

Discrimination Grievance Procedures

Regarding UM Policy Number 707: DISCRIMINATION,
HARASSMENT, SEXUAL MISCONDUCT,
STALKING, AND RETALIATION
Revised: August 2017



University of Montana
**Office of Equal Opportunity
and Affirmative Action**

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Discrimination Grievance Procedures

I. 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.

II. 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:

Equal Opportunity & Affirmative Action/Title IX Coordinator
University of Montana
University Hall – Room 006
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 located on the [EO website](#);
- Send a private [email](#) to 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 employee (e.g., Resident Assistant, Professor, Coach, Advisor) who will provide information as required under the policy to the EO.

If there is a complaint of a policy violation against 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.

III. 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.

IV. 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 privacy 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, or to implement discipline; and to government agencies who review the University’s compliance with state and federal law. The final investigation report and any written decision from the Discrimination Grievance Committee will be disclosed to the complainant, respondent, EO, and University officials as necessary to prepare for subsequent proceedings (e.g. appeals or sanctions). 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.

V. 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.

VI. ROLE OF THE EO

The EO is charged with coordinating the University’s compliance with federal civil rights laws, 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, making a criminal report, receiving advocacy services, and 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,

changes to housing 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. 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.

VII. INTERIM MEASURES

Interim measures are those services, accommodations, or other assistance that the University puts in place temporarily 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: changes in class schedules, activities, or living arrangements, transportation accommodations, no-contact orders, temporary suspension, temporary restrictions from particular classes or activities, counseling, modifications to test schedules or other class requirements, alternative University employment arrangements and/or work schedules, assistance from an advocate in securing additional resources or assistance including off-campus and community advocacy, support, and services, and disability services.

VIII. 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.¹ The EO is available to explain the informal and formal resolution procedures.

A. 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.

If at any point during the informal process the complainant, the respondent, or the EO wishes to cease the informal process and 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

¹ 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.”

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.)

B. Formal Process

(“EO” refers to the EO or trained designee.)

A complainant or respondent always has the option to request a formal investigation. A formal investigation typically is a longer process. However, the EO will make best efforts to conclude it within 60 days. The EO also always has the discretion to initiate a formal investigation.

Step 1:

EO discusses concerns with the complainant, and the respondent as appropriate, including providing information about the policy and procedures and other helpful resources. EO also considers whether interim measures 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.

- 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 issues of concern.
- 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, thorough, and impartial investigation of the alleged policy violation. Impartial means the EO does not have any conflicts of interest or biases that could affect the outcome of the investigation. The EO will make best efforts to conduct the investigation within sixty (60) days. 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.

Step 3:

EO determines whether there is a preponderance of the evidence showing that an individual engaged in a policy violation. This means that individuals are presumed not to have engaged in an alleged policy violation(s) unless a “preponderance of the evidence” supports a finding that the violation(s) 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 (1) whether the conduct was unwelcome to the complainant; and (2) whether a reasonable person in the complainant’s situation would have perceived the conduct as objectively offensive. The EO’s final investigation report will be in writing and will be provided to both the complainant and the respondent(s).

- If EO finds by a preponderance of the evidence that a policy violation has not occurred, the matter is documented and closed in a final investigation report.

If EO finds by a preponderance of the evidence that a policy violation has occurred, the EO's final investigation report will include recommendations for steps to take to prevent recurrence of any such violation, and, as appropriate, remedies for the complainant.

Either party may appeal the final investigation report for the reasons discussed below in Section IX.

C. 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 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), University police 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 interim measures as necessary.

IX. APPEALS TO THE DISCRIMINATION GRIEVANCE COMMITTEE

A. Filing an Appeal

Complainants and respondents both have rights to file an appeal of any aspect of the EO's final investigation report. This appeal will be heard by the Discrimination Grievance Committee (see Addendum).

a. Time Limit

An appeal must be submitted to the EO within five (5) working days, of the receipt of the EO's final investigation report. A late appeal will only be considered upon a showing of extraordinary or extenuating circumstances.

b. Option for Student to Appeal after Imposition of Sanctions

When the final investigation report finds that a student or former student has violated the policy, either party may wait to appeal the EO's final investigation report until the dean of students has issued a written notice of sanctions to be imposed against the respondent and both parties have received the written notice of such sanctions, described below in Section X.C. In such case, either party must submit an appeal to the EO within five (5) working days of receipt of the written notice of sanctions. In such case, the appealing party must indicate all grounds for the appeal as described below and make clear whether the student is appealing the EO's final investigation report, the written notice of sanctions by the dean of students, or both.

c. Grounds for Appeal

An appeal must be in writing and must identify which of the following is the reason for the appeal:

1. The investigation was not conducted in a fair and impartial manner and therefore the EO's final investigation report is flawed.
2. There is information that was not adequately considered in the investigation which, if considered, would change the outcome of the EO's final investigation report.
3. A review of all available and relevant information indicates that the evidence clearly does not support the EO's final investigation report.

For each ground believed to be the reason for the appeal, the individual appealing should submit a written explanation, including identification of specific evidence that supports the appeal. If the evidence is not part of the EO file, it should be submitted with the appeal.

d. Rebuttal to Appeal

Each party will be given the opportunity to review and respond in writing to the other party's appeal. Any response by the opposing party must be submitted to the EO within five (5) working days of the other party's appeal. All appeal documents from each party will be considered together in the review process.

B. Forwarding Appeal Documents

Within five (5) working days of receiving all appeal submissions by the parties, the EO will forward to the committee such submissions, a copy of the final investigation report, and any other information the EO deems relevant to the appeal.

C. Review of Appeal

The discrimination grievance committee will review the matter based on the issues identified in the appeal(s) materials. The committee has the authority to determine the appropriateness of evidence, including whether certain evidence should be considered, and the strength and value that the evidence will be given. The committee will consider the EO's final investigation report and any written submissions, evidence submitted by the EO, and evidence submitted by the parties.

D. Committee's Decision

The committee will make a written decision which will contain the following:

- a. A summary of the allegations;
- b. A summary of the response to the allegations;
- c. A summary of the EO final investigation report;
- d. A summary of any sanctions imposed by the dean of students upon a student;
- e. Specific reference to the portion(s) of the policy alleged to have been violated;
- f. Analysis of the following:
 - i. Whether the investigation was not conducted in a fair and impartial manner and therefore the EO's final investigation report is flawed,
 - ii. Whether there is evidence that was not adequately considered in the investigation which, if considered, would change the outcome of the EO's final investigation report, and
 - iii. Whether a review of all available and relevant evidence indicates that the evidence clearly does not support the EO's final investigation report.
 - iv. If applicable, whether the sanction was clearly inappropriate and/or disproportionate to the conduct for which the person was found responsible.

If the party submitting the appeal did not raise one or more of the above grounds for appeal, the committee may nevertheless exercise its discretion to consider the additional ground(s). In such cases, the committee must provide the parties with notice of the additional ground(s) under consideration and an opportunity to submit any additional relevant information.

- g. Final decision, as applicable, for:
 - i. Affirming the EO's final investigation report,
 - ii. Reversing or modifying the EO's final investigation report, and
 - iii. Referring the matter back to the EO and/or a new investigator with specific instructions for further action.
 - iv. Affirming the sanction imposed by the dean of students;
 - v. Reversing or modifying the sanction imposed by the dean of students;
 - vi. Referring the sanctioning decision back to the dean of students and/or a new individual with the authority to impose sanctions on students with specific instructions for further action.

The committee will strive to complete the appeal review and issue its written decision within ten (10) working days of receipt of all documents. The committee chair will provide a copy of the written decision to the parties.

E. Appeal to Regents

Within thirty (30) days of receipt of the committee's decision, either party may appeal the committee's decision to the Commissioner of Higher Education of the Montana University System. (See [Board policy on appeals No. 203.5.2²](#).) 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.

X. SANCTIONS

Sanctions for a policy violation will be determined as outlined below.

A. Employee Sanctions

If the respondent is an employee, the EO will provide the final investigation report to the University administrator with the authority to impose sanctions in accordance with applicable employment policies and procedures³ and collective bargaining agreements⁴. Such administrator will consult with the EO as permitted by applicable employment policies and procedures and collective bargaining agreements. Any appeals of sanctions must be made under the applicable policy and procedures or collective bargaining agreement that governs appeals of sanctions for such employee.

B. Student- Employee Sanctions

If a student-employee is found to have engaged in prohibited conduct, the student-employee may be subject to sanctions both in connection with their employment and in connection with their student status, as appropriate under applicable processes.

² A party may appeal to the Board of Regents from the Commissioner's decision and the Board of Regents has the discretion to hear or decline to hear the appeal. That is the final level of appeal.

³ <http://www.umt.edu/hrs/Personnel%20Resources/Personnel%20Policies/default.php>

⁴ <http://mus.edu/hr/cba/collbarg.asp>

C. Student Sanctions

If the respondent is a student, the EO will provide the dean of students with the final investigation report and will consult with the dean of students. The dean of students will decide appropriate sanctions to impose.

a. Possible Student Sanctions

Sanctions may include one or more of the following:

- **Disciplinary probation:** A designated period of time during which the respondent is not in good standing with the University. The terms of disciplinary probation may involve restrictions of privileges and/or set specific behavioral expectations;
- **Restriction from employment at the University:** Prohibition of or limitation on University employment;
- **Class/Workshop/Training/Program attendance:** Enrollment in and completion of a class, workshop, training, or program that could help the respondent or the University community;
- **Educational project:** Completion of a project specifically designed to help the respondent understand why certain behavior was inappropriate and to prevent its recurrence;
- **University housing transfer or removal:** Permanent placement in another room or housing unit or removal from University housing. Housing transfers or removals may be for a specified time (e.g., a year) or permanent depending on the circumstances;
- **Removal from specific courses or activities:** Suspension or transfer from courses or activities at the University for a specified period of time or permanently
- **Banning from all or specific University activities and events:** The University may prohibit an individual from attending University sponsored activities either on or off campus;
- **Permanent No Contact:** Restriction from entering specific University areas and/or from all forms of contact with certain persons;
- **Suspension:** Separation from the University for a specified period of time or until certain conditions are met;
- **Expulsion or permanent separation:** Termination of student status for an indefinite period for students or termination from employment for employees;
- **Transcript hold:** The University may prevent a student from receiving a copy of their transcript; or
- The University may delay the conferral of the degree pending the outcome of an investigation or withhold the conferral of the degree due to a finding of prohibited conduct. In extraordinary circumstances, the University may revoke the conferral of a degree.

b. Impact and Mitigation Statements

The complainant may submit to the EO an impact statement and the respondent may submit to the EO a mitigation statement. An impact statement is written information from the complainant describing the impact of the prohibited conduct on the complainant and expressing the complainant's preferences regarding appropriate sanctions. A mitigation statement is a written statement from the respondent explaining any factors that the respondent believes should mitigate or otherwise be considered in determining sanctions imposed. The EO will provide any such statements received to the dean of students.

The dean of students may use information from these statements to help determine a respondent's sanction.

The impact or mitigation statements may not exceed five (5) pages, including attachments. The dean of students will review all information submitted in an impact statement or mitigation statement for relevance and appropriateness and may determine that some or all of the information submitted is not appropriate for consideration.

c. Considerations for Sanctions for Students

In determining the appropriate sanctions for students, the dean of students will be guided by a number of considerations, including:

- The nature of the conduct at issue;
- The impact of the conduct on the complainant;
- The impact of the conduct on the community or the University;
- Prior misconduct by the respondent, including respondent's relevant prior discipline history, both at the University or elsewhere, and any criminal convictions, if such information is available and known;
- Whether the respondent has accepted responsibility for the conduct, which may be considered as a factor that may lessen, not increase, the severity of the sanctions;
- Maintenance of a safe and respectful environment conducive to learning;
- Protection of the University community;
- The necessity of any specific action in order to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects on the complainant or other University community members; and
- Any other mitigating, aggravating, or compelling circumstances, including those set forth in the impact or mitigation statements.

d. Written Notice of Sanctions

The dean of students will provide the respondent with a written notice of sanction(s) to be imposed. The written notice will include a summary of the rationale in support of the sanction(s). The dean of students will also provide a copy of the written notice of sanctions to the EO. The EO will provide the written notice of sanctions to the complainant, minus any information not directly related to the complainant, as permitted by applicable Title IX and privacy laws.

e. Appeal of Sanctions

Students must follow the appeal procedures set forth below for appealing any sanctions imposed upon them for violation of the Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Policy.

If the respondent is a student or former student, the complainant or respondent may appeal the sanction(s) on the following ground:

- The sanction was clearly inappropriate and/or disproportionate to the conduct for which the person was found responsible.

An appeal of a student sanction must be submitted to the EO within five (5) working days of receipt of the written notice of sanctions. The appeal should be in writing and state why the sanction was clearly inappropriate and/or disproportionate to the conduct for which the person was found responsible. If there is any relevant evidence which supports the appeal that is not contained in the final investigation report and the written notice of sanctions, such evidence should be submitted as well.

Each party will be given the opportunity to review and respond in writing to the other party's appeal. Any response by the opposing party must be submitted to the EO within five (5) working days of the other party's appeal. All appeal documents from each party will be considered together in the review process.

As soon as reasonably possible after receipt of the appeal, the EO will provide to the discrimination grievance committee a copy of the appeal, the final investigation report, the written notice of sanctions, any impact and mitigation statements, and any additional evidence provided by the appellant or appellee in rebuttal. The EO will also provide a copy of the appeal to the non-appealing party.

The committee will make a written decision in accordance with Section IX.D above, containing an analysis of whether the sanction(s) was clearly inappropriate and/or disproportionate to the conduct for which the person was found responsible.

Disciplinary Records

Disciplinary records for policy violations for students are maintained in the same manner as other disciplinary records, as described in the Student Conduct Code. Disciplinary records for employees are maintained in accordance with applicable employment policies⁵ and collective bargaining agreements.⁶

XI. CONFLICT OF INTEREST

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. If an actual or perceived conflict of interest arises with an investigator or member of the discrimination grievance committee, that conflict must be disclosed to both parties.

XII. TRAINING

All University officials who are involved in the discrimination grievance process, including the EO, designated investigators, and the discrimination grievance committee, 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, recognizing and disclosing when an actual or perceived conflict of interest arises with any University official (or outside investigator) involved in the discrimination grievance process, and recognizing the link between alcohol and drug use and sexual assault and sexual harassment.

XIII. EXTERNAL COMPLAINTS

Individuals who have filed a complaint with the EO and believe the University's response was inadequate, or otherwise believe they have been discriminated against by the University on the basis of race, color, national origin, sex, including sexual harassment, disability age, or retaliation, 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.

Students or employees who filed a complaint with the EO and believe the University's response was inadequate, or otherwise believe they have been discriminated against by the University on the basis of

⁵ <http://www.umt.edu/hrs/Personnel%20Resources/Personnel%20Policies/default.php>

⁶ <http://mus.edu/hr/cba/collbarg.asp>

race, color, national origin, sex, including sexual harassment, disability, age, religion, creed, pregnancy, marital status, familial status (housing only), or political beliefs, or retaliation, may file a complaint with the Montana Human Rights Bureau: <http://erd.dli.mt.gov/human-rights-bureau.html>, 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.

Addendum:

DISCRIMINATION GRIEVANCE COMMITTEE

A. Composition of the Committee

The committee shall have at least eight (8) regular members including the chair. Of the eight regular members, two shall be students, two shall be members of the faculty, two shall be members of the non-academic staff, and two shall be representatives of the administration. The committee may include additional members from each group (faculty, student, staff, administration). However, only 4 members, representative of each group, will consider any one appeal.

B. Selection of Members

Members shall be appointed by the president of the University. Each of the four groups listed below will nominate candidates. The president will appoint at least two members 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.

C. Appointment of Chair

The president will appoint the chair.

D. Term of Appointment

To assure cumulative experience and development of expertise as well as continuity and uniformity of decisions, the terms of members will be of extended duration. The students 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.

E. Removal of Members

The 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;
 - a. In response to a request from a majority of the committee members;
 - b. In response to a request from the Equal Opportunity Officer;
 - c. In response to a request from a committee member that he/she be excused;
- b. In response to a request from a party who raises a legitimate concern regarding a conflict of interest, as defined under the University [Conflict of Interest Policy No. 703](#).

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 permanent or temporary removal from the committee.

F. Quorum

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