

Appendix 1: Sexual Misconduct Policies, Procedures, and Laws

University of Montana

Title IX Office

Dean of Students

**Sexual Misconduct
Policies and Procedures**

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1. Introduction

In recognition of the University of Montana's commitment to provide a safe and hospitable environment for all members of our community to work and study, the University prohibits sexual misconduct that constitutes sexual harassment, sexual assault, relationship violence, stalking, and claims of retaliation. Sexual misconduct subverts the University's mission, diminishes the dignity of both the Complainant and Respondent, and threatens permanent damage to the careers, educational experience, and well-being of our students, faculty and staff.

Sexual harassment is a form of sex discrimination and is prohibited by University policy, Title VII of the Civil Rights Act of 1964 (Title VII"), Title IX of the Education Amendments of 1972 (Title IX"), and the Montana Human Rights Act. Sexual assault, relationship violence and stalking are also forms of sexual misconduct, and are prohibited by law and this policy.

The Sexual Misconduct Policies and Procedures and the Discrimination Grievance Procedures are designed to provide for prompt, thorough, and equitable investigation and resolution of complaints that involve allegations of sexual misconduct filed against University students or employees through the Discrimination Grievance Procedures. The University will conduct reliable and impartial investigation of sexual misconduct complaints to determine the relevant facts from which a well-informed decision can be made and an appropriate resolution reached.

Both women and men may be victims of sexual misconduct. Sexual misconduct may occur between persons of the same or opposite sex. In the case of sexual harassment, the injured party does not have to be the person harassed but could be anyone affected by the offensive conduct.

The Discrimination Grievance Procedures are designed to fit within the University's larger education system and do not function as a court of law. As such, the Title IX Coordinator's Office uses language that is designed to be both educationally-focused and procedurally neutral when describing its policies and procedures. Additionally, procedural issues, including the introduction and consideration of information, are handled consistent with the University's educational focus. The Discrimination Grievance Procedures are not a substitute for criminal or civil courts, but it is an option for Complainants to resolve his/her complaint when the Respondent is a University of Montana student or employee.

2. UM Sexual Misconduct Policy Definitions

UM's Sexual Misconduct Policy prohibits and defines sexual assault, dating violence, domestic violence, and stalking in addition to other acts of sexual misconduct and sexual harassment. Note that UM policy definitions may differ from Clery Act definitions and Montana State law. Under the policy, sexual misconduct includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, dating and domestic violence termed "relationship violence," and stalking. Under the policy:

Sexual Assault means an actual or attempted sexual contact with another person without that person's consent.

Consent is informed, freely given, and mutual. If coercion, intimidation, threats, or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual

situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Silence does not necessarily constitute consent. Past consent to sexual activities does not imply ongoing future consent. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

Sexual assault includes, but is not limited to:

1. Involvement in any sexual contact when the victim is unable to consent
2. Intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast)
3. Sexual intercourse without consent, including acts commonly referred to as "rape"

Inducing Incapacitation for Sexual Purposes includes using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent to sexual contact (as "consent" is defined in this policy).

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity
- Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information
- Going beyond the bounds of consent (such as letting your friends hide in the closet to watch you having consensual sex)
- Engaging in non-consensual voyeurism
- Knowingly transmitting an STI such as HIV to another without disclosing your STI status
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals
- Possessing, distributing, viewing, or forcing others to view illegal pornography

Relationship Violence is abuse or violence between partners or former partners involving one or more of the following elements:

- Battering that causes bodily injury
- Purposely or knowingly causing reasonable apprehension of bodily injury
- Emotional abuse creating apprehension of bodily injury or property damage
- Repeated telephonic, electronic, or other forms of communication – anonymously or directly – made with the intent to intimidate, terrify, harass, or threaten

Stalking includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device, or method

that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.

Retaliation is action taken by an accused individual or an action taken by a third party against any person because that person has opposed any practices forbidden under this policy or because that person has filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, or sexual misconduct. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy.

3. UM Sexual Misconduct Policy

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. The University will take appropriate action to eliminate, prevent and address **the** effects of discrimination, harassment, sexual misconduct, stalking and retaliation.

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 University community more generally: for example, between an instructor and a student, between two students, 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 the University of Montana, nor shall it be construed to restrict constitutionally protected expression, even though such expression may be offensive, unpleasant, or even hateful.

All complaints or any concerns about conduct that may violate this policy and retaliation should be filed with the Equal Opportunity & Affirmative Action Director/Title IX Coordinator ("EO"):

Equal Opportunity/Affirmative Action/Title IX Coordinator
University of Montana
Brantly Hall 115
Missoula, Montana 59812
406-243-5710
eoaa@umontana.edu
www.umt.edu/eo

Upon receiving a complaint, the EO will follow the procedures described in the Discrimination Grievance Procedures.

Important Note! Please do not wait to report conduct of concern until harassment becomes sufficiently serious (i.e., severe, pervasive, or persistent) to create a hostile environment. The Equal Opportunity and Affirmative Action/Title IX Coordinator, designees, and other University officials can take proactive steps to prevent harassment from continuing and perhaps escalating and to protect or otherwise assist the person harassed. For example, the University can talk with supervisors, arrange for trainings on discrimination, no-contact orders, counseling and changes in class schedules, living arrangements, class requirements, and testing schedules as needed. The EO office and designees can also provide expertise and advice to help identify conduct that might be a warning sign of or constitute sexual harassment or hostile environment harassment prohibited by this policy and address any concerns or complaints appropriately.

Discriminatory Conduct

I. **Discrimination** is conduct that is based upon an individual's 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 that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a University program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

II. **Harassment** is covered under this policy if it is based upon an individual's 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. Harassing conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Sex-based harassment includes sexual harassment, which is further defined below, and non-sexual harassment based on stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes. Harassment violates this policy when it creates a hostile environment, as defined in Section II.B, below.

A. Sexual Harassment

Sexual Harassment can include unwelcome: sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including sexual assault. Sexual

harassment, including sexual assault, can involve persons of the same or opposite sex. Consistent with the law, this policy prohibits two types of sexual harassment:

1. Tangible Employment or Educational Action

This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a University activity is conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a University program or activity. Generally, perpetrators will be agents or employees with some authority from the University.

2. Hostile Environment

Sexual harassment may create a hostile environment as defined in section II.B. below.

B. Hostile Environment Harassment

A *Hostile Environment* based on race, color, religion, national origin, creed, service in the uniformed services, veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation exists when harassment:

- is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities; or
- when such conduct has the purpose or effect of unreasonably interfering with an individual's employment.

Harassment that creates a hostile environment ("hostile environment harassment") violates this policy.

A hostile environment can be created by anyone involved in a university program or activity (e.g., administrators, faculty members, students, and even campus guests). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, such as a sexual assault, even if isolated, can be sufficient.

In determining whether harassment has created a hostile environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Also, the following factors will be considered:

- a. The degree to which the conduct affected one or more students' education or individual's employment;
- b. The nature, scope, frequency, duration, and location of incident or incidents;
- c. The identity, number, and relationships of persons involved;
- d. The nature of higher education.

Definitions

1. *Sexual Misconduct* includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, and relationship violence.^[2]
2. *Sexual Assault* means an actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:
 - a. Involvement in any sexual contact when the victim is unable to consent.
 - b. Intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast).
 - c. Sexual intercourse without consent, including acts commonly referred to as "rape."
3. *Consent* is informed, freely given, and mutual. If coercion, intimidation, threats, or physical force are used there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Silence does not necessarily constitute consent. Past consent to sexual activities does not imply ongoing future consent. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.
4. *Inducing incapacitation for sexual purposes* includes using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent (as "consent" is defined in this policy) to sexual contact.
5. *Sexual Exploitation* occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:
 - Prostituting another person;
 - Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
 - Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
 - Going beyond the bounds of consent (such as letting your friends hide in the closet to watch you having consensual sex);
 - Engaging in non-consensual voyeurism;
 - Knowingly transmitting an STI, such as HIV, to another without disclosing your STI status;
 - Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals;
 - Possessing, distributing, viewing or forcing others to view illegal pornography;
6. *Relationship Violence* is abuse or violence between partners or former partners involving one or more of the following elements:

- a. Battering that causes bodily injury;
 - b. Purposely or knowingly causing reasonable apprehension of bodily injury;
 - c. Emotional abuse creating apprehension of bodily injury or property damage;
 - d. Repeated telephonic, electronic, or other forms of communication -- anonymously or directly -- made with the intent to intimidate, terrify, harass, or threaten;
7. *Stalking* includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.
8. *Retaliation* is action taken by an accused individual or an action taken by a third party against any person because that person has opposed any practices forbidden under this policy or because that person has filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, or sexual misconduct. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy.

Off-Campus Conduct

Conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this policy, e.g. if off-campus harassment has continuing effects that create a hostile environment on campus. Allegations of off-campus sexual misconduct are of particular concern and should be brought to the University's attention.

Mandatory Employee Reporting of Sex-based Discrimination, Sexual Harassment and Sexual Misconduct Involving Students

In order to enable the University to respond effectively and to stop instances of sex-based discrimination, sexual harassment and sexual misconduct involving students at the University proactively, all University employees must, within 24 hours of receiving the information, report information they have about reported sex-based discrimination, sexual harassment, and sexual misconduct involving students to the EO. The information given to the EO must include all relevant details needed to determine what occurred and to resolve the situation. This includes the names of the respondent (if known), the complainant, other students involved in the incident, as well as relevant facts, including the date, time, and location.

Please note that this policy does not reach curriculum or in any way prohibit or abridge the use of particular textbooks or curricular materials.

Upon receiving a report of alleged or possible sex-based discrimination, sexual harassment, or sexual misconduct, the EO will evaluate the information received and determine what further actions should be taken. The EO will follow the procedures described in the Discrimination Grievance Procedures. The EO will take steps, either directly with the complainant or through a reporting employee, to provide information about the University's Discrimination Grievance

Procedures, as well as available health and advocacy resources and options for criminal reporting.

Confidential Resources Exempt from Mandatory Reporting

Employees who are statutorily prohibited from reporting sex-based discrimination, sexual harassment and sexual misconduct involving students are exempt from mandatory reporting to the EO. Such confidential resources include SARC Advocates, Curry Health Center employees, other licensed medical health-care professionals, and clergy. Such persons may assist a student in obtaining interim measures as discussed in the Discrimination Grievance Procedures.

Sanctions and Corrective Action

Violations of this policy will be addressed through the Discrimination Grievance Procedures. Consequences for violating this policy will depend upon the facts and circumstances of each particular situation. Sanctions and Corrective Action could include: a requirement not to repeat or continue the discriminatory, harassing, or retaliatory conduct, a reprimand, a no-contact order, denial of a merit pay increase, reassignment, suspension or termination. The severity of sanctions or corrective action will depend on the frequency and severity of the offense and any history of past discriminatory, harassing or retaliatory conduct. A finding of discrimination, harassment that creates a hostile environment or results in a tangible employment or educational action, or sexual misconduct may be cause for disciplinary action, up to and including the discharge of employees and the expulsion of students, in accordance with applicable University procedures and collective bargaining agreements. The University may also take appropriate action if it does not find discrimination or harassment that creates a hostile environment or results in a tangible employment or educational action, but (a) the University found that the respondent engaged in disruptive behavior or (b) to prevent the creation of a hostile environment.

Amnesty for Drug or Alcohol Possession and Consumption Violations

The University strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, students who report information about sex-based discrimination, sexual harassment, or sexual misconduct involving students will not be disciplined by the University for any violation of the University's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

Free Speech and Academic Freedom

The University of Montana has a long tradition of, and a deep commitment to, academic freedom. The welfare and strength of the University and of society at large depend upon the ability to engage in free expression in the search for meaning. To this end, the University of Montana recognizes and protects full freedom of inquiry, teaching, research, discussion, study, publication, and for artists, the creation and exhibition of works of art, without hindrance, restriction, equivocation, or reprisal. This right extends to other facets of campus life to include the right of a faculty member or student to speak on general educational questions or about the Administration and operation of his/her own institution and the Montana University System.

Constitutionally protected speech and traditional notions of academic freedom are valued in higher education. These ideals help to create the stimulating and challenging learning

environment that should characterize higher education. In the spirit of a true university environment, individuals are encouraged to invite, rather than inhibit, discourse on ideas. In addressing all complaints and reports under this policy, the University will take all permissible actions to ensure the safety of students and employees while complying with free speech requirements for students and employees.^[3] While the University will vigilantly protect students' and employees' rights against sex discrimination under this policy, this policy does not apply to curriculum or in any way prohibit or abridge the use of particular textbooks or curricular materials.

External Complaints

If you filed a complaint with the EO and believe the University's response was inadequate, or you otherwise believe you have been discriminated against by the University on the basis of race, color, national origin, sex, including sexual harassment, disability, age, or retaliation, you may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education based in Seattle or the Educational Opportunities Section (EOS) of the Civil Rights Division of the U.S. Justice Department of Justice, and a complaint based on religion with EOS of the U.S. Justice Department.

As a student or employee, if you filed a complaint with the EO and believe the University's response was inadequate, or you otherwise believe you have been discriminated against by the University on the basis of race, color, national origin, sex, including sexual harassment, disability, age, religion, creed, pregnancy, marital status, familial status (housing only), or political beliefs, or retaliation, you may file a complaint with the [Montana Human Rights Bureau](http://erd.dli.mt.gov/human-rights) (<http://erd.dli.mt.gov/human-rights> or 406-444-4356).

[1] Policy effective September 23, 2013. This policy supersedes policy nos. 406.5; 406.5.1; 407.1; 406.4.

[2] While sexual assault and other sexual misconduct is often considered a subset of "sexual harassment," for purposes of this policy and the consequences that may result from violating this policy, the terms are distinct.

[3] For more information about free speech requirements in the context of sexual harassment complaints, please see [U.S. Department of Education, Office for Civil Rights, 2001 Revised Sexual Harassment Guidance](http://www2.ed.gov/about/offices/list/ocr/docs/shguide.html) (<http://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>) at section XI.

4. UM Discrimination Grievance Procedures

Purpose

The purpose of these procedures is to provide a prompt and equitable resolution for complaints or 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 they have been subjected to discrimination or harassment on any of these bases may file a complaint or report with the University. These procedures address all complaints or reports of alleged discrimination or harassment, including conduct that violates the Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation Policy (hereinafter referred to as “Policy Violations”). The procedures also address complaints or reports of retaliation 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.

University Complaints and Reporting

Complaints and third-party reports of discrimination, including Policy Violations, should be made to the Equal Opportunity & Affirmative Action Office/Title IX Coordinator (“EO”). The EO staff members 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 EO is listed below.

Equal Opportunity/Affirmative Action/Title IX Coordinator
University of Montana
Brantly Hall 115
Missoula, Montana 59812
406-243-5710
eoaa@umontana.edu
www.umt.edu/eo

Complaints and reports should be made as soon as possible after an incident. The EO coordinates and tracks all complaints and reports under this procedure.

There are several avenues available for submitting a complaint or report:

- Leave a private voice message for the EO;
- File a complaint or report on the form contained on the [EO website](#);
- Send a private [email](#) to one of the EO staff;
- Mail a letter to the EO office;
- Visit one of the EO staff (it is best 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 as required under the policy to the EO.

If there is a complaint about the EO or any staff member that is part of the EO Office, or if the EO or EO staff has a complaint, that complaint should be filed with the President of the University. The President will appoint another trained individual to take the place of the EO for purposes of the complaint.

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 University of Montana Police Department (406-243-4000), or to the Missoula City Police Department (406-552-6300). Some forms of discrimination and harassment may also be crimes. For example, sexual assault, stalking and rape are crimes. Criminal reports should be made to law enforcement, even if it is uncertain whether the particular conduct is a crime. The EO is available to assist in making a criminal report. 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; initiate a criminal investigation; and answer questions about the criminal process.

Confidentiality of Complaints and Reports

Parties in these processes, including the Complainant, the individual accused of a Policy Violation ("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 EO will keep confidential the complaint, report, witness statements, and any other information provided by the Complainant, Respondent, or witnesses and will disclose this information only to the Complainant, Respondent, 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; to other University officials as necessary for coordinating interim measures or for health, welfare, and safety reasons, and to government agencies who review the University's compliance with federal law. The investigation report and any written decision from the Discrimination Grievance Committee will be disclosed only to the Complainant, Respondent, EO, Discipline Authority¹ as necessary, and University officials as necessary to prepare for subsequent proceedings (e.g., University President and University Legal Counsel). Members of the Discrimination Grievance Committee have the same strict obligations to keep all information they learn confidential, subject to the limited exception when necessary to protect health, welfare or safety. Information about complaints and reports, absent personally identifiable information, may be reported to University officials, including the University Council on Student Assault, and external entities for statistical and analysis purposes pursuant to federal and state law and University policy.

¹ In the case of employees, the Discipline Authority is the University Administrator with the authority to impose sanctions in accordance with applicable employment policies and procedures and collective bargaining agreements. In the case of students, the Discipline Authority is the Dean of Students.

Anonymous and Third Party Reporting

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

Role of the EO

The EO 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 EO is not an advocate for either the Complainant or the Respondent. The EO will explain to both parties the informal and formal processes outlined below and the confidentiality provisions as outlined above. Where appropriate, the EO will provide to both parties information about options for obtaining medical and counseling services; information about making a criminal report, information about receiving advocacy services, information about other helpful campus and community resources. The EO will offer to coordinate with other campus officials, when appropriate, to implement interim remedial measures such as no-contact orders, rearrangement of living arrangements, or academic accommodations. The EO will describe the process of a fair and impartial investigation. The EO will explain the right of the Respondent to review and respond to allegations and evidence against him or her. The EO will explain to both parties their rights to have a person of support, union representative, or attorney, with them during their interviews and during the hearing stage of these procedures. If an individual does not want to pursue a complaint, the EO will inform the individual that the University is limited in the actions it can take without the cooperation of the individual. The EO 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.

Immediate Action and Interim Measures

Interim measures are those services, accommodations, or other assistance that the University puts in place after receiving a report of sexual misconduct, harassment, stalking, or retaliation. These measures are put in place before any final outcomes of investigatory, disciplinary or remedial processes. Interim measures are intended to assist or protect the parties during the grievance process, as necessary. The University determines which measures are necessary on a case-by-case basis. Such measures may include arranging for changes in class schedules or living arrangements, transportation accommodations, issuing a no-contact order, obtaining counseling, temporarily modifying test schedules or other class requirements, assistance in arranging for alternative University employment arrangements and/or changing work schedules, assistance in identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support and services; assistance in obtaining disability services.

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, when permissible. In cases involving allegations of sexual assault, informal resolution is not appropriate, even if both the Complainant and Respondent indicate a preference for informal resolution.² The EO is available to explain the informal and formal resolution procedures.

Informal Process and Resolution

If the Complainant, the Respondent, and the EO all agree that an informal resolution should be pursued, the EO (or her/his designee) shall attempt to facilitate a resolution of the conflict that is agreeable to all parties. Under the informal process the EO 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 EO also always has the discretion to initiate a formal investigation. If at any point during the informal process, the Complainant, the Respondent, or the EO wishes to cease the informal process and to proceed through formal grievance procedures, the formal process outlined below will be invoked.

The informal resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the overall intent of the University to stop, remedy and prevent Policy Violations. (Informal actions might include, but are not limited to: providing training to a work unit; having an informal discussion with an individual whose conduct, if not stopped, could rise to the level of discrimination, or hostile environment harassment; or having a confidential conversation with a supervisor or instructor).

Formal Process

(EO refers to the EO or trained designee.)

Step 1: EO discusses concerns with Complainant, and the Respondent as appropriate, including providing information about the policy and procedures and other helpful resources. EO also considers whether immediate or interim actions or involvement of other University offices is appropriate. EO determines whether the office has jurisdiction to investigate the matter. The EO only has jurisdiction to investigate complaints alleging discrimination, harassment, sexual misconduct, stalking, and retaliation.

Option 1: If the EO determines that there is no jurisdiction, the EO will offer to assist the Complainant and, as appropriate, the Respondent, in finding appropriate campus and off-campus resources for addressing the issue of concern.

Option 2: If the EO determines that there is jurisdiction, the EO will proceed to Step 2.

Step 2: EO conducts or oversees the conducting of a fair and impartial investigation of the alleged Policy Violation and proceeds to Step 3. Typically an investigation will be completed

² The U.S. Department of Education, Office for Civil Rights, Dear Colleague Letter, dated April 4, 2011, p. 8, states: [I]n cases involving allegations of sexual assault, mediation is not appropriate even on a voluntary basis.

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.

Only a trained investigator will conduct an investigation. Respondents will have the opportunity to review and respond to evidence considered against them. Both parties will have the opportunity to review and provide comments to the investigator about the written investigation report before it is finalized.

Step 3: EO determines whether there is a preponderance of the evidence to believe that an individual engaged in a Policy Violation. This means that individuals are presumed not to have engaged in alleged conduct unless a “preponderance of the evidence” supports a finding that the conduct has occurred. This “preponderance of the evidence” standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it.

In making the determination of whether harassment has created a hostile environment, the EO will consider not only whether the conduct was unwelcome to the Complainant, but also whether a reasonable person in the Complainant’s situation would have perceived the conduct as objectively offensive. The EO’s findings will be in writing and will be provided to both the Complainant and to the Respondent(s).

Option 1: If EO finds a preponderance of the evidence of a Policy Violation does not exist, the matter is documented and closed; in this case the Complainant may appeal the finding to the Discrimination Grievance Committee.

Option 2: If EO finds by a preponderance of the evidence that a policy violation exists, the EO’s written report will include recommendations for steps to take to prevent recurrence of any such violation, and as appropriate, remedies for the Complainant. The Respondent may appeal the finding to the Discrimination Grievance Committee. In the case of student Respondents, the Discipline Authority will be the Dean of Students. In the case of employees, the Discipline Authority is the University Administrator with the authority to impose sanctions in accordance with applicable employment policies and procedures and collective bargaining agreements. The Discipline Authority must inform the EO of the ultimate sanctions imposed upon a Respondent. The EO will inform the Complainant of the sanctions as permitted by applicable Title IX and privacy laws.

Relation to the Student Code of Conduct

The Dean of Students is charged with imposing sanctions on students who are found to have violated the policy. Sanctions may include eviction from campus housing, suspension, expulsion, probation, a warning, or any other sanction set forth in the Student Conduct Code at Section VI.C. Disciplinary records for policy violations are maintained in the same manner as other disciplinary records, as described at Section VI.F. of the Student Conduct Code.

Reporter or Complainant Requests No Investigation

If a reporter or Complainant requests that an investigation not be conducted, the EO will consider the reasons for the request, including concerns about continued safety of the person reportedly harmed and members of the campus community. The EO must also 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. In cases when a reporter or Complainant does not want to have a report investigated, but the EO has concerns that not taking formal or informal action might endanger the health or safety of members of the campus

community, the EO may initiate confidential consultation with appropriate individuals to analyze the situation and assist in determining appropriate measures to take. Consultation may occur with the Dean of Students, chair(s) of the Behavioral Intervention Team (BIT), Public Safety Officer, Clery Compliance Officer, Director of Student Advocacy Resource Center, psychological health professional, Director of Residence Life, Director of Human Resources, and legal counsel. The EO 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 above. Whether or not an investigation is conducted, the University will provide, as necessary, interim measures.

Appeals to the Discrimination Grievance Committee

Composition of the Committee

The committee shall have four (4) regular members including the Chair. Of the four regular members, one shall be a student, one shall be a member of the faculty, one shall be a member of the non-academic staff, and one shall be representatives of the administration.

Selection of Members

Members shall be appointed by the President of the University. Each of the four groups listed below will nominate four (4) candidates. The President will appoint one member from each pool of four (4) candidates. The President shall also designate one (1) alternate from each of these groups:

1. The Executive Committee of the Faculty Senate
2. The Executive Committee of the Staff Senate
3. The President's Staff
4. The President of ASUM with the approval of Student Senate

Appointment of Chair

The President shall appoint the Chair.

Term of Appointment

To assure cumulative experience and development of expertise as well as continuity and uniformity of decisions, the terms of regular members will be of extended duration. The student shall be appointed for two (2) years. Members of each of the other groups (faculty, non-academic staff, and administrators) shall be appointed for five (5) years.

Any member whose term has expired and who is willing to continue to serve on the committee may be reappointed by the President of the University.

The President may appoint one or more persons to serve temporarily as a member of the committee to fill a vacancy or ensure a quorum, or in response to a request from the Chair to avoid delay in proceedings. The term of temporary appointment continues for the duration of the proceedings or until the temporary appointee is replaced by a regular member.

Removal of Members

The Committee Chair may either permanently or temporarily remove or replace any regular member of the committee under the following circumstances:

- a. In response to a request from those responsible for the nomination of the member;

- b. In response to a request from a majority of the committee members;
- c. In response to a request from the Equal Opportunity Officer;
- d. In response to a request from a committee member that he/she be excused;
- e. In response to a request from a party who raises a legitimate concern regarding a conflict of interest.

If any person or group other than the member requests removal, that member will have an opportunity to rebut any evidence presented in support of the request for removal. If a concern as enumerated above is raised about the Chair, the President of the University will make the determination about either permanently or temporarily removal from the committee.

Quorum

There must be a member from each of the four constituent groups specified above to constitute a quorum.

Authority of the Committee

The committee may: (1) call student and employee witnesses to testify or to be present during a hearing, and obtain other evidence held by the University or any student or University employee; (2) arrange with the University EO for appropriate funding and staff support to facilitate hearings; (3) hold pre-hearing conferences; (4) issue hearing orders; (5) hold formal hearings and control conduct of such hearings; and (6) make decisions, findings of fact, and recommendations, including recommended sanctions, to the President by vote of a majority of the regular members involved in the hearing process.

Filing an Appeal

A request for a hearing before the University Discrimination Grievance Committee must be filed within five (5) working days, of the receipt of the EO's decision, unless good cause can be shown for an extension of time. The request for a hearing must be filed with the EO. The request for a hearing must be in writing and must describe the appellant's desired outcome; as well as describe how the appellant believes the EO: (1) exhibited unfair bias which influenced the result of the investigation; (2) failed to conduct a thorough investigation; (3) issued arbitrary findings and recommendations; (4) had a conflict of interest; or (5) issued findings and recommendations that if adopted would result in substantial injustice. As soon as practicable, the EO will provide the non-appealing party and the Chair of the Discrimination Grievance Committee with a copy of the written appeal.

Standard of Review

The committee reviews the findings and recommendations of the EO. The committee may approve, overturn, or modify the findings and recommendations of the EO. The committee may overturn or modify the EO's findings and recommendations if it finds that the EO: (1) exhibited unfair bias which influenced the result of the investigation; (2) failed to conduct a thorough investigation; (3) issued arbitrary findings and recommendations; (4) had a conflict of interest; or (5) issued findings and recommendations that if adopted would result in substantial injustice.

Notice of Hearing

Within ten (10) working days of receipt of the written request for a hearing, the EO will notify the Complainant and the Respondent of the time and place of the formal hearing before the

Discrimination Grievance Committee. This process might be extended during periods between academic semesters when a quorum of the committee cannot be convened. The hearing will normally be scheduled within thirty (30) days of receipt of the written appeal. If such an appeal causes a significant delay, the EO will consider interim measures, as described above, to continue to protect the parties during the process.

Preparation for and Conduct of the Hearing

Written Statements on Appeal

Within ten (10) working days of filing the appeal, the party appealing the decision must submit to the EO the following information:

(a) detailed statement of facts relevant to the complaint or report of discrimination, hostile environment harassment, sexual misconduct, stalking, or retaliation; (b) names and addresses and anticipated testimony from witnesses to be called; (c) copies of any documents which will be submitted as evidence; (d) additional materials the party believes the committee should obtain prior to the hearing; (e) reference to the portion of the policy alleged to be violated; (f) specific remedy(ies) requested; and (g) whether the party will be represented by legal counsel and the identity of the counsel.

The non-appealing party may also submit the information described in (a) through (f), above. If the non-appealing party will participate in the hearing, that party must notify the EO as described above at (g) whether he or she will be represented by legal counsel. In cases in which the non-appealing party chooses not to participate in the hearing, the EO will provide to the Discrimination Grievance Committee, in addition to the written investigation report, any additional documents or other materials, and names and addresses of any witnesses the EO believes should provide information to the Committee at the hearing.

Legal Counsel Representation

Both parties have a right to be represented by legal counsel. If either party chooses to be represented by legal counsel, University Legal Counsel will be present to ensure that the rights of all interested persons and the University are respected. The role of a party's attorney shall be limited to consultation with the attorney's client and client witnesses.

Forwarding Appeal Documents

The EO will forward copies of the EO's written investigation report; the above-listed materials; and any additional evidence relevant to the matter to the members of the Discrimination Grievance Committee at least five (5) days prior to the hearing.

Pre-hearing Conference

At any time within five (5) days prior to the date of the formal hearing the Chairperson of the University Discrimination Grievance Committee may call a pre-hearing conference. Topics discussed at a pre-hearing conference may include, but are not limited to: (a) whether the evidence presented is complete; (b) whether additional investigation is required; (c) whether additional witness should be called; and (d) time limits and order of presentation of evidence at the hearing. At the request of any party, the Committee Chairperson will conduct separate meetings with the appellant and the respondent for purposes of the pre-hearing conference.

With concurrence of a majority of the University Discrimination Grievance Committee, the Chair may decide to: set aside the hearing date for any period up to ten (10) days for additional investigation, to obtain additional witnesses or evidence.

The Hearing

The Chair of the Discrimination Grievance Committee, when mutually agreed upon by the parties, may serve as or appoint another trained Hearing Officer to hear the appeal without the Committee. In all other cases the Chair of the University Discrimination Grievance Committee will conduct the hearing with the Committee. The hearing will be a non-adversarial proceeding and strict rules of evidence will not be applied. However, the Chair of the Committee may limit or refuse to allow evidence or testimony that is not reasonably related to a determination of whether a violation of the policy occurred.

The hearing will be conducted to assure fairness and accuracy in fact-finding. The parties and witnesses will address the members of the Committee rather than each other. The Chair will be the final arbiter of all matters of procedure. All hearings are closed to the public.

The Decision

Within ten (10) working days of the conclusion of the formal hearing the University Discrimination Grievance Committee will submit a decision in writing to the parties, the EO and to the President. The written decision will contain the following:

- a. A summary of the allegations including a description of the harm alleged to have been caused;
- b. A summary of the response to the allegations;
- c. A statement of the relief sought by the Complainant if known, or of the recommendation of the EO, if applicable;
- d. Specific reference to the portion(s) of the policy(ies) alleged to have been violated;
- e. Analysis of whether the EO: (1) exhibited unfair bias which influenced the result of the investigation; (2) failed to conduct a thorough investigation; (3) issued arbitrary findings and recommendations; (4) had a conflict of interest; or (5) issued findings and recommendations that if adopted would result in substantial injustice; and
- f. Recommendations, if any, regarding redress of the complaint as well as any other recommendations, as applicable, for precluding further policy violations.

Action on Decision

The President will review the Committee's decision. The President's review is limited to determining: (1) Whether the evidence provides a reasonable basis for the resulting decision; and (2) Whether specified procedural errors were so substantial as to deny a fair hearing to either party. Within ten (10) days of receipt of the Committee's decision, the President will notify the Committee Chair, the Equal Opportunity Officer, and the parties, in writing, of the decision relative to each of the findings and recommendations forwarded by the University Discrimination Grievance Committee. The Equal Opportunity Officer will distribute copies to Committee members and to the parties.

Appeal to Regents

Within twenty (20) days of receipt of the President's decision either party may appeal the President's decision to the Commissioner of Higher Education of the Montana University System. (See [Board policy on appeals No. 203.5.2](http://mus.edu/borpol/bor200/203-5-2.pdf) at <http://mus.edu/borpol/bor200/203-5-2.pdf>). If such an appeal causes a significant delay, the EO will consider interim measures, as described above, to continue to protect the parties during the process.

Conflict of Interest and Training

All University officials who are involved in the discrimination grievance process, including the EO, designated investigators, Discrimination Grievance Committee, and Discipline Authorities, will have adequate training. Training will address, but is not limited to, recognizing and appropriately responding to allegations of discrimination, harassment, including hostile environment harassment, sexual misconduct, and retaliation, conducting investigations, protecting confidentiality, and recognizing the link between alcohol and drug use and sexual assault and sexual harassment.

The names of the investigator and the individuals who will serve on the Discrimination Grievance Committee for a particular matter will be readily accessible. These individuals must promptly disclose any potential conflict of interest they might have in a particular case. In the rare situation in which an actual or perceived conflict of interest arises between an Investigator, or member of the Discrimination Grievance Committee, that conflict must be disclosed to both parties.

External Complaints

If you filed a complaint with the EO and believe the University's response was inadequate, or you otherwise believe you have been discriminated against by the University on the basis of race, color, national origin, sex, including sexual harassment, disability age, or retaliation, you may file a complaint with the [Office for Civil Rights](#) (OCR) of the U.S. Department of Education based in Seattle or the [Educational Opportunities Section](#) (EOS) of the Civil Rights Division of the U.S. Justice Department of Justice, and a complaint based on religion with EOS of the U.S. Justice Department.

As a student or employee, if you filed a complaint with the EO and believe the University's response was inadequate, or you otherwise believe you have been discriminated against by the University on the basis of race, color, national origin, sex, including sexual harassment, disability, age, religion, creed, pregnancy, marital status, familial status (housing only), or political beliefs, or retaliation, you may file a complaint with the [Montana Human Rights Bureau](http://erd.dli.mt.gov/human-rights) (<http://erd.dli.mt.gov/human-rights> or 406-444-4356).

References: Titles [IV](#), [VI](#), and [VII](#) of the Civil Rights Act of 1964; [34 C.F.R. pt. 100](#); [Title IX of the Education Amendments of 1972](#); [28 C.F.R. pt. 54](#) and [34 C.F.R. pt. 106](#); [Section 504 of the Rehabilitation Act](#); [34 C.F.R. pt. 104](#); [Age Discrimination Act of 1975](#); [34 C.F.R. pt. 110](#); and [Titles I and II of the Americans with Disabilities Act](#); [28 C.F.R. pt. 35](#); [Montana Human Rights Act and Governmental Code of Fair Practices, Title 49, Montana Code Annotated](#); [Board of Regents Policy 507](#).

5. Clery Act and Montana State Definitions of VAWA Crimes

Crime	Clery Act Definitions	State of Montana Definitions³
Dating Violence	<p>Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship.</p> <p>For purposes of this definition: Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. IT does not include acts covered under the definition of domestic violence.</p>	No definition in Montana law. See Partner of Family Member Assault below.
Domestic Violence	<p>A felony or misdemeanor crime of violence committed:</p> <ul style="list-style-type: none"> (a) By a current or former spouse or intimate partner of the victim (b) By a person with whom the victim shares a child in common (c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner (d) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; (e) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. 	<p>Partner or Family Member Assault (M.C.A. 45-5-206)</p> <p>Partner or family member assault -- penalty. (1) A person commits the offense of partner or family member assault if the person:</p> <ul style="list-style-type: none"> (a) purposely or knowingly causes bodily injury to a partner or family member; (b) negligently causes bodily injury to a partner or family member with a weapon; or (c) purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family member.
Stalking	<p>Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purpose of this definition Course of conduct means two or more acts, including, but not limited to, acts in which</p>	<p>45-5-220. Stalking -- exemption -- penalty.</p> <p>(1) A person commits the offense of stalking if the person purposely or knowingly causes another person substantial emotional distress or reasonable apprehension of bodily injury or death by repeatedly:</p>

³ State of Montana definitions are included for educational and awareness purposes only. The Clery Act requires crimes to be reported using Clery Act crime definitions.

Crime	Clery Act Definitions	State of Montana Definitions ³
	<p>the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.</p>	<p>(a) following the stalked person; or (b) harassing, threatening, or intimidating the stalked person, in person or by mail, electronic communication, as defined in 45-8-213, or any other action, device, or method. (2) This section does not apply to a constitutionally protected activity.</p>
Sexual Assault	<p>Any sexual act directed against another person, without consent of the victim, including instances where victim is incapable of giving consent. The Clery Act includes only four types of sexual assault:</p> <p>Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.</p> <p>Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary mental incapacity.</p> <p>Incest is sexual intercourse between persons who are related to each other with the degrees wherein marriage is prohibited by law.</p> <p>Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.</p>	<p>45-5-501. Definitions. (1) (a) As used in 45-5-503, the term "without consent" means: (i) the victim is compelled to submit by force against the victim or another; or (ii) subject to subsections (1)(b) and (1)(c), the victim is incapable of consent ...</p> <p>45-5-502. Sexual assault. (1) A person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault</p> <p>45-5-503. Sexual intercourse without consent. (1) A person who knowingly has sexual intercourse without consent with another person commits the offense of sexual intercourse without consent. A person may not be convicted under this section based on the age of the person's spouse, as provided in 45-5-501(1)(a)(ii)(D).</p>

6. UM Student Conduct Code – Disciplinary Sanctions
University of Montana Student Conduct Code – Excerpt Regarding Sanctions (p. 14):

VI. GENERAL CONDUCT

C. Disciplinary Sanctions

1. Sanctions for violating the Standards of Student Conduct under the University of Montana Student Conduct Code may include one or more of the following:
 - a. **Disciplinary Warning**: The student is warned that further misconduct may result in more severe disciplinary sanctions.
 - b. **Disciplinary Probation**: The student may continue attending the University, but is subject to restrictions and/or conditions imposed by the University for a specified period of time. Further violation of the Code while under disciplinary probation will result in more severe sanctions including the possibility of expulsion.
 - c. **Suspension**: The student is separated from the University for a specified period of time and may also be excluded from participation in University-sponsored activities. *A sanction of suspension requires approval by the Vice President for Student Affairs.*
 - d. **Expulsion**: The student is permanently separated from the University and may also be banned from any University-owned or -controlled property or events. *A sanction of expulsion requires approval by the Vice President for Student Affairs.*
 - e. **Restitution**: The student is required to make payment to the University and/or another person or entity for actual financial loss resulting from a Student Conduct Code violation.
 - f. **Withholding or Revocation of a Degree**: A degree is withheld or a previously awarded degree is rescinded. This sanction may be imposed when a person who is no longer enrolled is found to have violated the Code during the time of enrollment (see Section I. A., “Definitions of Student”).
 - g. **Other Sanctions**: In addition to or in place of the above, other sanctions may be imposed such as eviction from University housing, restriction or banning from certain on-campus facilities, restriction or prohibition from attending campus events or participating in campus activities, and requirements to attend and complete classes, programs, workshops, and/or counseling sessions. Details of the terms of the sanction will be provided to the student in writing.
2. **Repeated or aggravated violations of this Code may result in more severe disciplinary sanctions than any individual violation might warrant.**
3. **Committing any act prohibited by this Code may result in suspension or expulsion from the University unless specific and mitigating factors are present.** Potential mitigating factors include the attitude of the student, disciplinary history, the nature of the offense, and the severity of any damage, injury, or harm resulting from it.
4. **Appropriate University officials will be notified of Student Conduct Code findings and/or sanctions imposed.**

5. **Readmission.** Readmission to the University after suspension for general misconduct is dependent upon the student's compliance with the conditions of the suspension and the student's fitness to return to the campus community. These decisions are made by the Dean of Students upon consultation with appropriate campus officials and/or community members. In some cases, appropriate documentation may be required for readmission. Upon readmission, the student may be placed on disciplinary probation for a designated period of time with required conditions and expectations of behavior.

The complete [University of Montana Student Conduct Code](http://www.umt.edu/studentconductcode) is available online at <http://www.umt.edu/studentconductcode>.