



Policy Number: 300.4
Policy Title: Student Non-Discrimination Policy
Subject: Section 300 – Student Affairs
Date Adopted: July 30, 2011
Date(s) Revised: September 14, 2012

Approved by:

Daniel J. Bingham
Dean/CEO
Helena College University of Montana

POLICY STATEMENT:

Helena College University of Montana is committed to providing an equal opportunity for education, employment and participation in college activities and prohibits discrimination on the basis of race, color, sex, national origin, age, physical or mental disability, marital or family status, religion or creed, sexual orientation, political beliefs, or status as a veteran. Prohibited sex discrimination includes sexual harassment and sexual violence. The college also prohibits retaliation against a person for bringing a complaint of prohibited discrimination, for assisting someone with a complaint of discrimination, or for participating in any manner in an investigation or resolution of a complaint of discrimination.

All Helena College policies shall adhere to and be consistent with relevant federal and state laws, rules, and regulations; with Board of Regents' policies and procedures; and with The University of Montana's policies and procedures.

PROCEDURE:

I. PURPOSE

Helena College is committed to resolving complaints of discrimination in a fair and timely manner. When circumstances allow, Helena College encourages students to informally resolve the problem through discussions with the alleged perpetrator; however, informal resolution is voluntary, may not be appropriate in certain circumstances, and complainants have the right at any time to end the informal process and initiate a formal complaint. Title IX compliance issues involving students including discrimination, sexual harassment, or retaliation against complaints should be directed to the Assistant Dean of Student Services, whose office is located on the Donaldson Campus at 1115 North Roberts Street, Helena, Montana, 59601, 406.444.6880.

II. FORMAL COMPLAINT PROCEDURES

Any student who claims to have been subjected to prohibited discrimination, including complaints of sexual harassment may, as soon as possible, but within one hundred eighty (180) calendar days of the alleged discriminatory occurrence, initiate complaint proceedings by submitting a written complaint to the Assistant Dean of Student Services who is also the Title IX Coordinator for students.

III. INVESTIGATION PROCEDURES

- Step One: Upon receipt of a written report alleging discrimination, including sexual harassment, the Assistant Dean of Student Services shall take all appropriate steps to prevent the alleged conduct from continuing, pending completion of the investigation. This will be done by balancing the rights of the complainant, including the severity of the alleged conduct, and the rights of the respondent.
- Step Two: The Assistant Dean of Student Services, or his or her designee, shall initiate an investigation within ten (10) working days. In addition, the Assistant Dean of Student Services will notify the Dean/CEO of the college. The investigation may include, but is not limited to, interviewing witnesses and reviewing any relevant materials or evidence. Interference with an investigation or failure to cooperate with an investigation, including providing false information, may result in disciplinary action pursuant to the college's student code of conduct, employee discipline policies and procedures, and collective bargaining agreements.
- Step Three: Normally, the investigation process will be completed within sixty (60) days of receipt of the complaint. A detailed written report, including documentation of the investigation, a finding based on a preponderance of the evidence of "Cause" or "No Cause", and a recommended course of action, will be produced and distributed to the complainant, respondent, and the college's Dean/CEO. In the event of a "Cause" finding against a college employee, a copy of the report will be given to the respondent's supervisor, who is responsible for implementing any recommendations, including, but not limited to disciplinary measures pursuant to the college's disciplinary policies and procedures and collective bargaining agreements, which may include termination. In the event of a "Cause" finding against another student, the Assistant Dean of Student Services will apply the appropriate disciplinary sanction in accordance with the college's student code of conduct.
- Step Four: Immediately following the distribution of the report, the Assistant Dean of Student Services will confirm that the discriminatory behavior has ceased and retaliation is not occurring. Based on the report's recommendations, within a reasonable period of time

the Assistant Dean of Student Services will also confirm that recommendations have been implemented and action taken to prevent further occurrences.

IV. APPEAL PROCEDURES

Within thirty (30) days of receipt of the Assistant Dean of Student's Services' findings, a complainant may appeal to the Dean/CEO in writing. The appeal shall be addressed to the Dean/CEO and contain the decision being appealed, the basis for the appeal, and the relief desired. The Dean/CEO will review and respond in writing to the complainant within fifteen (15) working days of receipt of the appeal. The response will include any actions, which have been or may be taken to resolve the complaint. The Dean/CEO's decision will be final and binding at the campus level. The Dean/CEO's decision may be appealed to the President of the University of Montana and finally the Office of the Commissioner of Higher Education pursuant to Board of Regents appeals policy and procedures.

V. RETALIATION PROHIBITED

Students shall be protected against retaliation for lawfully opposing any unlawful discrimination or harassment, including the filing of a complaint, grievance, or the initiation of an external administrative or legal proceeding, as well as testifying, assisting or participating in an investigation proceeding, or hearing. Students who believe they have been subjected to prohibited retaliation should file a complaint pursuant to this procedure.

VI. CONFIDENTIALITY

To the extent possible, without compromising the due process rights of the respondent, the investigator will keep the allegations and identity of the complainant and the respondent confidential.

With regard to disclosures of the findings of an investigation as well as any subsequent student disciplinary proceedings, Helena College complies with the principles of privacy as required by the Family Educational Privacy Act (FERPA), the Montana Constitution and the Montana Code Annotated. Accordingly all complaint and disciplinary proceedings are closed to the public and information will not be disclosed to anyone not connected with the proceedings. However, subject to the Clery Act and Title IX requirements, sanctions imposed against a respondent can be disclosed to a complainant when the sanctions are directly related to the complainant and when the allegations and/or findings involve violent crimes or non-forcible sex offenses.

VII. ADDITIONAL RESOURCES

At any time prior to, during or following the filing of a formal discrimination complaint, complainants are entitled to contact external civil rights organizations such as the Montana Human Rights Bureau, PO Box 1728, Helena, MT 59624-1728, 406.444.2284, 406.444.0532 (TTY), or the Office of Civil Rights, U.S. Department of Education, 915 Second Avenue, Room 3310, Seattle, WA 98174-1099, 206-607-1600, or email ocr@ed.gov.