Appendix HH

MSUN Policy 1001.7.1

MONTANA STATE UNIVERSITY NORTHERN

1001.7.1 Discrimination Grievance Procedures

Section 1000: Campus Policy

Subject: Students, Personnel
Effective: August 2014
Revised: October 2015
Review Date: October 2017
Responsible Party: Title IX Coordinators

Scope

This Policy Applies to the following MSU Campuses:

MSU Bozeman (including Gallatin College)
MSU Billings (including City College)
MSU-Northern
Great Falls College MSU

For the purpose of this policy, the term "University" means all campuses listed above.

100.00 Introduction and Purpose

The purpose of these procedures is to provide a prompt and equitable resolution of reports of 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. Any person believing that he or she has been subjected to discrimination or harassment on any of these bases may report any potential violation of policy to the University. These procedures address all reports of alleged discrimination or harassment, including conduct that violates the Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking and Retaliation Policy (hereinafter referred to as "Policy Violations"). The procedures also address reports of retaliation [/admin/policies/1000/1001-7.aspx#Def129] against those who have opposed practices forbidden under the policy, those who have filed complaints or reports under the policy, and those who have testified or otherwise participated in enforcement of the policy.

200.00 University Reporting

Reports of Policy Violations, whether by recipients of unwelcome behavior (referred to as "Complainants") or by third-parties (referred to as "Reporters"), should be made to the Responsible Official on the respective covered campus. The Responsible Officials, their staff members and designees (collectively referred to in this Procedure as "the RO") are trained to help you find the resources you might need, to explain all reporting options, and to respond appropriately to conduct of concern. All instances of retaliation should be reported and will be addressed in the same manner. The contact information for the RO is listed below.

MSU Bozeman

Director, Office of Institutional Equity/Title IX
Coordinator Office of Institutional Equity/Title IX
Montana State University
P.O. Box 172430
Bozeman, MT 59717-2430
Tel: (406) 994-2042
Fax: (406) 994-7999
E-mail: discrimination@montana.edu [mailto:discrimination@montana.edu]
Location: 118 Hamilton Hall

MSU Billings

Director of Human Resources/Title IX Coordinator
Human Resources Office
Montana State University Billings
1500 University Drive
Billings MT 59101
Tel: (406)657-2278
Fax: (406)657-2120

Email:
Location: McMullen Hall 310

Great Falls College MSU

Executive Director, Human Resources/Title IX Coordinator
Tel: 406-771-5123
Fax: 406-268-3709
mbonilla@gfcmsu.edu [mailto:mbonilla@gfcmsu.edu]
Associate Dean of Student Services/Title IX Coordinator
Tel: 406-771-5133
Fax: 406-268-3709
camille.consolvo@gfcmsu.edu [mailto:camille.consolvo@gfcmsu.edu]
G-1 Administrative Area
2100 16th Ave. South
Great Falls, MT 59401

MSU-Northern

Director of Human Resources/Title IX Coordinator
Human Resources Office
Montana State University - Northern
300 W 11th Street
PO Box 7751
Havre, MT 59501
Tel: (406) 265-4147
Fax: (406) 265-3530
Email: hr@msun.edu [mailto:hr@msun.edu]
Location: Cowan Hall Rm 208
Dean of Student Engagement/Title IX Deputy
Student Union Building
Montana State University - Northern
300 W 11th Street
PO Box 7751
Havre, MT 59501
Tel: (406) 265-4113
Fax: (406) 265-3785
Email: kimberly.watson5@msun.edu [mailto:kimberly.watson5@msun.edu]
Location: SUB Rm 204

Reports should be made as soon as possible after an incident and there are several avenues available for submitting a report [based on the contact information above]:

- Leave a voice message for the RO;
- File a report on the forms found on the links shown above;
- Send a private email to one of the RO staff;
- Mail a letter to the RO office;
- Visit one of the RO staff (you may wish to make an appointment first to ensure availability).
- Report to another trusted University official (e.g., Resident Assistant, Professor, Coach, Advisor) who will provide information to the RO as required under the policy.

If there is a complaint about the RO or any staff member that is part of the RO office, or if the RO or RO staff has a complaint, that complaint should be made to the President or Campus Executive Officer ("CEO") for the affiliated campuses. The President or CEO will appoint another trained individual to take the place of the RO for purposes of the complaint.

210.00 Criminal Reporting

Please remember that if someone is in immediate danger or needs immediate medical attention, the first place to report is 911. You may also report to the appropriate University or city/county police department shown below:

MSU Bozeman: University Police Department: (406-994-2121), 7th and Kagy in the Roy Huffman Building or Bozeman City or Gallatin County Police Departments.

MSU Billings: University Police Department (406-657-2222) located in the Southwest Corner of Parking Garage or call the Billings or Yellowstone County Police Department

Great Falls College-MSU: Great Falls Police Department (406-771-1180).

MSU-Northern: Havre Police Department (406-265-4361).

Some forms of discrimination and harassment may also be crimes. For example, sexual assault, domestic violence, stalking and rape are crimes. Complainants and witnesses are encouraged to make criminal reports to law enforcement, even if it is uncertain whether the particular conduct is a crime.

Calling local law enforcement can help you:

- obtain emergency and nonemergency medical care;
- get immediate law enforcement response for your protection;
- understand how to provide assistance in a situation that may escalate to more severe criminal behavior;
- arrange a meeting with victim advocate services;
- find counseling and support;
- preserve evidence (which is very important in a criminal case);
- initiate a criminal investigation; and
- answer questions about the criminal process.

Appropriate campus officials are available to assist in reporting to local law enforcement, if requested. Complainants may also decline to report to law enforcement officials. However, if a health or safety emergency, as defined by state or federal law, is found by the University to exist, the University is required to report alleged criminal incidents to appropriate law enforcement authorities.

220.00 Confidentiality of Complaints and Reports

Parties in these processes, including the Complainant, the individual accused of a Policy Violation (referred to as "Respondent"), and witnesses, have privacy rights and reasonable expectations of confidentiality in the investigation of matters subject to this procedure. In addition, the integrity of the process depends on ensuring reasonable expectations of confidentiality.

The RO will keep confidential the complaint, report, witness statements, and any other information provided by the Complainant, Respondent, or witnesses to the extent possible, but may disclose such information as follows:

- To the Complainant, Respondent, (including their attorneys) or witnesses, as necessary to give fair notice of the allegations and to conduct the investigation;
- To law enforcement consistent with state and federal law and University Policy;
- To other University officials who have a need to know in performing their official University business;
- To government agencies who review the University's compliance with federal law;
- To Montana University System Officials and the Montana Board of Regents of Higher education as necessary to perform their duties; and
- As necessary to respond to litigation or formal investigation of a complaint filed or appealed to the Board of Regents, State and federal agencies and the court, or to respond to lawfully issued subpoenas.

The investigation Report of Findings and any written decision resulting from the appeals process will be disclosed only to the Complainant, Respondent, RO, and Discipline Authorities[1] [http://msun.edu/admin/policies/1000/1001-7-1.aspx#fn1] subject to the protection of confidentiality as may be appropriate under the circumstances and in accordance with the requirements of FERPA. This information will also be provided to University officials as necessary to prepare for subsequent proceedings (e.g., University President, CEO, Appeals Officer, and University Legal Counsel). If otherwise required by law or legal process, the Report may be provided to other entities subject to the requirements of FERPA.

Information about complaints and reports, absent personally identifiable information, may be reported to University officials and external entities for statistical and analysis purposes pursuant to federal and state law and University policy.

If a Complainant or Reporter desires full confidentiality, he/she should speak to on-campus mental health counselors or health service providers (where available), or on or off-campus victim advocate counselors who can maintain confidentiality. Campus counselors are available at MSU Bozeman and MSU Billings to students free of charge and can be seen on an emergency basis.

220.10 Anonymous and Third Party Reporting

The RO accepts anonymous and third-party reports of conduct alleged to violate this Policy and will follow up on such reports, to the extent possible. The individual making the report is encouraged to provide as much detailed information as possible to allow the RO to investigate and respond as appropriate. The RO may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the RO to conduct a meaningful and fair investigation.

220.20 Reporter or Complainant Requests No Investigation

If a Reporter or Complainant requests that no investigation of an incident be conducted, the RO will consider the reasons for the request, including concerns about continued safety of the person reportedly harmed and members of the campus community. The RO must balance considerations about the continued health and safety of members of the community against a Reporter's or Complainant's desire not to have the report investigated, and the RO retains the right to initiate a formal or informal investigation. The RO may consult with appropriate campus officials, but the RO will make the ultimate decision about whether to conduct a formal investigation or respond to the report in another manner, including taking informal actions, such as those described below in Section 320.00A.

If the RO initiates an investigation in these circumstances, the Grievance Procedure shall be followed to the extent reasonably applicable.

300.00 Role of the RO

The RO is charged with coordinating the University's compliance with federal civil rights laws, all of which are listed at the end of these Procedures. The RO is not an advocate for either the Complainant or the Respondent. The RO will explain to both parties the informal and formal processes outlined below and the confidentiality provisions as outlined above. The RO is available to provide both parties the following information:

- options for obtaining medical and counseling services;
- making a criminal report;
- receiving advocacy services;
- options for changing academic, living, transportation, and working situations; and
- other helpful campus and community resources.

The RO will offer to coordinate with other campus officials, when appropriate, to implement interim remedial measures such as those described in Section 340.00. The RO will describe the investigation process. The RO will explain the right of the Respondent to review and respond to allegations and evidence against him or her. The RO will explain to both parties their rights to have an attorney or other advisor, including a union representative for union employees, with them during their interviews and during any stage of these procedures.

If an individual does not want to pursue a complaint, the RO will inform the individual that the University is limited in the actions it can take without the cooperation of the individual. The RO will also explain to parties and witnesses that retaliation for reporting alleged violations of the policy, or participating in an investigation of an alleged violation, is strictly prohibited and that any retaliation should be immediately reported and will be promptly addressed.

The RO will provide to any student or employee who reports that he/she has been a victim of sexual misconduct, dating violence, domestic violence, or stalking, whether occurring on or off campus, a written explanation of the student or employee's rights and options under this Discrimination Grievance Procedure.

The RO will be responsible for collecting and maintaining investigation records. Such records shall be kept for a period of seven years.

310.00 Immediate Action and Interim Remedial Action

The University may take interim measures to assist or protect the parties during the grievance process, as necessary and with the Complainant's consent. Remedial Actions such as those described in Section 340.00 may be taken on an interim basis.

320.00 Resolution

If a Complainant chooses to file a complaint, there are two avenues for resolution of an alleged Policy Violation: formal and informal resolution. The Complainant has the option to proceed informally, except cases involving allegations of sexual misconduct. In cases involving allegations of sexual misconduct, informal resolution is not appropriate, even if both the Complainant and Respondent indicate a preference for informal resolution.[2] [http://msun.edu/admin/policies/1000/1001-7-1.aspx#fn2] The RO is available to explain the informal and formal resolution procedures.

All references to days shall mean calendar days unless otherwise noted.

A. Informal Process and Resolution

If the Complainant, the Respondent, and the RO all agree that an informal resolution should be pursued, the RO shall attempt to facilitate a resolution of the conflict that is agreeable to all parties. Under the informal process the RO shall be required only to conduct such fact-finding as is useful to resolve the conflict and as is necessary to protect the interests of the parties, the University and the community. Typically, an informal investigation will be completed within twenty (20) days of receipt of the complaint. If it becomes necessary to extend the process, both parties will be notified of a revised expected resolution timeframe.

A Complainant or Respondent always has the option to request a formal investigation. The RO also always has the discretion to initiate a formal investigation. If at any point during the informal process, the Complainant, the Respondent, or the RO wishes to cease the informal process and to proceed through formal grievance procedures, the formal process outlined below in Section B will be initiated.