Important University Policies

Non-Discrimination Policy and Discrimination Grievance Procedures

Montana State University is committed to providing a working and learning environment free from discrimination. Discrimination or harassment based upon race, color, religion, national origin, ethnicity, creed, service in the uniformed services (as defined in state and federal law), veteran status, gender, age, political beliefs, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation or preference is prohibited.

The University is committed to taking positive and effective actions in the recruitment, hiring, training, and promotion of persons in all classes of employment to help overcome the present effects of past discrimination and increase opportunities for qualified women and minorities, persons with disabilities, and covered veterans. In addition, Montana State University assumes particular responsibility for providing opportunities for education and training for the state’s Native American peoples in the various disciplines and professions that are characteristic of this land-grant university.

Any student, employee, applicant for employment or admission, participant in University activities or other person who believes he or she was subject to discrimination in violation of the policies of the university may file a complaint under the university Non-Discrimination Policy and Grievance Procedures. Refer to the Office of Institutional Equity (OIE) website to submit a complaint online www.montana.edu/equity/discrimination/ or contact OIE at (406) 994-2042, Hamilton Hall Room 118.

Employees or students who commit and/or supervisors who knowingly condone or fail to report incidents of discrimination are subject to disciplinary actions when instances of discrimination are identified and confirmed. Knowingly filing false complaints of discrimination or knowingly providing false testimony may likewise result in disciplinary or corrective action when instances of such conduct are identified and confirmed. Retaliation against persons who file complaints or serve as witnesses is also a violation of laws prohibiting discrimination and will lead to appropriate disciplinary action against offenders when instances of such conduct are identified and confirmed.

Montana State University affords any student, employee, applicant for employment or admission, participant in University activities or other person who believes he or she was discriminated against by the University, the right to file a grievance on grounds of discrimination. As a condition of their employment and enrollment, employees and students are expected to cooperate in investigations of complaints of discrimination. Failure to cooperate will result in disciplinary action.

Sexual Harassment

Sexual harassment is unwelcome sexual advances, requests for sexual favors, sexual misconduct, and other physical or verbal conduct of a sexual nature, when:

• Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, education, living environment or participation in a university activity;
• Submission to or rejection of such conduct by and individual is used as the basis for or a factor in decisions affecting that individual’s employment, education, living environment, or participation in a University activity;
• Such conduct has the purpose or effect of unreasonably interfering with an individual’s employment or educational performance or creating an intimidating, hostile, offensive, or abusive environment for that individual’s employment, education, living environment, or participation in a University activity.
• Such conduct is so pervasive or severe that it has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or limiting participation in University programs;
• The intent or effect of such pervasive or severe conduct is to create an intimidating, hostile, or offensive academic or work environment

Whether conduct constitutes sexual harassment is determined based upon both a subjective and objective standard, as well as consideration of the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior. Although repeated incidents generally create a stronger claim of sexual harassment, a serious incident, even if isolated, can be sufficient.

Title IX of Education Amendments of 1972 (Title IX)

Title IX and its implementing regulation, at 34 C.F.R. § 106.31 (a), provide that no person shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the University.

Title IX of the Education Amendments of 1972 (“Title IX”) and the Montana Human Rights Act prohibit discrimination on the basis of sex in education programs and activities. Discrimination based upon sex can include sexual harassment or sexual violence, such as sexual intercourse without consent, sexual assault, and sexual coercion. Title IX also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

The Title IX Coordinator for Montana State University-Bozeman is:

Jyl Shaffer, MA
Interim Director/Title IX Coordinator – Office of Institutional Equity Montana State University
P.O. Box 172430
Bozeman, MT 59717-2430
Tel: (406) 994-2042
Fax: (406) 994-7999
E-mail: jyl.shaffer@montana.edu (oie@montana.edu)
Location: 114 Hamilton Hall
http://www.montana.edu/titleix/

Any student or visitor with questions or concerns about sex discrimination or sexual harassment or who believes that he or she has been the victim of sex discrimination or sexual harassment may contact the Title IX Coordinator for assistance. The Title IX Coordinator is responsible for receiving and conducting the administrative investigation of reports of sexual harassment and assault filed on campus by students and employees, and is available to discuss options, explain university policies and procedures, and provide education on relevant issues. To submit a complaint online, http://www.montana.edu/titleix/ or contact the
Title IX Coordinator in the Office of Institutional Equity located at 118 Hamilton Hall, (406) 994-2042.

Consensual Relationships
http://www2.montana.edu/policy/affirmative_action/aa100.html#180.00_Relationships

A consensual romantic relationship in which one party is in a position to evaluate the work of the other is a potential conflict of interest. When such a potential conflict of interest results between employees or an employee and a student, the employee shall promptly disclose the potential conflict of interest to his or her supervisor. The supervisor and the employee shall take steps to ensure that there is no conflict of interest.

Non-Discrimination Policy Based on Disability
The University is committed to eliminating disability-based discrimination against qualified persons with disabilities and to making appropriate reasonable accommodation for any known disability that interferes with an applicant’s ability to compete in a selection process, an employee’s ability to perform the essential functions of a job, a student’s ability to meet the essential requirements of an academic program, or a person’s ability to benefit from a University service or participate in a University sponsored or hosted event.

All applicants, employees, students or participants, including those with disabilities, are expected to be able to perform the essential functions of the position or program, with or without reasonable accommodation.

It is the responsibility of the applicant, employee, student or participant with a disability to inform the appropriate person, as indicated below, that an accommodation is needed:

1. To request accommodation in a job application or interview process, contact: The hiring authority or chair of the search committee of the search, as indicated on the vacancy announcement or contact Human Resources, (406) 994-3651. www.montana.edu/hr/
2. To request accommodation in employment, including concerns about job duties, contact: The direct supervisor or the Office of Human Resources, (406) 994-3651 or www.montana.edu/hr/
3. To request accommodation when applying for admission to the University, contact: The Director of Admissions, (406) 994-2452, if applying for undergraduate admission; or the Dean of the Graduate School, (406) 994-4145, if applying for graduate admission.
4. To request accommodation when applying for housing or to request housing accommodation, contact: Residence Life and University Food Service, (406) 994-2661, if applying for housing in the residence halls; or Family Housing, (406) 994-3730, if applying for family or graduate housing.
5. To request accommodation related to an academic program or requirement, class, or other educational opportunity or activity, contact: The Office of Disability, Re-Entry and Veteran’s Services Room 155 Strand Union Building (406) 994-2824.
6. To request public accommodation or accommodation to participate in a University sponsored or hosted event, contact: The Event Sponsor or the University Compliance Officer, (406) 994-2042.

University Compliance Officer
The University Compliance Officer and the office responsible for the University’s compliance efforts is:

Director of the Office of Institutional Equity
Montana State University
Hamilton Hall Room 118
P.O. Box 172340
Bozeman, MT 59717-2430
Phone: (406) 994-2042
Fax: (406) 994-7999
Email: oie@montana.edu
www.montana.edu/equity/

Procedures for filing complaints of discrimination, harassment or violations of Title IX are available electronically at: http://www2.montana.edu/policy/affirmative_action/ or in print from the address above.
Font Notice

This document should contain certain fonts with restrictive licenses. For this draft, substitutions were made using less legally restrictive fonts. Specifically:

Times was used instead of Adobe Garamond Pro.

The editor may contact Leepfrog for a draft with the correct fonts in place.