by all the contracted residents of the space, considering what would be reasonable for other contracted residents to enjoy the use of their room/suite;
 - iii. the guest stays no longer than three consecutive nights; and
 - iv. residents may only have a guest stay for a total of seven nights in a semester.

Guests staying in a space after 2:00 am are defined as overnight guests. For guests requesting to stay longer than three consecutive nights and/or seven nights in a semester, please see your Area Coordinator for the guest request process.

Guests that are violating policies or damaging property may be asked to leave. Roommates and suitemates are strongly encouraged to take some time to talk about arrangements for guests and about how all parties feel about the potential disruption guests can cause before the guests are invited to stay. If roommates feel that their rights are being violated, it is their responsibility to contact a staff member.

15. Sales in Residence Halls

In regards to resident and community privacy, safety, and security (with exception of local newspaper delivery), general sales and non-commercial and commercial solicitation are prohibited in residence halls (e.g., political campaigning, event promotion, etc.). In order to guarantee the privacy of all residents, no agents or solicitors are allowed to enter the residence halls. Residents bothered by unauthorized persons should report them to the hall staff immediately. For information on residence hall tabling opportunities and the flyer approval process, please contact the UM Housing Office.

16. Violent and Sexual Offenders

Any student who has been designated as a violent or sexual offender by a county, state, or federal court, and who is requesting housing in University facilities must notify the UM Housing Office of this information prior to execution of the contract. The UM Housing Office must also be notified when a student residing in University residence halls is a violent or sexual offender within 24 hours following such designation by a county, state, or federal court.

The University reserves the right to review the student tenant's offender status and the potential risk to the community due to the tenant's residence in University facilities. After such review, the University may deny occupancy to a tenant based on either offender's designation status.

Residents may not host guests that have been designated as a violent or sexual offender by a county, state, or federal court.

17. Sports and Recreation

Activities in hallways, residence hall rooms, lounges, or other indoor areas, or areas adjacent to buildings that could interfere with the living-learning environment are prohibited. This includes, dribbling basketballs, running in the halls, throwing or catching objects of any kind, skateboarding, riding bikes, and any other activity that could be considered a sport.

The use, possession, or storage of Hoverboards, Swagways, IO Hawks, Skywalkers, and similar devices, is prohibited on campus until safety standards for them can be developed and implemented, and the prohibition is lifted. Recent information has revealed that the batteries in the devices are dangerous and prone to explosion, creating a safety and fire risk. Until a time that the safety standards for these devices are improved, UM Housing has prohibited them from being in any of our residence halls or apartments.

Important Numbers

Emergency Numbers

911 Emergency Center	911
Campus Emergency	406-243-4000
UM Police Department	406-243-6131
Curry Health Services Center	406-243-2122

Residence Hall Area Desks

Craig/Duniway/Elrod Area Desk	406-243-5143
Craig/Dunlway/Elrod Area Coordinator	406-243-2141
Jesse/Knowles/Turner Area Desk	406-243-2554
Jesse/Knowles/Turner Area Coordinator	406-243-2130
Miller/Pantzer Area Desk	406-243-2322
Miller/Pantzer Area Coordinator	406-243-2140

Campus Resources

Counseling Services	406-243-4711
Campus Dining	406-243-6325
Financial Aid Office	406-243-5373
Griz Card Center	406-243-6943
GrizWalk	406-243-2777
UM Housing Office	406-243-2611
Student Affairs IT	406-243-2625
Student Advocacy Resource Services	406-243-6559
Writing Center	406-243-2256
UC Student Involvement	406-243-2005



Exhibit B

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION
Policy and Procedures Manual

SUBJECT: PHYSICAL FACILITIES
Policy 1008 – Use of campus facilities
Adopted: October 31, 1980; Revised: November 18, 1999

Board policy

A. Campuses of the Montana University System may permit use of campus facilities by persons or groups not associated with the schools. The units may establish their own policies for use of facilities, which must include and not conflict with the following requirements:

1. Use of facilities by anyone not associated with the campus shall not disrupt regular academic programs or activities of the campus;
2. Students, faculty, staff and organizations affiliated with the University System shall have priority in the use of facilities over anyone not associated with the University System;
3. Any person or organization not affiliated with the University System, requesting a special use of campus facilities, shall submit such a request in writing on a form supplied by the school. The person or organization shall assume responsibility for the activity and shall be required to release the school from liability or obtain liability insurance. This section does not apply to regularly scheduled uses of recreational facilities which are open to the public;
4. Fees. Rents and charges for use of a particular facility may be assessed in amounts sufficient to offset costs of the use of the facility to the campus. The campus may also require a deposit to cover possible damage resulting from the use of the facility;
5. No solicitation. Solicitation of funds by any person or organization unaffiliated with the school may not be conducted unless prior permission is granted in writing by the president, chancellor or a designee;
6. Commercial activities. No commercial activity or event involving the sale of goods and services, the proceeds from which inure to the benefit of a person or organization not associated with the campus, and no sale of food or beverages shall be permitted on campus property unless permission is granted in writing by the president, chancellor or a designee;
7. Competition with Private Sector. Any approval for the use of campus facilities should be consistent with the guidelines laid out in Policy 1909 ("Competition with the Private Sector).

History:

Item 29-002-R1080, Use of campus facilities, Montana University System, October 31, 1980; as revised November 18, 1999 (Item 104-103-R0999).

Exhibit C

Date Adopted: 09/25/2006¹

Date Revised:

References: BOR Policy 1008

Issuing Office: Administration and Finance

Approved By: Susan Briggs

1. Policy

Political campaigning and solicitation activities by non-campus organizations and/or persons may be responsibly conducted on University property subject to certain restrictions and the procedures listed below.

2. Purpose

The purpose of this policy is to provide guidelines for political campaigning and solicitation by non-campus organizations and/or persons on University-owned or controlled property.

3. Procedures

1. Political Campaigning

Political campaigning on the University campus may not impose on the privacy of the residence halls or interruption of students, faculty, or staff in academic areas.

All political campaigners are requested to use the space between Short Center and the Student Union Building. Campaigners should notify the campus in advance by contacting the office of the Vice Chancellor for Administration and Finance.

Political materials may not be distributed through campus mail, the campus mail room, or residence hall mailboxes.

Political postings are limited to designated public use bulletin boards. Written political materials may be left in designated areas in the Student Union building. The ASUMW Office Manager monitors campus bulletin boards for appropriateness and timeliness of postings.

No political campaign activity may disrupt any University program or other official activity. Violation will not be tolerated and such campaigner(s) shall immediately cease activities.

2. Solicitation

¹ Available online at <https://www.umwestern.edu/section/600-4-political-campaign-solicitation/> (accessed December 20, 2021).

With the exception of local newspaper delivery, general sales or solicitation are prohibited in residence halls. In order to guarantee the privacy of all residents, no agents or solicitors are allowed to enter the residence halls.

Solicitors should notify the campus in advance by contacting the office of the Vice Chancellor for Administration and Finance.

Posting of signs or other materials should be confined to designated public use bulletin boards generally available for those purposes.

3. Campus Appearances of Political Candidates

Student political groups, as well as faculty and staff organizations, are free to sponsor appearances by political candidates in common areas, if they wish, provided that such appearances are cleared through the usual channels governing the use of such facilities. Candidates without a campus sponsor should contact the Vice Chancellor for Administration and Finance directly if they wish to make an appearance on campus.

Any such appearances are to be open to the entire student body and not controlled by a particular candidate or group's operation. All candidates making political appearances should be aware that they and their representatives are barred from political fundraising on campus, and that their visits should be conducted as speeches with question and answer sessions and not as campaign rallies. They should also be aware that all students, faculty and staff as well as the general public are entitled to attend.

Government officials are always welcome on UMW's campus for events that are normally a part of their official duties. If they are visiting as participants in an election campaign, they should expect to adhere to UMW's campus policy concerning political activity. Violators of University policies and procedures will cease non-compliant activities immediately and may be asked to leave the campus.

4. Authority

All property of the University of Montana Western, including all of the buildings and improvements thereof, is the property of the State of Montana and is under the jurisdiction and control of the Board of Regents of Higher Education of the Montana University System. All UMW property is managed for the specific purpose of fulfilling the educational mission of UMW as a State-supported institution of higher education. Accordingly, the use of UMW property and facilities is subject to all applicable state and federal laws, Board of Regents policies, and UMW policies.

5. Responsibility

Vice Chancellor for Administration and Finance, Facilities Services Office, ASUMW
Office Manager, Dean of Students, Chancellor, Provost/Vice Chancellor for
Academic Affairs and Student Affairs

Exhibit D

Freedom of Expression Policy¹

Subject:	Governance and Organization
Policy:	Freedom of Expression Policy
Effective Date:	September 7, 2011
Revised Date:	February 2, 2012; May 2, 2018
Review Date:	May 2020
Responsible Party:	Office of Legal Counsel

Introduction and Purpose

MSU recognizes that the freedom of expression is integral to the purpose and process of the University, whose primary goal is education. Therefore, no University policy or rule will infringe upon the rights protected by the First Amendment of the United States Constitution.

Policy

MSU supports and encourages diverse points of view, though they may sometimes seem distasteful or offensive, as this is the nature of the University's educational responsibility and is safeguarded by the freedom of expression. The acceptance of diversity is a fundamental tenet of the Land Grant University system and is instrumental to the creation of new discourses and the weighing of different views. MSU recognizes the First Amendment rights to expression. These rights include individual and group expression activities including but not limited to:

- Speaking,
- Assembling,
- Demonstrating,
- Displaying signs,
- Pamphleteering, and
- Political campaigning.

¹ Available online at https://www.montana.edu/policy/freedom_expression/ (accessed December 20, 2021).

The following forms of expression are not protected forms of speech and may lead to individuals or groups being subject to disciplinary, administrative or legal action:

- True threats, including speech and other conduct that communicates a serious intent to commit an act of unlawful violence to a particular individual or group of individuals;
- Harassment, including speech and other conduct based on a protected class, targeted at an individual, that effectively denies educational access, opportunities, or rights;
- Defamation;
- Incitement of illegal action;
- Invasion of privacy and confidentiality, as protected by federal and state law; and
- Child pornography.

Regulations

Constitutionally protected rights of free expression must not unreasonably interfere with the right of the University to conduct its affairs in an orderly manner and to maintain its property, nor may they interfere with the University's obligation to protect the rights of all to teach, study, conduct business, and fully exchange ideas.

The following must be followed by those conducting free expression activities on University property. Failure to comply may lead to individuals or groups being subject to appropriate disciplinary, administrative or legal action in accordance with applicable University policies.

UNPROTECTED ACTIVITY

- The use of violence, or credible threats of violence, is strictly prohibited.
- Activities which infringe upon the rights of another person are prohibited in accordance with Section 220.00 of the Facilities Use Manual.
- Activities may not obstruct the free flow of vehicular or pedestrian traffic on campus.
- Activities may not use sound amplification except with prior written approval in accordance with Section 230.000 A of the Facilities Use Manual.
- Activities may not block the entrances or exits to any campus building or facility.

- A distance of 50 feet from any door must be kept to avoid the interruption of the flow of campus community traffic.
- To exercise expression at closer than this buffer area, permission must be granted in writing by the relevant Building Supervisor.
- Activities may not disrupt or interfere with classes, university work, arts and cultural activities, research, or scheduled events.
- The public may engage in activities inside any University buildings, facilities, stadiums, or temporary event facilities such as tents etc. only as permitted by the Facilities Use Policy.
- Individuals or groups may occupy land areas, through but not limited to the erection of structures, shelters or camps, in accordance with the Outdoor Programming Policy and only until or unless University officials reasonably determine that such occupation has compromised and/or infringed upon the rights of others.

WEAPONS AND IMPROVISED WEAPONS PROHIBITED

- Items that present significant threats to safety are prohibited at free expression activities:
 - Weapons as defined in the University Weapons Policy
 - Items that can be used as weapons, including but not limited to:
 - Metal pipes
 - Baseball or softball bats
 - Lengths of lumber or wood (any size)
 - Bricks or rocks
 - Glass or Metal beverage or food cans or containers
 - Shields
 - Axes, axe handles, or hatchets
 - Ice picks
 - Razor blades
 - Tasers
 - Spray cans

- Fireworks
 - U-lock bike locks
 - Heavy-gauge chain
 - Dogs (except for service dogs)
 - Torches, lanterns, or other devices that use fire or fuel
- Items that under the circumstances show an intent to intimidate others, or incite violence, such as helmets and flak jackets

PLACEMENT OF MATERIALS

- Printed materials, writing, or other tangible means of expression may not be attached to University property, including sidewalks, trees, walls, or other property (including on vehicles parked on campus), **except:** (1) that such materials may be placed on outdoor bulletin boards designated as public bulletin boards--all postings on public bulletin boards will be removed at regular intervals; and (2) banners promoting a University or ASMSU sponsored event may be displayed at the following locations:
 - On the Wilson Hall bridge upon prior approval from the building supervisor.
 - From the cables inside the atrium on the north side of Reid Hall upon prior approval from the Building Supervisor.
 - Banners tied or wrapped on no more than two columns, on the Student Union Building's west entry, upon prior approval from the Director of Auxiliaries.
- Printed materials, writings, or other tangible means of expression may not be placed on any interior surface of any University building without the written permission of the relevant Building Supervisor and in accordance with the rules established for each building. Permission shall include a designated date for removal.

CLEANUP AND OTHER RESPONSIBILITIES

- Individuals and organizations are responsible for cleanup, property restoration, and for any associated costs incurred by the University from their activities.

- Individuals and organizations are responsible for the content of any signage, pamphlets, or structure that they post, distribute, or erect on campus. Furthermore, the University reminds any organization distributing materials to be aware of laws concerning defamation, obscenity, fair labor practices, etc.

POLITICAL ACTIVITY ON CAMPUS

- In Family & Graduate Housing, political campaign activities may be conducted door-to-door.
- In all other areas of campus, no political campaign activities are allowed inside any MSU buildings, facilities or stadiums, or temporary facilities such as tents, except where space is reserved in accordance with facility use policies.

Exhibit E

1 SENATE BILL NO. 319
2 INTRODUCED BY G. HERTZ
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CAMPAIGN FINANCE LAWS;
5 CREATING JOINT FUNDRAISING COMMITTEES; PROVIDING FOR CERTAIN REPORTING; AND
6 AMENDING SECTIONS 13-1-101, 13-35-225, 13-35-237, 13-37-201, 13-37-202, 13-37-203, 13-37-204, 13-37-
7 205, 13-37-207, 13-37-208, 13-37-216, 13-37-217, 13-37-218, 13-37-225, 13-37-226, 13-37-227, 13-37-228,
8 AND 13-37-229, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11

12 NEW SECTION. **Section 1. Joint fundraising committee.** (1) (a) One or more candidates for a
13 statewide office and political committees may join together to establish a joint fundraising committee to act as a
14 fundraising representative for all participants. A joint fundraising committee may not be construed to be a
15 political committee.

16 (b) The participants in a joint fundraising committee may only include a candidate for statewide office,
17 an independent committee, or a political party committee. Any combination of these entities may form a joint
18 fundraising committee.

19 (c) The participants in a joint fundraising committee may not include an incidental committee, a ballot
20 issue committee, a judicial candidate, or a political committee that is a corporation or a union.

21 (d) The joint fundraising committee may not be a participant in any other joint fundraising effort.

22 (e) A participant may participate in no more than three concurrent joint fundraising committees.

23 (f) A joint fundraising committee may not amend its list of participants after filing its certification and
24 organizational statement as provided by 13-37-201.

25 (2) A joint fundraising committee shall:

26 (a) appoint a campaign treasurer and certify an organization statement pursuant to 13-37-201;

27 (b) designate one separate campaign depository as provided in 13-37-205 to be used solely for the
28 receipt of all contributions received and the disbursement of all expenditures made by the joint fundraising

1 committee; and

2 (c) keep records as provided by 13-37-207 and 13-37-208.

3 (3) The participants in a joint fundraising committee shall enter into a written agreement that states a
4 formula for the allocation of fundraising proceeds. The formula must be stated as the amount or percentage of
5 each contribution received to be allocated to each participant. The joint fundraising committee shall retain the
6 written agreement for the same amount of time the campaign treasurer is required to retain accounts under 13-
7 37-208(3) and shall make it available to the commissioner on request.

8 (4) Each solicitation for contributions to the joint fundraising committee must include a notice that
9 includes the following information:

10 (a) the name of each participant in the joint fundraising committee;

11 (b) the allocation formula to be used for distributing joint fundraising proceeds;

12 (c) a statement informing contributors that, despite the state allocation formula, they may designate
13 their contributions for particular participants;

14 (d) a statement informing contributors that the allocation formula may change if a contributor makes a
15 contribution that would exceed the amount that a contributor may give to a participant; and

16 (e) if one or more participants engage in the joint fundraising activity solely to satisfy outstanding
17 debts, a statement informing contributors that the allocation formula may change if a participant receives
18 sufficient funds to pay its outstanding debts.

19 (5) (a) A joint fundraising committee may accept contributions on behalf of its participants under the
20 provisions of the fundraising formula and may make expenditures on behalf of and to its participants under the
21 limitations provided in this section.

22 (b) Except as provided by subsection (8), a joint fundraising committee may not accept a contribution
23 that, when allocated pursuant to the joint fundraising committee's allocation formula in subsection (3), in
24 addition to any other contributions received by the participant from that contributor, would be in excess of the
25 contribution limits of that contributor calculated pursuant to this section. A participant may not accept
26 contributions allocated from the joint fundraising committee that, but for the joint fundraising committee acting
27 as an intermediary, the participant could not otherwise accept.

28 (c) Contributions to the joint fundraising committee may only be deposited in the joint fundraising