Great Falls College
Montana State University

Annual Security Report
Fall 2015
for reporting year 2014

A GUIDE TO
GREAT FALLS COLLEGE MSU
POLICIES AND PROGRAMS
CONCERNING
CAMPUS SECURITY AND A
REPORT OF
ANNUAL CAMPUS
CRIME STATISTICS

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From the Office of the CEO/Dean

Great Falls College Montana State University (GFC MSU) is pleased to provide this year’s edition of the Campus Security Report. This publication represents the College’s actions to comply with the provisions of the Crime Awareness and Campus Security Act of 1990, Violence Against Women Act 2013 Reauthorization, and the Jeanne Clery Act of 1998. Included in this edition is information on policies and programs related to sexual assault prevention, drug-free environment, campus safety, and information relating to fire safety.

The administration of Great Falls College MSU is committed to providing a safe and secure educational and working environment. Although the College has a low reported crime rate, leadership is diligent in continual improvement of safety and security procedures. Crime prevention is the responsibility of the entire campus community.

Great Falls College MSU administrative leadership encourages your input and feedback.

Dr. Susan J. Wolff, CEO/Dean
POLICIES FOR PREPARING THE ANNUAL SECURITY REPORT

INTRODUCTION

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act requires Great Falls College MSU to provide timely warnings of crimes representing a threat to the safety of students or employees and to make public their campus security policies. It also requires crime data be collected, reported, and disseminated to the campus community, and to the Department of Education annually. The Clery Act is intended to provide students and their families with accurate, complete, and timely information about safety on campuses so they may make informed decisions. Such disclosures are permitted under the Federal Rights and Privacy Act (FERPA). The following website provides more information about these and other provisions about campus safety: U.S. Department of Education, Campus Security: [http://www2.ed.gov/admins/lead/safety/campus.html](http://www2.ed.gov/admins/lead/safety/campus.html)

Each year, notification is made to all enrolled students providing the web site to access this report. Faculty and staff receive similar notification. All prospective and current students, employees, or the general public may obtain a copy from Dr. Camille Consolvo, Chief Student Affairs Officer/Associate Dean for Student Services by requesting it at camille.consolvo@gfcmsu.edu, 406-771-4304; Mary Kay Bonilla, Executive Director of Human Resources, mbonilla@gfcmsu.edu, 406-771-5123; or Great Falls College MSU Institutional Researcher, 406-771-4399.

The annual disclosure of crime statistics is prepared by the office of the Chief Financial/Safety Officer to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

The Annual Security Report is prepared by the Clery Team, chaired by the Chief Student Affairs Officer, with other members being the Chief Financial Officer, Executive Director of Human Resources, Executive Director of Communications and Marketing, Director of Facilities, and their assistants.


Campus crime, arrest, and referral statistics include those reported to local law enforcement agencies, as well as designated campus officials (including but not limited to the CEO/Dean, the Executive Team, and selected staff members), and to contracted security officers. We annually ask the Great Falls Police Department to provide crime statistics based on our Clery geography and crimes. We also keep a log of campus incident reports to which to refer for collecting these statistics annually.

REPORTING OF CRIMINAL OFFENSES

The Great Falls Police Department is the primary law enforcement agency for the City of Great Falls. They have jurisdiction over the College and will respond upon request to all crimes committed on campus that violate city ordinances and State of Montana Statutes, and they will conduct all investigations and/or arrests. In an emergency, we encourage students and employees to call 9-1-1.
Great Falls College MSU provides annual training to its identified Campus Security Authorities. The Campus Security Authorities identified on the Great Falls College MSU campus are:

CEO/Dean
Chief Student Affairs Officer
Chief Academic Officer
Chief Financial Officer
Chief Information Officer
Executive Director of Human Resources
Executive Director of Communications and Marketing
Executive Director of Workforce Development
Director of Academic Support
Director of Issksiniip Native American Student Center
Director of Facilities
Academic Division Directors
Controller
Academic Advisors
Financial Wellness Coordinator
Workforce Navigator
Student Activities Coordinator
Student Club Advisors
Veterans Success Coach
Contracted Campus Security Officers

The Campus Security Authorities report incidents to the Chief Financial Officer and the CEO/Dean’s Executive Team.

**VOLUNTARY CONFIDENTIAL REPORTING**

The College has a policy and procedures for victim and witness reporting. This information is on our web site, is shared by Campus Security Authorities, and in other information. We tell complainants that if they are the victim of a crime and do not want to pursue action within the College processes or the criminal justice system, they may still want to consider making a confidential report. With their permission, the campus officials may file a report on the details of the incident without revealing their identity. The purpose of a confidential report is to comply with their wish to keep the matter confidential, while taking steps to ensure the future safety of oneself and others. With such information, the College can maintain an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger when needed.

Student confidentiality will be respected to the extent possible. Even if the alleged victim requests confidentiality or asks that the complaint not be pursued, Great Falls College MSU will:

1. take all reasonable steps to investigate and respond to the complaint to the extent possible consistent with the alleged victim’s wishes;
2. notify the alleged victim that the failure of the alleged victim to pursue a complaint may limit Great Falls College MSU’s ability to fully address the matter; and
3. report the incident or assault to local law enforcement authorities if a health or safety emergency as defined by state or federal law is found by the College to require such reporting.

For further information, see the entire policy at:
http://www.gfcmsu.edu/about/policies/PDF/300/301_1.pdf
See entire procedures at:
http://www.gfcmsu.edu/about/policies/PDF/300/301_1_1.pdf

See also the Support and Reporting Options for Survivors of Sexual Assault, Domestic Violence, Dating Violence and/or Stalking attached hereto as Appendix B.

SECURITY OF & ACCESS TO CAMPUS FACILITIES

The community frequently uses the campus for meetings and events and may be on campus during an emergency. Name badges and official vests identify Zone Stewards and Crisis Team members, giving them authority to evacuate the campus. Because the public is often present on campus, security of offices, classrooms and common areas is important to prevent theft, vandalism, and dangerous activity.

The Facilities Director is responsible for the storage and release of keys and lock pad codes, as appropriate, to employees. Keys are not to be duplicated. Access to academic, administrative, and clinical facilities varies by use and location. Only those with legitimate business in these areas are provided keys or codes.

Master keys and master codes for digital locks are only distributed to maintenance staff, Information Technology staff, the CEO/Dean, and Executive/Crisis Team members.

Building hours throughout the year vary with the academic schedule. Maintenance staff on duty carries the facilities department cell phone and are accessible to anyone for assistance. A contracted security person is on site evenings Monday through Thursday and on Sunday afternoons. Security may be contacted either by cell phone or through the Information Desk personnel.

The building security and alarm system is monitored externally by Alarm Services who, in turn, maintains contact 24-hours per day, 7 days per week with Great Falls’ emergency services (fire, police, ambulance).

Security zones are set to allow after-hours access to the area of the building that houses KGPR Public Radio to allow their staff access through an external door. We do not have residence halls and thus do not have security for and access to these buildings.

Motion sensors are located throughout the buildings on campus. If activated, an alarm is automatically sent to Alarm Service who, in turn, alerts local police that an alarm has been activated at the College’s address. In addition, selected campus personnel are contacted to meet with emergency service personnel on site.

Internal cameras have been installed throughout the campus monitoring all access doors and major hallways. Cameras are motion-activated and recorded images are retained for seven days. External cameras (23) were added in 2015 to monitor parking lot entrances, parking lots and main building entrances.

LAW ENFORCEMENT & JURISDICTION POLICY STATEMENTS

The law enforcement authority that has jurisdiction at Great Falls College MSU is the Great Falls Police Department. Great Falls College MSU contracts with a private security firm. As of this report, we have a contract with Securitas Security Services, a private independent contractor, for part-time campus security. Securitas works closely with the Great Falls Police Department and Cascade County Sheriff’s Office regarding security issues at Great Falls College MSU. Securitas has close working relationships with all law enforcement agencies in the Great Falls area and surrounding region.
Securitas personnel do not have the authority to make arrests. If such is required, Great Falls Police Department is contacted. Securitas is contracted to be on campus Monday through Thursday from 6:00 pm to 10:00 pm; and Sundays from 6:00 pm to 9:00 pm, at which times the building closes. They are also contracted on an as needed basis at other times for certain events. Their primary role is to monitor the building and interact with faculty, staff, students, and the public while being available to address various issues and, if necessary, resolve conflicts and/or contact Great Falls Police Department as needed. The Securitas personnel who are on staff during our contracted hours provide daily reports as well as incident reports. The majority of Securitas personnel are armed with a handgun.

We do not have a formal Memorandum of Understanding (MOU) with the Great Falls Police Department to investigate alleged criminal offenses, but do work closely with them on crimes that occur in our Clery geography.

GFC MSU communicates to all of its students and employees that if they are victims of crimes, or witness crimes, to report the crimes to local law enforcement, a Campus Security Authority, or contracted security if on duty. Students who are victims of criminal activity, or who observe any criminal and/or suspicious activity in the College’s buildings or on campus property, are urged to call 9-1-1. If calling from a campus phone, one need only dial 9-1-1 (no extra 8 is needed to get an outside line).

**MONITORING AND RECORDING OF CRIMINAL ACTIVITY**

GFC MSU does not have off-campus, College-recognized student organizations and thus we have no need for monitoring and recording, through local police agencies, any criminal activity by students at non-campus locations.

We do not have on-campus counseling services. We do not have a policy regarding referral to pastoral or personal counseling. We do, however, provide information about resources to complainants so they are aware this is an option for them. See the Support and Reporting Options for Survivors of Sexual Assault, Domestic Violence, Dating Violence and/or Stalking attached hereto as Appendix B.

**POLICIES FOR TIMELY WARNINGS**

Great Falls College MSU will issue timely warnings to the campus community about violent crimes against a person, a substantial crime against property, and/or an emergency situation on or near campus that represents a serious or ongoing threat to the campus community. Crimes for which a timely warning may be appropriate include, but are not limited to murder, manslaughter, sex offenses, robbery, aggravated assault, burglary, arson, motor vehicle theft, and hate crimes.

Staff in the Communications & Marketing Department, under the direction of the Executive Director, is responsible for issuing timely warnings, in conjunction with other Executive Team members.

In the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of the campus community, an immediate alert message will be sent to all GFCMSU Alert subscribers – students, staff and community – via text and email. The GFCMSU Alert system is tested monthly. Students and employees are encouraged to subscribe. Additional alert email messages will be sent to the “Everyone” email listserve and “All Students” listserve. Additional paper notifications may be placed throughout campus as appropriate.
Timely warnings will typically include the following information, if known:

1. A succinct statement of the incident, including the nature and severity of the threat and locations or persons who might be affected;
2. Any connection to previous incidents;
3. Physical description and/or composite drawing of the suspect;
4. Date and time the warning was released;
5. Other relevant and important information, such as any bias motive, the gender of the victim, and/or Student / non-student status; and
6. Appropriate safety tips.

See the entire policy at: http://www.gfcmsu.edu/about/policies/PDF/100/112_1.pdf

EMERGENCY NOTIFICATION POLICY

To confirm an emergency, a member of the Executive Team will evaluate the situation by direct sight, smell, or obvious signs of distress. The Executive Team member will immediately inform the Executive Director of Development, Communications and Marketing or Executive Team member acting in that capacity, who will take action to notify the campus community of an emergency. Also, an “all broadcast” will be sent through our telephone system, where a message regarding the emergency will be broadcast through all the campus telephones.

When any member of the Executive Team becomes aware of a serious or continuing threat to the campus community, the situation will be evaluated. If warranted, notification will be made by utilizing the telephone system ‘Group Call’ function to notify designated personnel. This function is available on all Executive Team phones and dials all members simultaneously.

Immediate Executive Team information/decisions:
- Does 9-1-1 need to be called?
- Has 9-1-1 been called?
- Is campus notification required?
- What immediate response is needed from the team?
- Debrief session with Crisis Team always follows after an incident.

In the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of the campus community, an immediate alert message will be sent to all GFCMSU Alert subscribers—students, employees, and community.

The Executive Director of Development, Communications and Marketing, or ET member acting in that capacity, will compose a message best describing the situation, and then access the Wireless Emergency Notification System (WENS), and enter the emergency message.

Emergency messages will be disseminated via Wireless Emergency Notification System (WENS), and by phone, preferably by landline. Additionally, if possible, a message will also go on the website, and social media accounts. All contact from authorities and media will be handled by the Executive Director of Development, Communications
and Marketing, or previously assigned Executive Team member acting in that capacity. The Wireless Emergency Notification System (WENS) can be accessed by computer, tablet, or mobile device by the Executive Director of Development, Communications and Marketing, or ET member acting in that capacity, to disseminate the emergency information to the larger community.

Individuals responsible for decisions and/or actions include:

CEO/Dean
Chief Student Affairs Officer
Chief Academic Officer
Chief Information Officer
Chief Financial Officer
Executive Director of Human Resources
Executive Director of Development, Communications and Marketing
Executive Director of Workforce Development

Referencing Policy 112-1 from Great Falls College MSU Policy Manual, the CEO/Dean or designee will, without delay, decide whether to issue a timely campus safety/crime warning or emergency notification on a case-by-case basis considering the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts. Information for timely campus safety/crime warnings and emergency notifications may also come from other law enforcement agencies. The CEO/Dean or designee will also determine the appropriate segment or segments of the campus community which will receive the notice, and whether to disseminate the emergency information to the larger community based on the above-described analysis. The Communications & Marketing Department is responsible for issuing timely warnings and emergency notification. For entire policy, see [http://www.gfcmsu.edu/about/policies/PDF/100/112_1.pdf](http://www.gfcmsu.edu/about/policies/PDF/100/112_1.pdf).

**EMERGENCY DRILLS, TESTING & EVACUATION PROCEDURES**

Updated and ongoing Crisis/Emergency Training for employees is conducted. Opportunities for First Aid, CPR, and AED training for employees are presented regularly. Fire drills are performed annually in fall and spring semesters. An earthquake drill was held in October. The fire drills are unannounced. The earthquake drills, CPR, First Aid, AED Training, and Fire Extinguisher Training are scheduled and announced. After each conducted training and drill, an assessment and evaluation is performed.

Fire extinguisher training has been offered to employees. Active Shooter training is being scheduled for faculty and staff. In addition, the campus Safety Committee makes annual inspections of the campus, identifying safety issues that are brought to the attention of campus administration and maintenance. These concerns are addressed in a high priority manner.

Emergency response and evacuation procedures are published on our website under Safety Exercises for each calendar year and updated on an ongoing basis. Procedures are also posted in every classroom and other areas on campus.

The tests are documented, including the date and time and whether it is announced or unannounced.
Documentation for 2014 includes:

### 2014 Safety Exercises for Great Falls College MSU

<table>
<thead>
<tr>
<th>Safety Exercise</th>
<th>Date</th>
<th>Time</th>
<th>Details</th>
<th>Announced/Unannounced</th>
</tr>
</thead>
<tbody>
<tr>
<td>Radios/Vests/Flashlights</td>
<td>Fall 2014</td>
<td></td>
<td>Items given to Crisis Response Team Members and Zone Stewards to be prepared for emergency situations</td>
<td></td>
</tr>
<tr>
<td>Earthquake Drill</td>
<td>10/22/2014</td>
<td>10:22 AM</td>
<td>Great Montana Shakeout/Statewide Earthquake Drill</td>
<td>Unannounced</td>
</tr>
<tr>
<td>Fire Extinguisher Training</td>
<td>11/7/2014</td>
<td>9:00 AM</td>
<td>Great Falls Fire Department Held Training on campus</td>
<td>Announced</td>
</tr>
<tr>
<td>Fire Drill</td>
<td>11/19/2014</td>
<td>10:00 AM</td>
<td>Great Falls Fire Department</td>
<td>Unannounced – Time at 3 minutes, 43 seconds to get all campus population out of building</td>
</tr>
</tbody>
</table>

The procedures are contained in the Emergency Response Plan, linked at: [http://www.gfcmsu.edu/about/policies/100policies.html](http://www.gfcmsu.edu/about/policies/100policies.html).

### PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING POLICY STATEMENTS

GFC MSU requires all new students to participate in alcohol and sexual assault prevention and awareness education. This was required of all students taking COLS 103, Becoming a Successful College Student, in Spring semester 2014. During Fall 2014, all new students were required to participate in EverFi’s AlcoholEdu, and Haven Sexual Assault Prevention program modules. In April 2014, students and faculty hosted a series of educational activities for all students and employees during Domestic Violence Awareness Week. As part of this education students were informed that GFC MSU prohibits dating violence, domestic violence, sexual assault, and stalking and defined these terms for students and employees. Part of this educational programming describes bystander intervention (how to feel empowered and equipped with the knowledge and skills to effectively assist in the prevention of sexual violence) and how to effectively implement it. We also provide students and employees with copies of our policy prohibiting such and the terms are defined in this policy as well.

GFC MSU provides ongoing educational opportunities throughout the year. Haven focuses on teaching, assessing, and certifying students in the critical issues of sexual assault, relationship violence, and stalking. We also provide ongoing education throughout the year for students and employees. We do a week-long series of programs for students and employees in April during Domestic Violence Awareness Week to help students learn how to avoid, intervene, and/or refer others for issues of dating and domestic violence and sexual assault.

### DEFINITIONS

Policy 301.1, Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking and Retaliation, Section 120.00 Definitions: [http://www.gfcmsu.edu/about/policies/PDF/300/301_1.pdf](http://www.gfcmsu.edu/about/policies/PDF/300/301_1.pdf)

120.10 **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. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

120.20 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, social media, 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.

120.30 Sexual Harassment can include unwelcome: sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including sexual misconduct. Sexual harassment, including sexual misconduct, 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 program 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. Generally, this type of sexual harassment will involve agents or employees with some authority from the University.

2. Hostile Environment [as defined in 124.00 below]

120.40 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 or academic performance.

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 creates a hostile environment, the harassment will be considered not only from the perspective of the individual who feels harassed, but also from the perspective of a reasonable person in a similar situation. Also, the following factors will be considered:

- The degree to which the conduct affected one or more students’ education or individual’s employment;
- The nature, scope, frequency, duration, and location of incident or incidents;
- The identity, number, and relationships of persons involved;
- The perspective of a “reasonable person” in the same situation as the person harassed; and
- The nature of higher education.

120.50 **Sexual Misconduct** includes sexual assault, inducing incapacitation for sexual purposes, and sexual exploitation.1

A. **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:

- Involvement in any sexual contact when the victim is unable to consent.
- Intentional and unwelcome contact with the breasts, buttock, groin or genitals or touching another with any of these body parts or coercing or forcing or attempting to coerce or force another to touch the perpetrator or themselves with or on any of these body parts.
- Any other intentional bodily contact in a sexual manner, including contact by a penis, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact).
- Sexual intercourse without consent, including acts commonly referred to as “rape.”

B. **Consent** is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. If coercion, intimidation, threats, or physical force are used there is no consent.

There is no consent if a person is mentally or physically incapacitated so that such person cannot understand the fact of, or make a reasonable judgment as to the nature or harmfulness of the conduct, or extent of the sexual situation. This includes incapacitation due to mental disability, alcohol or drug consumption, or being asleep or unconscious. A person who knows or reasonably should have known that another person is incapacitated may not engage in sexual activity with that person.

There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. In the absence of mutually understandable words or actions, it is the responsibility of the initiator, or the person who wants to engage in the specific sexual activity to make sure that he/she has the consent from his/her partner(s).

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. Effective consent may not be given by minors less than 16 years old.

C. **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.
D. **Sexual Exploitation/coercion** 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 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 a sexually transmitted disease, such as HIV to another;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; and
- Possessing, distributing, viewing or forcing others to view illegal pornography.

120.60 **Dating Violence** is abuse or violence between, partners or persons in a social relationship of an intimate or romantic nature involving one or more of the following elements:

- Battering that causes 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.

The existence of such a relationship shall be determined based on consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction.

To the extent applicable as provided in Sections 100.30 and 100.50 above, allegations of dating violence, regardless of whether they are based on discrimination, shall be addressed and considered in accordance with this Policy and the Discrimination Grievance Procedure.

120.70 **Domestic Violence** is an act of violence committed by a current or former spouse of the victim, by a person with whom the victim share a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic and family violence laws of Montana [Title 40, Ch. 15, MCA] or by any other person against an adult or youth victim who is protected under the domestic or family violence laws of Montana. Persons protected include mothers, fathers, brothers, sisters, and other past and present family members of a household. To the extent applicable as provided in Sections 100.30 and 100.50 above, allegations of domestic violence, regardless of whether they are based on discrimination, shall be addressed and considered in accordance with this Policy and the Discrimination Grievance Procedure.
120.80 **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. To the extent applicable as provided in Sections 100.30 and 100.50 above, allegations of stalking, regardless of whether they are based on discrimination, shall be addressed and considered in accordance with this Policy and the Discrimination Grievance Procedure.

120.90 **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.

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.

PROCEDURES TO FOLLOW IF A CRIME OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING HAS OCCURRED AND CONFIDENTIALITY

TITLE IX/VAWA COMPLIANCE - DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING, AND RETALIATION

Great Falls College Montana State University prohibits and will not tolerate discrimination, harassment, sexual misconduct, dating violence, domestic violence, stalking, or retaliation on its premises, within any of its programs, services or other College-sponsored activities, or by anyone acting as an agent of the College.

Students and employees at Great Falls College Montana State University have the right to live and learn in an environment that is free from all forms of discrimination, harassment, sexual misconduct, dating violence, domestic violence, stalking, and retaliation. Any Great Falls College MSU employee informed of an allegation of sexual violence and/or assault involving a student must promptly notify the Title IX Coordinator(s). In cases where student(s) are accused of committing discrimination, harassment, sexual misconduct, dating violence, domestic violence, stalking and/or retaliation, the Associate Dean of Student Services, as Title IX Coordinator; or an appointed Deputy Title IX Coordinator will investigate allegations. In cases where employee(s) are accused of committing discrimination, harassment, sexual misconduct, dating violence, domestic violence, stalking and/or retaliation, the Executive Director of Human Resources, as Title IX Coordinator, will investigate allegations.

Great Falls College MSU prohibits retaliation against any person for reporting concerns, or filing, testifying, assisting or participating in any manner in investigations or proceedings involving allegations of harassment, sexual misconduct, dating violence, domestic violence, and stalking. Any person who violates the policy will be subject to discipline. 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.

Student and employee confidentiality will be respected to the extent possible. Even if the alleged victim requests confidentiality or asks that the complaint not be pursued, Great Falls College MSU will:

1. take all reasonable steps to investigate and respond to the complaint to the extent possible consistent with the alleged victim’s wishes;
2. notify the alleged victim that the failure of the alleged victim to pursue a complaint may limit Great Falls College MSU’s ability to fully address the matter; and
3. report the incident or assault to local law enforcement authorities if a health or safety emergency as defined by state or federal law is found by the College to require such reporting.

For further information, see the entire policy at: http://www.gfcmsu.edu/about/policies/PDF/300/301_1.pdf
See entire procedures at: http://www.gfcmsu.edu/about/policies/PDF/300/301_1_1.pdf
See also the Support and Reporting Options for Survivors of Sexual Assault, Domestic Violence, Dating Violence and/or Stalking attached hereto as Appendix B.

For further information for employees, see the entire policy at: http://www.gfcmsu.edu/about/policies/PDF/400/401_2.pdf

WRITTEN NOTIFICATION

The College may take interim measures to assist or protect the parties involved during the process, as necessary and with the Complainant’s consent. Remedial Actions such as those described below, may be taken on an interim basis. Remedial action means the administrative steps taken to remedy a situation that has led to a complaint. The purpose of remedial action is to:

- Prevent serious and immediate harm to the complainant and others;
- Prevent retaliation against any party;
- End discriminating or harassing behavior and prevent its recurrence; and
- Provide appropriate training in preventing discrimination.

At any time during the complaint process, the Responsible Official (RO) and/or other responsible administrators may take appropriate remedial action to ensure that these purposes are achieved. Remedial action may include, but shall not be limited to:

- Altering the Complainant’s or Respondent’s work or academic environment;
- Providing training on preventing discrimination or harassment;
- Meeting with Respondent and his/her supervisor to discuss changes of behavior;
- Reassignment or transfer;
- Changes in residence hall assignments;
- Changing advisors, mentors, supervisors or evaluators;
- Providing academic support services such as tutoring;
- Obtaining counseling or medical services;
- Providing escort service for a party’s safety in moving about campus;
• Arranging for re-taking or course withdrawal without penalty; and  
• Suspending an employee pending investigation.

REGISTERED SEX OFFENDER POLICY STATEMENT

Information regarding local registered sex offenders may be found at: https://app.doj.mt.gov/apps/svow/

DISCIPLINARY PROCEDURES & POLICY STATEMENTS AND DISCLOSURE OF RESULTS OF DISCIPLINARY PROCEEDINGS & POLICY STATEMENT

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.

In determining the severity of sanctions or corrective actions, factors such as the frequency and severity of the offense and any history of past discriminatory, harassing or retaliatory conduct are relevant. 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 policies and procedures and collective bargaining agreements.

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

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

If there is a complaint about the RO or any staff member that is part of the RO office, or if the RO or RO staff has a complaint, that complaint should be made to the Campus Executive Officer (“CEO”) for the affiliated campuses. The CEO will appoint another trained individual to take the place of the RO 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 9-1-1. You may also report to the appropriate University or city/county police department shown below:

Great Falls College MSU:
Great Falls Police Department  
   Emergency number, 9-1-1  
   Non-emergency number, 406-771-1180
Some forms of discrimination and harassment may also be crimes. For example, sexual assault, domestic violence, stalking and rape are crimes. Complainants and witnesses are encouraged to make criminal reports to law enforcement, even if it is uncertain whether the particular conduct is a crime.

Calling local law enforcement can help you:

- Obtain emergency and nonemergency medical care;
- Get immediate law enforcement response for your protection;
- Understand how to provide assistance in a situation that may escalate to more severe criminal behavior;
- Arrange a meeting with victim advocate services;
- Find counseling and support;
- Preserve evidence (which is very important in a criminal case);
- Initiate a criminal investigation; and
- Answer questions about the criminal process.

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

**Confidentiality of Complaints and Reports**

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

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

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

The investigation Report of Findings and any written decision resulting from the appeals process will be disclosed only to the Complainant, Respondent, RO, and Discipline Authorities\(^1\) subject to the protection of confidentiality as may be appropriate under the circumstances and in accordance with the requirements of FERPA. This information

\(^1\) In the case of employees, the Discipline Authority is the University Administrator with the authority to impose discipline 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 or other University official with the authority to impose sanctions on students in accordance with applicable policies and procedures.
will also be provided to University officials as necessary to prepare for subsequent proceedings (e.g., University President, CEO, Appeals Officer, and University Legal Counsel). If otherwise required by law or legal process, the Report may be provided to other entities subject to the requirements of FERPA.

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

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

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

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

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

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

- Options for obtaining medical and counseling services;
- Making a criminal report;
- Receiving advocacy services;
- Options for changing academic, living, transportation, and working situations; and
- Other helpful campus and community resources.

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

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

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

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

**Immediate Action and Interim Remedial Action**

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

**Resolution**

If a Complainant chooses to file a complaint, there are two avenues for resolution of an alleged Policy Violation: formal and informal resolution. The Complainant has the option to proceed informally, except cases involving allegations of sexual misconduct. In cases involving allegations of sexual misconduct, informal resolution is not appropriate, even if both the Complainant and Respondent indicate a preference for informal resolution. The RO is available to explain the informal and formal resolution procedures.

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

**A. Informal Process and Resolution**

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

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

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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.
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; having a confidential conversation with a supervisor or instructor; or taking appropriate personnel action.

B. Formal Process

Step 1: The RO discusses concerns with Complainant, and the Respondent as appropriate, including providing information about the policy and procedures and other helpful resources. RO also considers whether immediate or interim actions or involvement of other University offices is appropriate. The RO determines whether the office has jurisdiction to investigate the matter. The RO’s jurisdiction is limited to reports of Policy Violations.

Option 1: If the RO determines that there is no jurisdiction, the RO 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 RO determines that there is jurisdiction, the RO will proceed to Step 2.

Step 2: The RO 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 within forty (40) days of receipt of the complaint unless it is necessary to extend the time because of the complexity of the case, availability of witnesses, or other factors which unavoidably delay the investigation. If the investigation is extended, both parties will be promptly notified of a revised expected resolution timeframe.

The RO will notify and update both parties of the timeframe for the investigation, their right to identify witnesses, provide any supporting evidence at any time during the investigation, and the opportunity for appeal. The RO will provide a written update to the parties if the investigation is not complete within 30 days.

The RO will advise both parties of the right, at their own expense, to have an attorney or other advisor (including a union representative for union employees) with them during their interviews and during any stage of these procedures. Such advisor may be present at interviews, meetings, or hearings only to advise the parties; he/she may not participate directly.

The RO will confer with and interview the Complainant to clarify the allegations, identify desired outcomes and obtain detailed information about the allegations.

The RO will provide the Respondent with a written summary of the allegations and the Respondent shall have the opportunity to respond to the allegations during the investigator interview and, if desired, in writing.

The RO will collect and review written documents, interview the Complainant, the Respondent (unless a party is unwilling or unable to be interviewed), identify and interview relevant witnesses, and collect such other evidence as may be relevant to the investigation.
Step 3: The RO determines whether there is a preponderance of the evidence to believe that an individual engaged in a Policy Violation. This “preponderance of the evidence” standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it; that is, it is more likely than not that the alleged conduct occurred.

The RO’s decision shall be presented in the form of a written Report of Findings which:

1. Presents the contentions of the parties;
2. Describes the evidence considered, including general testimony of witnesses, if any;
3. Sets forth the analysis and findings and summarizes the basis for each; and
4. Makes recommendations for remedial actions, if any.

Option 1: If the RO finds a Policy Violation did not occur, the investigation is complete; in this case the Complainant may file an appeal of the finding to the President or CEO in accordance with the Appeal Procedure.

Option 2: If the RO finds that a Policy Violation occurred, the RO’s written Report of Findings will include steps to take to prevent recurrence of any such violation, including, as appropriate, remedial actions described in Section 340.00. The Respondent may appeal the finding to the President or CEO. If the Respondent does not appeal the Report of Finding within the time period for appeal, the Report will be forwarded to the Discipline Authority for a determination of appropriate sanctions. In the case of student Respondents, the Discipline Authority is the Dean of Students or other University official with the authority to impose discipline on students in accordance with applicable policies and procedures. In the case of employees, the Discipline Authority is the University administrator with the authority to impose discipline in accordance with applicable employment policies and procedures and collective bargaining agreements. The Discipline Authority must inform the RO of the ultimate sanctions imposed upon a Respondent. The RO will inform the Complainant of the sanctions to the extent permitted by Title IX and applicable privacy laws.

Each party will be provided with a copy of the Report of Findings, subject to the protection of confidentiality as may be appropriate under the circumstances and as may be required by laws or regulations, including the Family Educational Rights & Privacy Act (FERPA) [(20 U.S.C. § 1232g; 34 CFR Part 99).

Relation to the Student Code of Conduct
The student Discipline Authority is charged with imposing sanctions on students who are found to have violated the policy. Sanctions may include a warning, probation, eviction from campus housing, suspension, expulsion, or any other sanction set forth in the University’s Student Conduct Code. Disciplinary records for policy violations are maintained in the same manner as other disciplinary records, as described in the Student Conduct Code.

Remedial Action
Remedial action means the administrative steps taken to remedy a situation that has led to a complaint. The purpose of remedial action is to:

- Prevent serious and immediate harm to the complainant and others;
- Prevent retaliation against any party;
- End discriminating or harassing behavior and prevent its recurrence; and
- Provide appropriate training in preventing discrimination.
At any time during the complaint process, the RO and/or other responsible administrators may take appropriate remedial action to ensure that these purposes are achieved. Remedial action may include, but shall not be limited to:

- Altering the Complainant’s or Respondent’s work or academic environment;
- Providing training on preventing discrimination or harassment;
- Meeting with Respondent and his/her supervisor to discuss changes of behavior;
- Reassignment or transfer;
- Changes in residence hall assignments;
- Changing advisors, mentors, supervisors or evaluators;
- Providing academic support services such as tutoring;
- Obtaining counseling or medical services;
- Providing escort service for a party’s safety in moving about campus;
- Arranging for re-taking or course withdrawal without penalty; and
- Suspending an employee pending investigation.

**Appeals**

**Filing an Appeal**

An appeal requesting a hearing must be filed within five (5) days of the receipt of the RO’s Report of Findings. At MSU Bozeman, the request for a hearing shall be submitted to the President; for all other campuses the request for hearing shall be submitted to the campus CEO. The President or COE may designate in writing another University official to receive appeals, and in such case, the RO shall advise the parties of the Designee to whom appeals must be submitted. A copy of the request for hearing shall be provided to the RO, who shall provide a copy to the non-apppealing party.

The request for hearing must be in writing and must describe the appellant’s desired outcome and a statement of one or more of the following grounds for appeal:

- The investigation was not conducted in compliance with the procedures and the non-compliance materially affected the outcome of the investigation;
- The RO failed to conduct an adequate investigation;
- The RO had a conflict of interest which resulted in unfair bias against the appellant; and
- The appellant has discovered new evidence, not previously available, which would have materially affected the outcome of the investigation.

The RO may continue to impose interim remedial measures during the pendency of the appeal, as required by the circumstances.

**Appointment of Hearings Officer**

Within five (5) days of receipt of the request for appeal, the President, CEO, or Designee shall appoint a Hearings Officer to consider the appeal and submit a decision. The President, CEO, or Designee may remove and replace the Hearings Officer in response to a request from a party who timely objects regarding a conflict of interest (as provided in Section 600.00), or if the Hearings Officer cannot perform the duties assigned.

A copy of the Report of Findings shall be provided to the Hearing Officer concurrent with his/her appointment. The RO will forward copies of any additional evidence relevant to the matter to the Hearing Officer and parties within
five (5) days of appointment.

**Standard of Review**
The Hearings Officer may determine that the RO’s Report of Findings be approved, overturned, or modified if it finds that the appellant has established one or more of the grounds for appeal stated above.

**Hearing**

**Notice of Hearing**
Within ten (10) days of receipt of the written request for a hearing, the Hearings Officer will notify, in writing, the Complainant and the Respondent of the time and place of the hearing. The hearing will normally be held within thirty (30) days of receipt of the written appeal, unless it is necessary to extend the time because of the complexity of the case, availability of witnesses, or other factors requiring additional time. The parties will be notified, in writing, of any extension.

**Preparation for and Conduct of the Hearing**

**Written Statements on Appeal**
Within ten (10) days of the filing of the appeal, the party appealing the decision must submit to the Hearing Officer the following information: (a) detailed statement of facts relevant to the complaint or report of discrimination, hostile environment harassment, sexual misconduct, dating violence, domestic violence, stalking, or retaliation; (b) names and contact information and anticipated testimony from witnesses proposed to be called; (c) copies of any documents which will be submitted as evidence; (d) any additional evidence not available at the time of the investigation that the party believes should be considered at the Hearing; (e) reference to the portion of the policy or procedure 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.

Within ten (10) days of his/her receipt of a copy of the appeal, the non-appealing party may also submit the information described in (a) through (f), above. If the non-appealing party chooses to participate in the hearing, that party must notify the Hearings Officer as described above at (g) whether he or she will be represented by legal counsel and the identity of the counsel.

The RO will provide to the Hearing Officer and the parties, in addition to the written investigation report, any additional documents or other materials, and names and contact information of any witnesses the RO proposes for the hearing.

The Hearing Officer shall provide the parties and the RO copies of any materials submitted pursuant to this section.

**Legal Counsel Representation**
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. A party’s attorney may not speak at the hearing but may consult with the attorney’s client and client witnesses.

**Pre-hearing Conference**
At any time but no later than five (5) days prior to the date of the hearing, the Hearings Officer may call a pre-hearing conference. Topics discussed at a pre-hearing conference may include, but are not limited to: (a) witnesses
and other evidence to be presented; (b) issues to be addressed; (c) time limits and order of presentation of evidence at the hearing; and (d) other matters concerning the conduct of the hearing. At the request of any party, the Hearings Officer will conduct separate meetings with the appellant and the non-appealing party for purposes of the pre-hearing conference. The Hearing Officer may decide to extend the hearing date for good cause.

**Conduct of the Hearing**

The Hearing Officer will conduct the hearing. The hearing is a non-adversarial proceeding and courtroom rules of evidence, procedure, and discovery do not apply. The Hearing Officer shall determine the evidence and witnesses which will be presented and 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 in a manner to assure fairness and accuracy in fact-finding. The parties and witnesses will address only the Hearing Officer rather than each other. The Hearing Officer will be the final arbiter of all matters of evidence and procedure. All hearings are closed to the public.

As he or she deems appropriate (for example, in cases of sexual assault, dating violence, domestic abuse, or stalking), the Hearings Officer may take steps such as allowing remote testimony or protective screening, as necessary, to protect parties or witnesses. Further, in such cases the Hearings Officer may conduct questioning of the witnesses; that is, questioning of the witnesses by the parties would not be allowed.

**The Decision**

Within twenty (20) days of the conclusion of the Hearing, the Hearings Officer will submit a decision in writing to the President, CEO, or Designee approving, overturning, or modifying the Report of Findings. The written decision will include the following:

- A summary of the allegations;
- A summary of the response to the allegations;
- A statement of the relief sought by the Complainant if known, or of the recommendation of the RO, if applicable;
- Specific reference to the portion(s) of the policy or procedures alleged to have been violated;
- Analysis of whether the alleged grounds for appeal have or have not been substantiated; and
- Remedial action, if any, regarding redress of the complaint as well as any other recommendations, as applicable, for precluding further policy violations.

The Hearing Officer is not responsible for determining sanctions or discipline to be taken against a person determined to have violated the policy.

**CEO Action on Hearing Officer Decision**

The CEO, or Designee will review the Hearing Officer’s decision. The 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 Hearing Officer’s decision, the President, CEO, or Designee will notify the Hearing Officer, the RO, and the parties, in writing, of his/her decision upon review, including providing a copy of the Hearing Officer decision to the RO and the parties.

If the President, CEO, or Designee upholds a finding of Policy Violation, a copy of the decision and Hearing Officer decision shall be forwarded to the appropriate Discipline Authority for disciplinary action in accordance with applicable University policies, procedures, and collective bargaining agreements.
Training
All College officials who are involved in the discrimination grievance process, including the RO, designated investigators, Hearings Officer, 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, domestic violence, stalking, and retaliation, conducting investigations, protecting confidentiality, and recognizing the link between alcohol and drug use and Policy Violations.

The RO, Discrimination Grievance Procedure investigators, and Hearings Officers shall receive annual training on sexual misconduct, domestic violence, and stalking and on how to conduct investigations and appeal processes that protect the safety of victims and promote accountability.

Conflict of Interest
Upon their assignment to an investigation or appeal, the names of the investigator and the Hearings Officer will be provided to the parties. These officials must promptly disclose any potential conflict of interest they believe 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 the Hearings Officer, that conflict must be disclosed to both parties. If a party objects to the investigator or Hearing Officer on the basis that there is a conflict of interest which would bias the official’s judgment, the party must submit the written objection to the RO, in writing, within five (5) days of learning of the conflict of interest. Determination of such objections will be made by an impartial University official appointed by the President, CEO, or Designee. Objections not timely made are waived.

Employee Participation
Employees shall participate in this Grievance Procedure as required and failure to participate as requested may be grounds for discipline.

Discipline is used to provide employees the opportunity to improve job performance and comply with department and College policies. Generally, an informal reminder is all that is necessary for an employee to correct a behavioral or job performance problem. However, if informal counseling is unsuccessful in solving a problem, or if the problem is severe, formal disciplinary intervention may be necessary. Supervisors must contact the Human Resources Director prior to taking any formal disciplinary intervention. Formal disciplinary intervention generally includes the following steps and sequence:

1. A verbal reprimand
2. A verbal reprimand with a letter of warning
3. A written reprimand with a letter of warning
4. Termination

Occasionally circumstances suggest that one or more of these steps be combined or ignored. For example, cases involving gross misconduct may result in skipping to step 3 or 4.

Complaints to Federal and State Agencies
A party who is dissatisfied with the University’s response to a complaint, or otherwise believes he/she has 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 are dissatisfied with the College’s response to a complaint, or otherwise believe they have been discriminated against by the College 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, may file a complaint with the Montana Human Rights Bureau: http://erd.dli.mt.gov/human-rights/human-rights, 800-542-0807or 406-444-6543.


NOTE ADVISOR OF CHOICE: The institution may not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. The institution may, however, establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS POLICY STATEMENTS

New students each term are required to attend an Essential Start session. These cover Title IX, sexual misconduct and harassment, smoking policy, location of student policies, Your Right to Know, Clery Act reporting, campus safety and emergency training, protocol, policies and procedures. An email is also sent to all students once per semester, encouraging them to be safety aware. Written materials are provided to new students, as well as being available around the campus. There are two new employee orientations held on campus each year that address campus safety and security. In addition, the campus community is alerted to crimes when they occur and reminders are sent on how to prevent crime, and being a victim of crime.

DRUG, ALCOHOL, & SUBSTANCE ABUSE POLICY STATEMENTS

DRUG-FREE CAMPUS AND WORKPLACE

Great Falls College MSU has a written policy on alcohol and other drugs and shares this with students during orientation/registration sessions, and online through the College Catalog, the Student Code of Conduct, and the Policies and Procedures web site. This information is shared with students and employees fall and spring semesters via email. The Policies and Procedures web site contains the Drug-Free Workplace Policy. Other materials located on our web site contain the following:

- Standards of conduct that prohibit unlawful possession, use or distribution of illicit drugs and alcohol on its property or as a part of its activities;
- A description of the health risks associated with the use of illicit drugs and abuse of alcohol;
- A description of counseling or treatment programs.
• A clear statement and description of the disciplinary sanctions the institution will impose on students and employees.

All Great Falls College MSU students are responsible for complying with Montana State laws and Great Falls College MSU policies. These laws and policies establish that:

• No person under 21 years of age may use or be in possession of alcoholic beverages.
• Alcoholic beverages may not be available to minors.
• Misrepresentation of age for the purpose of purchasing alcoholic beverages is a violation of state law.
• Personal possession and consumption of alcoholic beverages is not permitted at student social events.

Any student who is in violation of the above standards of conduct will be processed through the College’s Student Code of Conduct, which may be found at:
http://www.gfcmsu.edu/about/policies/PDF/300/300.pdf

Any employee who violates the above standards will be processed through the College’s Human Resources Office. The College’s Drug Free Workplace policy can be found at:
http://www.gfcmsu.edu/about/policies/PDF/400/403_8.pdf

Great Falls College MSU’s Tobacco Use policy can be found at:
http://www.gfcmsu.edu/about/policies/PDF/600/601_3.pdf

Alcohol Service on Campus

Alcohol may be served at Great Falls College MSU functions in accordance with alcohol service policies. Alcoholic beverages will not be served on the Great Falls College MSU Campus without the written approval of the CEO/Dean. The CEO/Dean reserves the right to deny any request for serving alcoholic beverages when, in his or her judgment, any interest of the College is adversely affected.

The sponsoring organization will be responsible and accountable for checking identification and ensuring that the individuals dispensing, serving, and consuming alcohol at the campus event are 21 years of age or older and in compliance with Montana State Law and Montana State Liquor Control Board regulations.

• Non-alcoholic beverages must also be available at all events where alcoholic beverages are permitted.
• No alcoholic beverages may be consumed outside the area approved for the event (room, area, etc.).
• As is the case with any College event, any person who is disorderly in conduct shall not be allowed to attend or remain at a campus event where alcohol is being served.
• Great Falls College MSU has the right to cancel the continued sale and/or consumption of alcoholic beverages at a campus event at its sole discretion.
• After the event, any unused alcohol must be returned to the provider, except for alcohol that has been served, which will be disposed of. The institution/department/attendees may not pay for unused bottles of alcohol, whether opened or unopened, and attendees are not allowed to remove unused alcohol from the event for personal consumption.
Special Events Involving Alcohol

On limited occasions, it may be appropriate for Great Falls College Montana State University to serve alcoholic beverages on campus when hosting a college-related event for business-related purposes. On such occasions, alcoholic beverages may be purchased and served if the procedures in this policy are followed and all state and local laws are observed. Alcoholic beverages will not be served on the Great Falls College Montana State University Campus without the written approval of the CEO/Dean. The CEO/Dean reserves the right to deny any request for serving alcoholic beverages when, in his or her judgment, any interest of the College is adversely affected.

- The sponsoring organization will be responsible and accountable for checking identification and ensuring that the individuals dispensing, serving, and consuming alcohol at the campus event are 21 years of age or older and in compliance with Montana State Law and Montana State Liquor Control Board regulations.
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Employee Drug Policy

Great Falls College MSU follows the Federal regulations that implemented the Drug-Free Workplace Act of 1988, 34 CFR Part 85, Subpart F, published in the Federal Register of January 31, 1989, to certify that an effort to provide a Drug-Free Workplace will be maintained. In compliance with this regulation, the College makes a good faith effort to maintain a drug-free workplace. The unlawful manufacture, distribution, sale, possession, or use of alcohol or illicit drugs at Great Falls College MSU or as a part of any of its activities is prohibited. In addition, the College enforces the Board of Regents’ policy (section 503.1 of the Policy and Procedures Manual) regarding alcoholic beverages.

Great Falls College MSU complies with this regulation by:

1. Publishing, posting and disseminating this Drug-Free Workplace policy statement.
2. Establishing a drug-free awareness program to educate employees about the College’s policy of maintaining a drug-free workplace; the dangers of drug abuse in the workplace; the availability of drug counseling, rehabilitation, and other employee assistance; and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
3. Providing all employees involved in work with or under a federal grant a copy of this policy statement and apprising them that as a condition of employment under the grant, they must abide by the terms of this policy statement and notify the College of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
4. Taking appropriate personnel action within 30 days against any employee found to be in non-compliance with this policy, up to and including termination; or requiring the employee to participate satisfactorily in a chemical abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other agency approved by the College.
Drug Policy

Use, possession, manufacture, distribution or sale of narcotics or dangerous drugs, except as expressly permitted by law or College policy prohibited. Use, possession or distribution of intoxicants, including alcohol, in the buildings or on the grounds of Great Falls College MSU except as expressly permitted by law or College policy is also prohibited. Although Montana state law permits the use of medical marijuana, i.e., use by persons possessing lawfully issued medical marijuana cards, federal laws prohibit marijuana use, possession and/or cultivation at educational institutions and on the premises of other recipients of federal funds. The use, possession, or cultivation of marijuana for medical purposes is therefore not allowed in any Great Falls College MSU building or on any other College property; nor is it allowed at any College-sponsored event or activity off campus.

Student Code of Conduct

The Great Falls College MSU Student Code of Conduct addresses alcohol and other drugs in Section 300.72d and is listed under “proscribed conduct”:

10. Use, possession, distribution, or sale of drugs (narcotics or other controlled substances), except as expressly permitted by the law.

11. Use, possession, distribution, or sale of alcoholic beverages, except as expressly permitted by the law and College regulation, or public intoxication.

Attending classes or College functions while under the influence of drugs/illegal substances shall be considered a violation of this policy.

Information on available counseling, treatment, and rehabilitation or re-entry programs is available through the Great Falls College MSU Human Resources Office and Office of the Chief Student Affairs Officer. It may also be obtained from the Cascade City/County Health Department, (406) 454-6950, or Indian Family Health Clinic, (406) 268-1510.

All faculty, staff, and volunteers receive a copy of the Drug-Free Workplace Policy statement upon their hire and are required to sign the Employee Acknowledgement form verifying receipt and acknowledging compliance as a condition of employment. In addition, the policy and procedures regarding Drug Free Workplace and Drug Free Schools is reviewed with employees at new employee orientation, and annually via email.

Students receive information about Drug-Free Campus policies and consequences at new student orientation. In addition, the policy is published in the College catalog, the Student Code of Conduct, and the online Policies and Procedures.

Additionally, Great Falls College MSU emails notifications to students, faculty, and staff once per semester.

All new students are required to participate in an online, web-based module called AlcoholEdu, by EverFi. This module, AlcoholEdu®, incorporates the latest evidence-based prevention methods to create a highly personalized user experience that inspires students to reflect on and consider changing their drinking behaviors. The program motivates behavior change by: resetting unrealistic expectations about the effects of alcohol; linking choices about drinking to academic and personal success; helping students practice safer decision-making; and engaging students to create a healthier campus community.
Resources for Drug and Alcohol Abuse Prevention:

24-Hour Addiction Referral Network........................................................................................................800-577-4393
AA Alcohol Rehab & Drug Rehab Treatment Center for Recovery and 24 Hour Helpline.................................406-454-5302
Alcohol, Drug and/or Mental Health Treatment Referral........................................................................800-662-HELP or 800-729-6686
Alcoholics Anonymous, Al-Anon/Alateen.................................................................................................406-452-1234
Alcoholics Anonymous – Montana ........................................................................................................877-515-1255 or 888-607-2000 or 406-452-1234
Alcoholics Anonymous Alcohol Abuse & Drug Abuse Detox-rehab Treatment Center.................................406-454-5271
Alcohol & Drug 24 Hour Helpline ...........................................................................................................800-311-3069
Benefis Addiction Center, Great Falls..................................................................................................406-455-2367
Gateway Community Services ..............................................................................................................406-727-2512
Montana Addiction & Mental Health Disorders Division, Helena.............................................................406-444-3964
Montana Tobacco Quit Line.....................................................................................................................800-QUIT-NOW or 800-784-8669
Narcotics Anonymous 24 Help Line.......................................................................................................800-990-6262
National Helpline of Problem Gambling...............................................................................................800-522-4700
Rocky Mountain Treatment Center......................................................................................................800-521-6572 or 406-564-1566
The Salvation Army...............................................................................................................................406-452-9981
Victim Witness.........................................................................................................................................406-771-1180 Ext 218/318
Voices of Hope.........................................................................................................................................406-453-4357
Suicide Hotline........................................................................................................................................800-273-TALK
Great Falls Area Community Resources for Victims of Crimes: City of Great Falls Police..................406-771-1180
http://www.greatfallsmt.net/police
YWCA Mercy Home...................................................................................................................................406-452-1315 or Hotline 406 453-1018
Voices of Hope.........................................................................................................................................406-268-1345
Sexual Assault Survivor Advocacy........................................................................................................406-268-1330 or 406-453-HELP or 800-273-TALK (8255)
Center for Mental Health.........................................................................................................................406-761-2100 or 800-718-2100

MISSING STUDENT NOTIFICATION POLICY/FIRE SAFETY REPORT & STATISTICS

GFC MSU does not have on- or off-campus student housing facilities, thus we do not have a missing student notification policy, nor fire safety report, because we are not required to have them.

CRIME AWARENESS/CAMPUS SECURITY

Campus Boundaries for Crime Reporting Purposes

The Great Falls College MSU campus is approximately 36 acres with boundaries on 16th Avenue South, 20th Street South and 23rd Street South, and the extension of 20th Avenue South. See map, Appendix C.
2015 Campus Safety and Security Survey
Institution: Great Falls College Montana State University (180249001)
User ID: C1802491

Screening Questions

1. Does your institution provide On-campus Student Housing Facilities?
   - No.

2. Does your institution have any noncampus buildings or properties?
   - Yes.

3. Have you combined statistics that you received from the local or state police with your institution statistics for this report? If you answer No to this question, you will be asked to provide the data you received from the local and state police separately.
   - Yes. Local and/or state law enforcement agencies provided us with statistics that we are combining with statistics collected by our campus security authorities.

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<tr>
<th>Criminal Offenses – On Campus</th>
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<tbody>
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<td>2012</td>
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<td>b. Negligent manslaughter</td>
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<td>c. Sex offenses, Forcible</td>
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<td>f. Sex offenses – Non-forcible</td>
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**Criminal Offenses – Public Property**

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**Hate Crimes – On Campus**

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</tr>
<tr>
<td>f. Sex offenses – Non-forcible</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>g. Incest</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>h. Statutory Rape</td>
<td>0</td>
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<tr>
<td>i. Robbery</td>
<td>0</td>
<td>0</td>
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<tr>
<td>j. Aggravated Assault</td>
<td>0</td>
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<tr>
<td>k. Burglary</td>
<td>0</td>
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<tr>
<td>l. Motor vehicle theft</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>m. Arson</td>
<td>0</td>
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<tr>
<td>n. Simple assault</td>
<td>0</td>
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<td>0</td>
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<tr>
<td>o. Larceny-theft</td>
<td>0</td>
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<tr>
<td>p. Intimidation</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>q. Destruction/damage/vandalism of property</td>
<td>0</td>
<td>0</td>
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</tbody>
</table>
### Hate Crimes - Noncampus

<table>
<thead>
<tr>
<th>Criminal Offense</th>
<th>Total by Year</th>
<th>Occurrences of Hate crimes Category of Bias for Crimes Reported in 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2012</td>
<td>2013</td>
</tr>
<tr>
<td>a. Murder/Non-negligent manslaughter</td>
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<td>0</td>
</tr>
<tr>
<td>d. Rape</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>e. Fondling</td>
<td>0</td>
<td>0</td>
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<tr>
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<td>0</td>
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</tr>
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<td>0</td>
<td>0</td>
</tr>
<tr>
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</tr>
<tr>
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### Hate Crimes – Public Property

<table>
<thead>
<tr>
<th>Criminal Offense</th>
<th>Occurrences of Hate crimes Category of Bias for Crimes Reported in 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2014 Total</td>
</tr>
<tr>
<td>a. Murder/Non-negligent manslaughter</td>
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</tr>
<tr>
<td>d. Rape</td>
<td>0</td>
</tr>
<tr>
<td>e. Fondling</td>
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</tr>
<tr>
<td>Criminal Offense</td>
<td>2013 Total</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>a. Murder/Non-negligent manslaughter</td>
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<tr>
<td>c. Sex offenses - Forcible</td>
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<tr>
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<td>0</td>
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</tr>
</tbody>
</table>
### VAWA Offenses – On Campus

<table>
<thead>
<tr>
<th>Crime</th>
<th>Total occurrences on Campus</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2012</td>
</tr>
<tr>
<td>a. Domestic Violence</td>
<td>0</td>
</tr>
<tr>
<td>b. Dating Violence</td>
<td>1</td>
</tr>
<tr>
<td>c. Stalking</td>
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### VAWA Offenses - Noncampus

<table>
<thead>
<tr>
<th>Crime</th>
<th>Total occurrences in or on Noncampus buildings or property</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2012</td>
</tr>
<tr>
<td>a. Domestic Violence</td>
<td>0</td>
</tr>
<tr>
<td>b. Dating Violence</td>
<td>0</td>
</tr>
<tr>
<td>c. Stalking</td>
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</table>

### VAWA Offenses – Public Property

<table>
<thead>
<tr>
<th>Crime</th>
<th>Total occurrences on Campus</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2012</td>
</tr>
<tr>
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</tr>
<tr>
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<td>0</td>
</tr>
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<td>c. Stalking</td>
<td>0</td>
</tr>
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</table>

### Arrests – On Campus

<table>
<thead>
<tr>
<th>Crime</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Weapons: carrying, possession, etc.</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>b. Drug abuse violations</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>c. Liquor law violations</td>
<td>0</td>
<td>0</td>
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</table>

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<table>
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<th>2014</th>
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<table>
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</table>

### Disciplinary Actions – On Campus

<table>
<thead>
<tr>
<th>Crime</th>
<th>Number of persons referred for Disciplinary Action</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2012</td>
</tr>
<tr>
<td>a. Weapons: carrying, possession, etc.</td>
<td>0</td>
</tr>
<tr>
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</thead>
<tbody>
<tr>
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<tr>
<td>a. Weapons: carrying, possession, etc.</td>
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<tbody>
<tr>
<td></td>
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<td>a. Weapons: carrying, possession, etc.</td>
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<td>c. Liquor law violations</td>
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</tbody>
</table>

## Unfounded Crimes

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2012</td>
</tr>
<tr>
<td>a. Total unfounded crimes</td>
<td></td>
</tr>
</tbody>
</table>

*As reported to the United States Department of Education, Office of Postsecondary Education, Fall 2015*
Introduction and Purpose
The purpose of this policy is to ensure compliance with the timely warning requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) and to provide the Great Falls College Community, including faculty, staff, and students with timely information about crimes.

Policy
Campus Safety/Crime Warnings
Great Falls College MSU will issue timely warnings to the campus community of violent crimes against a person, a substantial crime against property, or an emergency situation on or near campus that represents a serious or ongoing threat to the campus community. Campus crime warnings are intended to heighten safety awareness and may also seek information that may lead to the arrest and conviction of the offender.

Emergency Notification
Federal law requires colleges and universities to “immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, unless issuing a notification will compromise efforts to contain the emergency.”

The CEO/Dean or designee will, without delay, decide whether to issue a timely campus safety/crime warning or emergency notification on a case-by-case basis considering the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts. Information for timely campus safety/crime warnings and emergency notifications may also come from other law enforcement agencies. The CEO/Dean or designee will also determine the appropriate segment or segments of the campus community which will receive the notice, and whether to disseminate the emergency information to the larger community based on the above-described analysis. The Communications & Marketing Department is responsible for issuing timely warnings and emergency notification.

Timely Warning
Crimes for which a timely warning may be appropriate include, but are not limited to: murder, manslaughter, sex offenses, robbery, aggravated assault, burglary, arson, motor vehicle theft, and hate crimes. Timely warnings will typically include the following information, if known:

1. A succinct statement of the incident, including the nature and severity of the threat and locations or persons who might be affected;
2. Any connection to previous incidents;
3. Physical description and/or composite drawing of the suspect;
4. Date and time the warning was released;
5. Other relevant and important information, such as any bias motive, the gender of the victim, and/or student/non-student status; and
6. Appropriate safety tips.

Notification Types
Depending on the particular circumstances of the incident, timely campus safety/crime warnings and emergency notifications may be distributed by any one or more of the following means:

1. The GFC MSU Alert System text messaging system or recorded messages to other phones or devices;
2. E-mail;
3. Posting an alert on GFC MSU home page and/or other sites where information will be likely to reach the campus community;
4. Posting on the outside entry doors of the College.

Anyone with information warranting a timely campus safety/crime warning or emergency notification should report the circumstances to the Office of the CFO or designee, by calling 406-771-2271, or in person at the Great Falls College MSU Campus, Administrative Suite, 2100 16th Ave S, Great Falls, MT 59405.

GFC MSU Alert
GFC MSU also has a text message and email-based alert system to transmit brief, urgent messages to a large segment of the GFC MSU population as quickly as possible. The system is voluntary for campus community members who enroll. Enrollment is strongly recommended. For more information, visit the GFC MSU Alert web site: http://www.gfcmsu.edu/emergency/alert.html. Students, faculty, and staff may subscribe free of charge. Students and employees are encouraged to familiarize themselves with this information.
300 Student Affairs

SUBJECT: Student Affairs
Policy 300 Student Conduct and Grievance
Effective: March 2012 Revised: January 2014

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300.11 ACADEMIC EXPECTATIONS
300.12 ASSISTANCE
300.13 EVALUATION
300.14 ACADEMIC HONESTY

300.20 INSTRUCTOR RESPONSIBILITIES
300.21 COURSE OUTLINE/SYLLABUS
300.22 COURSE EXPECTATIONS
300.23 PERSONAL INFORMATION ABOUT STUDENTS
300.24 OFFICE HOURS
300.25 ABSENCE FROM CLASS
300.26 GRADING

INSTRUCTION COMPLAINT PROCEDURES
300.30 INSTRUCTION COMPLAINT PROCEDURES
300.31 INFORMAL RESOLUTION
300.32 FORMAL RESOLUTION

ACADEMIC MISCONDUCT DEFINITIONS
300.40 ACADEMIC MISCONDUCT DEFINITIONS
300.41 ACADEMIC MISCONDUCT
300.42 DESCRIPTIONS AND EXAMPLES
300.45 SANCTIONS
300.46 DISRUPTIVE STUDENT

ACADEMIC MISCONDUCT PROCEDURES
300.50 ACADEMIC MISCONDUCT PROCEDURES
300.51 INSTRUCTOR IMPOSED ACADEMIC SANCTIONS
300.51a INFORMAL MEETING
300.52 ADDITIONAL SANCTIONS UNDER STUDENT CONDUCT CODE
300.52a REFERRAL BY INSTRUCTOR
300.52b RECURRENCE OF ACADEMIC MISCONDUCT

APPEAL PROCESSES FOR INSTRUCTOR-IMPOSED ACADEMIC SANCTIONS
300.53 APPEAL OF INSTRUCTOR-IMPOSED ACADEMIC SANCTIONS
300.53a RIGHT TO APPEAL
300.53b INSTRUCTOR-IMPOSED ACADEMIC MISCONDUCT SANCTION APPEAL PROCEDURE
300.53c GRADE PENDING RESOLUTION
300.53d APPEAL OF ADDITIONAL SANCTIONS/MULTIPLE VIOLATIONS

STUDENT ACADEMIC GRIEVANCE PROCEDURES
300.60 STUDENT ACADEMIC GRIEVANCE PROCEDURES
300.61 INTRODUCTION
300.62 ACADEMIC DECISIONS REVIEWED
300.63 STUDENT ACADEMIC GRIEVANCES
300.63a INFORMAL MEETING
300.63b DIVISION DIRECTOR REVIEW
300.63c ASSOCIATE DEAN OF ACADEMIC AFFAIRS REVIEW
300.63d CEO/DEAN REVIEW

**STUDENT CONDUCT CODE**

**300.70 CONDUCT EXPECTATIONS**
300.71 STUDENT CONDUCT JUDICIAL AUTHORITY AND JURISDICTION
300.72 PROSCRIBED STUDENT CONDUCT
   300.72a ACTS OF DISHONESTY
   300.72b STALKING, HARASSMENT AND HAZING
   300.72c ASSAULT
   300.72d ALCOHOL AND DRUG OFFENSES
   300.72e FIREARMS, EXPLOSIVES AND WEAPONS OFFENSES
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**300.80 STUDENT CONDUCT PROCEDURES**
300.81 FILING OF GRIEVANCES
300.82 PRE-INVESTIGATION PROCEDURES
300.83 NOTICE
300.84 FORMAL INVESTIGATION PROCEDURES
300.85 SANCTIONS
300.86 APPEALS
300.87 INTERIM RESTRICTIONS
300.88 RECORDS AND CONFIDENTIALITY
300.89 ADJUDICATION OF ALLEGATIONS OF DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING POLICY VIOLATION OFFENSES
Great Falls College Student Conduct Code

Introduction and Purpose:
The Associate Dean of Student Services will review the Great Falls College’s Conduct Code and Title IX and Grievance Procedures for Students annually. As changes occur in the organizational, operational, educational, and legal environments, the policy is revised.

300.10 STUDENT RESPONSIBILITIES

300.11 ACADEMIC EXPECTATIONS
Students must:
A. be prompt and regular in attending classes;
B. be well prepared for classes;
C. submit required assignments in a timely manner;
D. take exams when scheduled;
E. act in a respectful manner toward other students and the instructor and in a way that does not detract from the learning experience; and
F. make and keep appointments when necessary to meet with the instructor. In addition to the above items, students are expected to meet any additional course and behavioral standards as defined by the instructor.

300.12 ASSISTANCE
Students should seek assistance from the instructor and from the appropriate College support services (e.g., tutors, study skills assistance, advising, career development, etc.), if the need for such services arises.

300.13 EVALUATION
Students should follow fair and appropriate procedures when evaluating their courses and instructors. Factors such as race, ethnicity, color, religion, sex/gender, sexual orientation or preference, age, national origin, disability, marital status, political beliefs, veteran status or personal relationships may not be considered.

300.14 ACADEMIC HONESTY
The integrity of the academic process requires credit be given where credit is due. Accordingly, it is academic misconduct to present the ideas or works of another as one's own work, or to permit another to present one's work without customary and proper acknowledgment of authorship. Students may collaborate with other students only as expressly permitted by the instructor. Students are responsible for the honest completion and representation of their work, the appropriate citation of sources and the respect and recognition of others' academic endeavors.

300.20 INSTRUCTOR RESPONSIBILITIES

300.21 COURSE OUTLINE/SYLLABUS
The general content of a course or academic program must be described with reasonable accuracy in catalogs and other written documents available to students. Instructors must use the College’s syllabus template, and ensure every student receives the syllabus either in paper form or by electronic means. This material must be given (or otherwise made available) to the students at the first class meeting.

300.22 COURSE EXPECTATIONS
A. Classroom Behavior
Instructors may establish reasonable rules for classroom behavior and must articulate such rules as part of the other course materials provided to the students. In the absence of any such written expectations, the expectations outlined in 300.40 and 300.70 shall apply.

B. Collaboration Among Students
Unless otherwise specified, students may not collaborate on graded material. Instructors are encouraged to provide collaborative learning opportunities but must state, in writing or by electronic means, the limits of assistance permitted between and among students in a course assignment or academic evaluation.

C. Instruction Responsibilities
Unless otherwise stated, students are expected to be prompt and regular in attending classes, turning in assignments on time and in taking exams when scheduled. Instructors may establish additional rules for attendance and make-up exams and must articulate these clearly in writing. Instructors must be prompt in meeting their scheduled classes, be available for appointments with students at designated times, be well prepared for classes, and be fair and prompt in grading class assignments and tests. The scheduled final examination period must be used for final examinations in the class or other instruction.

300.23 PERSONAL INFORMATION ABOUT STUDENTS

Factors such as race, creed, color, religion, sex, age, national origin, disability, political beliefs or personal relationships must not be considered in matters of academic evaluation, academic assignments, or classroom procedures. If an instructor learns personal information about the student (religious and political views, sexual orientation, etc.) during the progress of the course, he/she must not share such information with the other students nor should such knowledge influence the evaluation of the student. Additionally, all college employees—including faculty, instructors and staff—must abide by the Family Educational Rights and Privacy Act of 1974 (FERPA). This Act affords students certain rights with respect to their education records.

300.24 OFFICE HOURS

Instructors are required to make time available for student conferences preferably through regularly scheduled office hours. Office hours should be convenient to both students and the instructor with the opportunity provided for prearranged appointments especially when the instructor teaches online or is an adjunct (part-time) instructor. Online instructors may conduct such appointments via phone or live chat. Available office hours and a process for making appointments in cases of online or adjunct instructors should be communicated to students.

300.25 ABSENCE FROM CLASS

Instructors are required to meet with their classes regularly and at scheduled times. In case of illness or emergency, the department should be notified and arrangements should be made to have another staff member instruct the class or promptly notify students of cancellation. Classes may not be canceled for the convenience of the instructor. When an instructor knows in advance he/she will miss a class, arrangements must be made to have the work of the class continue, either by arranging for a substitute instructor, by scheduling an examination for that day, or by providing some alternate work assignment for the students.

300.26 GRADING

Instructors must specify in writing, as part of the syllabus, the specific grading policies for the class. Grading is the prerogative and responsibility of the instructor. Instructors are responsible for the assignment of the final course grade.
The assigned grade must reflect the performance of the student in the course commensurate with the content and objectives of the course. If a student questions his/her grade, the instructor has a responsibility to discuss the matter with the student. If the instructor cannot satisfactorily resolve the matter, the student must be advised of the complaint (grievance) procedures, see section 300.30.

Should a grievance be filed, the instructor will provide assistance as necessary to process the grievance. Graded examinations, papers, and other sources of evaluation are to be available to the student for inspection and discussion. Ultimately, if the instructor chooses to retain these materials, they must be kept for a period of one year. If graded materials become the property of the student, then uncollected materials must be kept for one semester. Adjunct and part-time instructors should arrange for storage with the department in their absence. The grade records will be retained for at least one year to provide the opportunity for review and resolution of grade disputes.

300.30 INSTRUCTION COMPLAINT PROCEDURES

300.31 INFORMAL RESOLUTION

Students who have complaints about instructors who they believe have failed to meet their instructional responsibilities should first attempt to resolve the situation directly with the instructor. If the complaint is not resolved by meeting directly with the instructor, the student should contact the instructor’s Division Director. If the student is uncomfortable doing this on his/her own, he/she may consult with his/her academic advisor for advice and for suggestions as to who he/she might ask to attend such a meeting (including the academic advisor). Informal resolution may also include meeting with the Program Director or Clinical Supervisor.

300.32 FORMAL RESOLUTION

If the student is not satisfied after contacting the instructor and Division Director, the student may submit a Complaint Form to the instructor's Division Director (forms available at division office and/or the Associate Dean of Student Services’ office). The complaint must be presented in writing to the Division Director no later than the fifteenth day of college instruction of the following term. The Division Director will address the matters raised in the complaint with the instructor and will advise the student and the instructor in writing of his or her determination regarding the complaint within ten (10) business days. If the Division Director fails to act or the student is dissatisfied with the Division Director’s action, the student may forward the complaint, along with written explanation as to why the Division Director’s decision was unsatisfactory, to the Associate Dean of Academic Affairs within five (5) business days of receipt of the Division Director's determination. The Associate Dean of Academic Affairs will submit a written decision to the student within ten (10) business days of the receipt of the appeal. If the Associate Dean of Academic Affairs fails to act or the student is dissatisfied with the Associate Dean of Academic Affairs’ action, the student may forward the complaint, along with written explanation as to why the decision was unsatisfactory, to the CEO/Dean within five (5) business days of receipt of the Associate Dean of Academic Affairs’ determination. The CEO/Dean will submit a written decision to the student within ten (10) business days of the receipt of the appeal. The CEO/Dean’s decision is the final decision of the College. Timeframes may be altered to fit the situation, but must be agreed upon ahead of time.

300.40 ACADEMIC MISCONDUCT DEFINITIONS

The administration, faculty and students of Great Falls College MSU believe academic honesty and integrity are fundamental to the mission of higher education. The College has a responsibility to promote academic honesty and integrity and to assure the highest ethical and professional standards and behavior in the classroom. Accordingly, the College has developed procedures that address instances of academic dishonesty. Students who violate these standards commit academic misconduct and will be subject to academic and/or disciplinary sanctions.
300.41 ACADEMIC MISCONDUCT

Academic Misconduct includes cheating, plagiarism, forgery, falsification, facilitation or aiding academic dishonesty; multiple submission, theft of instructional materials or tests; unauthorized access to, manipulation of or tampering with laboratory equipment, experiments, or computer programs without proper authorization; alteration of grades or files; misuse of research data in reporting results; use of personal relationships to gain grades or favors, or otherwise attempting to obtain grades or credit through fraudulent means.

300.42 DESCRIPTIONS AND EXAMPLES

A description of some forms of academic misconduct and examples are provided to help the student understand his/her responsibilities for academic honesty. Academic misconduct includes, but is not limited to the following:

A. Cheating
   Giving, using or attempting to use unauthorized materials, information, notes, study aids or other devices in any academic exercise including unauthorized communication of information. Examples of cheating include copying from another student's paper or receiving unauthorized assistance during a quiz, test or examination; using books, notes or other devices such as calculators, unless authorized; acquiring without authorization copies of tests or examinations before the scheduled exercise; or copying reports, laboratory work or computer programs or files from other students.

B. Falsification / fabrication
   The invention or unauthorized alteration of any information or citation in an academic exercise. Examples of fabrication include inventing or counterfeiting data or research procedures to give the appearance of results being achieved from procedures that were not undertaken. Examples of falsification include the false citation of a source of information; altering the record of, or reporting false information about practicum or clinical experiences; altering grade reports or other academic records; submitting a false excuse for absence or tardiness; or altering a returned examination paper and seeking a better grade.

C. Tampering
   Interfering with, altering or attempting to alter university records, grades, assignments, laboratory experiments or other documents without authorization. Examples of tampering include using a computer or false-written document to change or affect the grade recorded for a student; forging the signature of a university official on a drop/add sheet or other official university record; erasing or altering records or information of a student; unauthorized access to a university record by computer or unauthorized entry into an office or file; or obtaining information from the university without proper authorization.

D. Plagiarism
   Presenting the work of another as one's own without proper acknowledgment. Examples of plagiarism include submitting as one's own work the work of another student, ghost writer or commercial writing service; directly quoting from a source without acknowledgment; paraphrasing or summarizing another's work without acknowledging the source; or using facts, figures, graphs, charts or information without acknowledging the source. Plagiarism may occur orally or in writing and may involve computer programs and files, research designs, distinctive figures of speech, ideas and images or any other information that belongs to another person and is not acknowledged as such. Inadvertent or unintentional misuse or appropriation of another's work (such as relying heavily on source material that is not expressly acknowledged) is still considered plagiarism.
E. *Facilitating academic misconduct*
   Giving assistance or attempting to assist another in the commitment of academic misconduct.

F. *Multiple Submission*
   Submitting the same paper or oral report for credit in two courses without the instructor's permission; making minor revisions in a paper or report for which credit has already been received and submitting it again as a new piece of work.

G. *Other Academic Misconduct*
   Other examples of academic misconduct include allowing another student to copy from one's paper during an examination or test; distributing test questions or substantive information about the material to be covered on a test before the scheduled exercise; collaborating on work with the knowledge that the collaboration is not authorized or will not be reported; or taking an examination or test for another student or signing a false name on an academic exercise.

### 300.45 SANCTIONS

The following sanctions may be imposed for academic misconduct. The instructor imposed sanctions are limited to items A through E. Items F through I may be imposed as a result of repeated or recurrent offenses and formal investigation and ruling by the Associate Dean of Student Services:

A. oral reprimand;

B. written reprimand;

C. an assignment to repeat the work or an alternate assignment;

D. a lower or failing grade on the particular assignment or test;

E. a lower grade or failing grade in the course;

F. removal of the student from the course in progress;

G. removal of the student from a major, or program;

H. withdrawal of degree or academic credit previously bestowed; and

I. any sanction that may be imposed for violation of the Student Conduct Code (reference 300.70), including disciplinary probation, suspension or expulsion from the College.

### 300.46 DISRUPTIVE STUDENT

The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited or unlawful acts that results in disruption of a class may be directed by the instructor to leave the class for the remainder of the class period. The term "prohibited acts" includes behavior prohibited by the instructor, including but not limited to, smoking in the classroom, persistently speaking without being recognized or called upon, refusing to be seated, and disrupting the class by leaving and entering the room without authorization.

Longer suspensions from a class or dismissal from a course on disciplinary grounds must be preceded by a charge of a violation of the Student Conduct Code and by an investigation by the Associate Dean of Student Services as set forth in Section 300.80 of the Student Conduct Code, if requested by the student or the instructor. A student dismissed from a class as the result of a Student Conduct Code violation will be assigned a grade of F (Failing). The student may register to re-take the course at a later date in accordance with existing College policy. It must be emphasized this provision is not
designed to be used as a means to punish classroom dissent. The expression of disagreement with the instructor or classmates is not in itself disruptive behavior.

**300.50 ACADEMIC MISCONDUCT PROCEDURES**

300.51 INSTRUCTOR IMPOSED ACADEMIC SANCTIONS

If an instructor has reason to believe that a student has engaged in academic misconduct, the following procedures apply:

300.51a Informal Meeting

The instructor should personally and privately advise the student that there is reason to believe that the student has committed an act that constitutes academic misconduct. The student should be allowed a reasonable opportunity to respond or explain. If, after hearing the student’s response (if any is provided), the instructor continues to believe the student engaged in academic misconduct, he or she will inform the student in writing of his or her determination and of any intended sanction(s). An instructor is limited to imposing sanctions A through E of Section 300.45. The instructor will prepare the [Academic Misconduct Notification](#) and submit copies to the student, the Division Director, the Associate Dean of Student Services, and the Associate Dean of Academic Affairs. The instructor has the right to request the student not be allowed to drop the class in question through the Associate Dean of Student Services. The Academic Misconduct Notification form shall be kept by the Associate Dean of Student Services’ Office for five years from the date of receipt of the Notification Form.

300.52 ADDITIONAL SANCTIONS UNDER STUDENT CONDUCT CODE

300.52a Referral by Instructor

In addition to the imposition of the academic sanctions, an instructor may request in writing the Associate Dean of Student Services sanction the student for violation of the Student Conduct Code pursuant to Section 300.70. If the student is found in violation of the Student Conduct Code, sanctions F-I of Section 300.45 may be imposed in addition to the academic sanctions.

300.52b Recurrence of Academic Misconduct

A student who has been sanctioned by instructors more than once at Great Falls College will be charged with a violation of the Student Conduct Code (Section 300.70) and will be subject to additional disciplinary sanctions through the Associate Dean of Student Services.

300.53 APPEAL OF INSTRUCTOR-IMPOSED ACADEMIC SANCTIONS

300.53a Right to Appeal

A student who receives an Academic Misconduct Notification under Section 300.50 may appeal the instructor’s determination that academic misconduct occurred using the procedure outlined below. This appeal must be based on one of the following:

- The consequences imposed are unnecessarily harsh; and/or
- The Academic Misconduct charge is incorrect.

300.53b Instructor-Imposed Academic Misconduct Sanction Appeal Procedure

A. Division Director Review

The student may present a formal appeal in writing to the instructor’s Division Director no later than ten (10) business days after the student’s receipt of the Academic Misconduct Notification. The student must provide evidence the instructor’s determination of academic misconduct was incorrect or the consequences
imposed were too harsh, and state the precise relief sought by the student. The student may attach copies of any relevant documents. The student shall send a copy of the appeal to the instructor and the Associate Dean of Student Services.

The instructor shall have ten (10) business days to respond in writing to the Division Director after receipt of the appeal. The instructor shall present his/her evidence the charged student committed academic misconduct. The Division Director shall send a copy of the instructor’s response to the student and the Associate Dean of Student Services.

The Division Director will receive and review all evidence, interview each party, if possible, and other relevant individuals, and render a written decision with recommendations as to resolution within ten (10) business days of receipt of the instructor’s response. The Division Director shall send a copy of his/her decision to the student, the instructor, and the Associate Dean of Student Services. If the appeal is not concluded within this time, the student may carry it forward to the Associate Dean of Academic Affairs for resolution. Timeframes may be altered to fit the situation, but must be agreed upon ahead of time.

B. Associate Dean of Academic Affairs' Review
Either party may appeal the Division Director’s decision in writing to the Associate Dean of Academic Affairs, with copies to the instructor, student, the Division Director. Such appeal must be filed within five (5) business days of receipt of the Division Director’s determination. The Associate Dean of Academic Affairs will submit a written decision to the student, instructor, the Division Director and the Associate Dean of Student Services’ Office within ten (10) business days of receipt of the appeal.

C. CEO/Dean Review
Either party may appeal the Associate Dean of Academic Affairs’ decision in writing to the CEO/Dean of the College, with copies to the instructor, student, Division Director, Associate Dean of Academic Affairs, and the Assistant Dean of Student Services. Such appeal must be filed within five (5) business days of receipt of the Associate Dean’s determination. The CEO/Dean will submit a written decision to the student, instructor, Division Director, Associate Dean of Academic Affairs, and the Associate Dean of Student Services’ Offices within ten (10) business days of receipt of the appeal. The decision of the CEO/Dean is the final decision of the College in the matter.

300.53c Grade Pending Resolution
If the student’s appeal of the instructor’s academic misconduct determination has not been resolved before the instructor submits final grades in the course, an incomplete grade (“I”) will be assigned until the matter is concluded. A grade assigned before the instructor’s knowledge of academic misconduct may be changed after it was assigned if the grade was obtained through academic misconduct or by fraud.

300.53d Appeal of Additional Sanctions/Multiple Violations
Sanctions imposed by the Associate Dean of Student Services pursuant to Section 300.45 may be appealed in accordance with the provisions of the Student Conduct Code Section 300.70.

300.60 STUDENT ACADEMIC GRIEVANCE PROCEDURES

300.61 INTRODUCTION

Students who disagree with an academic decision made by an instructor or administrator, including the assignment of grades or decisions about program or degree requirements or eligibility, should first attempt to resolve the situation
informally with a meeting with the instructor or administrator. If an attempt at informal resolution fails, the student may file a grievance under these procedures.

300.62 ACADEMIC DECISIONS REVIEWED

These procedures are available only to review allegedly unfair academic decisions and not mere differences of opinion regarding the professional judgment of the instructor in evaluating a student’s work or making an academic decision. The academic decision, including the assignment of a grade, will be considered unfair if the decision is made:

A. on some basis other than performance in the course and/or compliance with course assignments and requirements;
B. by more exacting or demanding standards than were applied to other students in the same section;
C. by a substantial departure from the instructor's, division's, or College's announced standards as articulated in the course syllabus, catalog descriptions and/or other written materials.

300.63 STUDENT ACADEMIC GRIEVANCES

A student who wishes to grieve an academic decision must proceed as follows:

300.63a Informal Meeting
The student should attempt to informally resolve the matter directly with the instructor or administrator through a personal conference as soon as possible after the academic decision is known.

300.63b Division Director Review
If the student and instructor cannot reach a mutually satisfactory resolution to the problem informally, the student may file a formal grievance. The grievance must be presented in writing to the instructor's Division Director no later than the fifteenth (15th) day of college instruction of the following term. The student must describe the grievance, the date(s) of occurrence, why the student believes the decision was unfair, the student's attempts to resolve the grievance informally and the precise relief sought by the student. The student may attach copies of any relevant documents.

The student shall send a copy of the grievance to the instructor. The instructor shall have ten (10) business days to respond in writing to the student and Division Director after receipt of the grievance.

Once a student files a grievance, he/she will be assigned an incomplete grade ("I") until the matter is concluded. A grade assigned before the filing of the grievance may be changed by the Associate Dean of Academic Affairs, if, after the grievance procedures have been completed, the grade is found to be unfair or otherwise improper.

The Division Director will receive and review all evidence, interview each party, if possible, and render a written decision to the student and the instructor with recommendations as to resolution within ten (10) business days of receipt of the instructor's response. If the grievance is not concluded within this time, the student may carry it forward to the Associate Dean of Academic Affairs for resolution. Timeframes may be altered to fit the situation, but must be agreed upon ahead of time.

300.63c Associate Dean of Academic Affairs’ Review
Either party may appeal the Division Director’s decision in writing to the Associate Dean of Academic Affairs, with copies to the instructor, student and the Division Director. Such appeal will be filed within five (5) business days of receipt of the Division Director’s determination. The Associate Dean of Academic Affairs will submit a written decision to the student, instructor, and the Division Director within ten (10) business days of receipt of the appeal.
Either party may appeal the Associate Dean of Academic Affairs’ decision in writing to the CEO/Dean of the College, with copies to the instructor, student, the Division Director, and the Associate Dean of Academic Affairs. Such appeal will be filed within five (5) business days of receipt of the Associate Dean of Academic Affairs’ determination. The CEO/Dean will submit a written decision to the student, instructor, the Division Director, and the Associate Dean of Academic Affairs within ten (10) business days of receipt of the appeal. The decision of the CEO/Dean is the final decision of the College in academic grievances.

**STUDENT CONDUCT CODE**


**300.70 CONDUCT EXPECTATIONS**

Great Falls College MSU expects all students to conduct themselves as honest, responsible and law-abiding members of the academic community and to respect the rights of other students, members of the faculty, staff, and the public to use, enjoy, and participate in the College’s programs and facilities. Student conduct that disrupts, invades, or violates the personal and property rights of others is prohibited and may be subject to disciplinary action.

**300.71 STUDENT CONDUCT JUDICIAL AUTHORITY AND JURISDICTION**

A. Student Conduct violations which occur on College-owned or College-controlled property or at College sponsored events are subject to College disciplinary jurisdiction. The College may also apply this code to student conduct, regardless of where it occurs, which adversely impacts or affects the overall mission, programs, and functions of the College or the health and safety of members of the College community.

B. Students who commit offenses against the laws of the city, state or United States are subject to prosecution by those authorities and may be subject to disciplinary action under this code if the offenses are also violations of this code. College disciplinary proceedings may precede, follow, or take place simultaneously with criminal proceedings or investigations and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced. When a student has been charged by a civil authority for a violation of law, the College will neither request nor agree to special consideration for the student solely because of his or her status as a student.

**300.72 PROSCRIBED STUDENT CONDUCT**

Any student found to have committed a violation of the student conduct code is subject to disciplinary sanctions outlined in Section 300.45. The following offenses constitute violations of the Student Conduct Code and can lead to serious disciplinary action, including suspension or expulsion from the College.

**300.72a Acts of Dishonesty**

Acts of dishonesty include but are not limited to:

A. Cheating, plagiarism or other breaches of academic integrity, such as fabrication, facilitating or aiding academic dishonesty; theft, unauthorized possession or use of instructional materials or tests; unauthorized access to or manipulation of laboratory equipment or experiments; alteration of grades or files; misuse of research data in reporting results; use of personal relationships to gain grades or favors, or otherwise attempting to obtain grades or credit through fraudulent means. (Refer to Academic Misconduct Procedures, 300.50 for additional
definitions);

B. Knowingly furnishing false information to any College official, faculty member or office;

C. Forgery, alteration or misuse of College documents, records, instruments of identification, computer programs or accounts.

300.72b Harassment and Hazing

A. Harassment includes but is not limited to verbal, psychological, graphic and/or written abuse directed at another, beyond a reasonable expression of opinion, which:

1. is threatening or carries with it the intention to do bodily harm; or

2. disrupts or undermines a person’s exercise of his/her responsibilities as a student, faculty or staff member including unreasonably interfering with a person’s educational or work performance.

B. Harassment which is based upon discrimination as defined in MSU’s Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking Policy is also proscribed conduct, but that type of harassment is covered in Section 330.72h below; it is a separate offence from Harassment under this section and such conduct is addressed as provided in Sections 330.72h below.

C. Hazing includes but is not limited to any conduct or method of initiation, admission or condition of continued membership in any student organization which:

1. endangers the physical or mental health or safety of any student or other person, including extended deprivation of sleep or rest; forced consumption of food, liquor, beverage, or drugs; beating or branding; involuntary confinement or imprisonment; or

2. destroys, vandalizes or removes public or private property.

300.72c Assault

A. Physical assault, which includes but is not limited to: physical contact of an insulting or provoking nature or physical interference with a person which prevents the person from conducting his/her customary or usual affairs, puts the person in fear for his/her physical safety, or causes the person to suffer actual physical injury.


300.72d Alcohol and Drug Offenses

A. Use, possession, manufacture, distribution or sale of narcotics or dangerous drugs, except as expressly permitted by law or College policy.

B. Use, possession or distribution of intoxicants, including alcohol, in the buildings or on the grounds of Great Falls College MSU except as expressly permitted by law or College policy.
300.72e Firearms, Explosives and Weapons Offenses

Illegal or unauthorized possession or use of firearms, explosives, weapons or dangerous chemicals on College premises, including:

A. carrying a concealed weapon and/or firearm;
B. discharging firearms on campus;
C. possessing firearms or ammunition on campus; and/or
D. possessing dangerous chemicals on campus, except as authorized by law and by College policy.

300.72f Illegal and Disruptive Conduct

A. Violation of federal, state or local law on College premises or at College sponsored activities; violation of published College policies, rules or regulations;
B. Acting to impair, interfere with or obstruct the orderly conduct, processes and functions of the College, including but not limited to:
   1. Violence or threat of violence against self or any member or guest of the College community;
   2. Interference with the freedom of movement of any member or guest of the College;
   3. Interference with the rights of others to enter, use or leave any College facility, service or activity;
   4. Obstruction or disruption of teaching, learning, research, administration, disciplinary procedures or other College activities, or of other authorized activities on College premises;
   5. Use of public address systems on the campus outside of College buildings except with permission of the Office of Student Services;
   6. Failure to comply with directions of law enforcement officers, security personnel and College officials acting in the performance of their duties and/or failure to identify oneself to those persons when requested;
   7. Failure to comply with any authorized Student Conduct Code sanction(s)/condition(s); and/or
   8. Trespassing or unauthorized entry into College buildings or property.

300.72g Theft/Misuse of Property

A. Theft, attempted theft, unauthorized possession, use, or removal of College property or the property of any member of the College community.
B. Defacing, tampering, damaging or destroying College property or the property of any member of the College community.
C. Unauthorized presence in or use of College grounds, facilities, or property.

D. Theft or other abuse of computer facilities, capabilities and/or computer time, including but not limited to:
   1. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose;
   2. Unauthorized transfer of a file;
   3. Unauthorized use of another individual's identification or password;
   4. Use of computing facilities to interfere with the work of another student, faculty member or College official;
   5. Use of computing facilities to send harassing or abusive messages;
   6. Use of computing facilities to interfere with the normal operation of the computing system;
   7. Unauthorized use of computer resources, or the unauthorized use or copying of computer data or software. Examples of unauthorized use or copying include: attempts to alter systems, unauthorized access or copying of data or software, attempts to release data, text, files or software in violation of copyright protection and the condoning, approving, or directing of unauthorized use or copying;
   8. Unlawful downloading and distribution of copyrighted digital media via peer-to-peer (P2P) file sharing applications including, but not limited to video (movies) and sound (music) files;
   9. Attempts to circumvent or defeat any University owned system firewall or any other mechanism put in place to manage the network; and/or
   10. Failure to abide by or comply with Great Falls College Information Technology Policies 701.1-705.1.

330.72h. Violation of Great Falls College’s Discrimination, Harassment, Sexual Misconduct, Dating Violent, Domestic Violence, and Stalking Policy

Violation of Great Falls College MSU’s Policy on Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking and Retaliation Policy (Discrimination Policy) is proscribed conduct under this Student Conduct Code. The definitions of discrimination, harassment, sexual misconduct, domestic violence, and stalking are contained in the Discrimination Policy. Violations of the Discrimination Policy include retaliation against an individual for taking any of the actions in support of this policy as defined in Section 128.00 of the Discrimination Policy.

300.80 STUDENT CONDUCT PROCEDURES

NOTICE: IF THE ALLEGED OFFENSE IS VIOLATION OF MSU’S POLICY ON DISCRIMINATION, HARASSMENT, SEXUAL, MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING POLICY, THE FOLLOWING PROCEDURES DO NOT APPLY AND SECTION 300.89 BELOW WILL APPLY INSTEAD.

On its own initiative or at the request of any student, faculty or staff member, the College, through the Associate Dean of Student Services’ Office, may file appropriate accusations/complaints of misconduct against a student.

A. Charges should be filed no later than four (4) months after the alleged violation of the Student Conduct Code, unless good cause is shown to justify the delay. When complaints are referred to the Associate Dean of Student
Services for resolution, a preliminary investigation of the allegations will be conducted within (30) business days from the date the complaints were filed, unless good cause can be shown for delay.

B. If a student has withdrawn or withdraws from the College after complaints have been filed, the College may:

   1. place a hold on the student's academic record and notify the student that disciplinary action will be initiated before the student's re-enrollment in the College; or

   2. proceed with the disciplinary process, determining sanctions to be imposed if the student is readmitted.

C. The Associate Dean of Student Services may order College administrative services such as grades, registration, course drop/adds, fee payment, refunds, withdrawals, fee waivers, etc., be withheld to compel students accused of violation(s) of the Student Conduct Code to meet with the Associate Dean of Student Services as necessary to properly investigate the alleged violation(s). Unless otherwise ordered by the Associate Dean of Student Services, when the preliminary investigation indicates the need for a full investigation, all services will be withheld pending the outcome of the formal investigation, and any resulting sanctions and appeals.

300.82 PRE-INVESTIGATION PROCEDURES

Upon filing a complaint, the College may conduct a preliminary investigation and an informal meeting with the accused student(s) to discuss the nature of and responsibility for an alleged offense.

A. The College shall notify the charged student(s) in the preliminary investigation and informal meeting of the complaint on file.

B. The College staff member conducting the preliminary investigation may withdraw any charge determined to be without basis. The person who filed the complaint initially may appeal this decision under the appeal processes set forth in Section 300.53.

C. After the conclusion of the preliminary investigation, an Administrative Agreement can be proposed between the Associate Dean of Student Services and the accused student(s) if the facts and any sanction(s) which may be imposed can be agreed upon. The Administrative Agreement will be prepared and signed by both the student and the Associate Dean of Student Services. By signing the Administrative Agreement, the student waives the right to any appeal and agrees to accept the sanction(s).

D. If an Administrative Agreement is not signed within five (5) business days following the preliminary investigation, the matter shall be referred for formal investigation.

300.83 NOTICE

In the event of a formal investigation, the accused student shall be notified within three (3) business days that a formal investigation is being conducted. Such notice shall be in writing and shall include the following:

A. The specific complaint(s) citing the College policies or regulation(s) allegedly violated.

B. A description of the alleged violation(s), including the time and place of the alleged act(s) (insofar as may reasonably be known) and a summary of the information upon which the complaints are based.
C. The timeline expected for the conduct and conclusion of the investigation, and decision to be made as a result of the investigation.

D. The procedures to be followed in communication with both parties of the complaint (complainant and respondent).

300.84 FORMAL INVESTIGATION PROCEDURES

A. The formal Investigation will be conducted either by the Associate Dean of Student Services or designee, and when an employee is also involved in the complaint, the Executive Director of Human Resources. This investigation will be concluded within thirty (30) days of the date the matter was referred for formal investigation, unless there is good cause for delay.

B. The Investigator(s) will identify all policies that apply to the situation, identify all witnesses and other persons to be interviewed in order to understand the matter fully.

C. Interview of Complainant and Respondent. Both the Complainant and Respondent should be interviewed as part of the investigation, and given the opportunity to review the notes from their own interviews for accuracy. Legal counselors or advisors, if present, are not allowed to directly question the Investigator, and instead must confine their comments to their client only.

D. The Investigator(s) will present his/her findings regarding any violation of policy or Student Conduct Code, and recommendation for addressing of the findings to the designated College official acting in the matter. The designated College official shall, within five (5) business days after receiving the findings and recommendations of the Investigator, determine what sanction(s), if any, will be imposed. The official shall send a copy of the decision and the sanction to be imposed to the Respondent and the Complainant.

E. The decision of the designated College official and the sanctions imposed may be appealed to the CEO/Dean as set forth in Section 300.86.

300.85 SANCTIONS

A. Individual Sanctions: In recommending or determining a sanction, a designated College official may consider the student’s present and past disciplinary record, the nature of the offense, the severity of any damage, injury, or harm resulting therefrom, and other factors relevant to the matter. If the student is found to have violated the Student Conduct Code, the responsible College official may impose one or more of the following sanctions:

1. Expulsion
   Permanent separation of the student from the College. The student may also be barred from College premises.

2. Suspension
   Separation of the student from the College for a specified period of time, but not less than the remainder of the semester. The student shall not participate in any College sponsored activity and may be barred from College premises.

3. Conduct Probation/Suspension Warning
   A status which is imposed for a designated period of time and includes the probability of more severe
disciplinary sanctions, including suspension or expulsion, if the student is found to have violated the Student Conduct Code during the period.

4. Disciplinary Reprimand
A formal reprimand, which may be imposed either in verbal or written form, a written reprimand for violation of the Student Conduct Code and a warning that further misconduct may result in more severe disciplinary action.

5. Restitution
Compensation for actual loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

6. Other Sanctions
Other sanctions may be imposed instead of or in addition to those specified above, such as work requirements, restrictions, loss of privileges, withholding registration, limitation of access to College property, imposition of mandatory educational or counseling requirements or other sanction appropriate under the circumstances.

B. Group Sanctions – The following sanctions may be imposed upon student groups or organizations registered with the College:

1. Those sanctions listed in subparagraphs 3, 4, 5 and 6 of Section 300.85 above.

2. Deactivation - Loss of all privileges, including College recognition or registration or a specified period of time.

300.86 APPEALS

A. The Respondent may appeal the decision of the designated College official following a formal investigation by delivering a letter of appeal to the CEO/Dean within five (5) business days of the student's receipt of the official's decision. The letter of appeal shall specifically allege and factually support one or more of the following grounds:

1. The student's rights as set forth in this procedure were violated (i.e., there was an error in the procedure or the interpretation of the Student Conduct Code which substantially affected the decision);

2. The student has discovered new evidence, not previously available, which would have materially affected the decision; or

3. The sanctions imposed are not appropriate given the nature of the violation.

B. If a sufficient claim is presented under one or more of the specified grounds, the CEO/Dean shall request a copy of the record of the formal investigation. Within fifteen (15) business days from receipt of the record, the CEO/Dean shall review the entire record and render a written decision. The CEO/Dean may remand the case to the Investigator for further findings of fact or clarification. The decision of the CEO/Dean shall be based on the record only and is the final decision of the College. A copy of the decision shall be sent to the Respondent, the Complainant and included in the record, which shall be returned to the Associate Dean of Student Services’ office for official record keeping. Grades will be withheld until the appeal has been decided.
300.87 INTERIM RESTRICTIONS

A. The CEO/Dean or the Associate Dean of Student Services or their designee may impose interim restrictions or College suspension upon a student pending the resolution of disciplinary proceedings if there is reason to believe that the student’s conduct poses an imminent and substantial threat of injury to or interference with persons or property.

B. Interim restrictions may include, but are not limited to, the following:

   1. College suspension;
   2. Limitation of access to College facilities, or College property in general;
   3. Restriction of communication with named individuals or groups within the College community; and/or
   4. The requirement to secure advance authorization to engage in a specified activity and/or professional evaluation, intervention and/or treatment.

C. The College official imposing the interim restrictions shall notify the student in writing of the restrictions imposed and shall schedule a meeting with the student to be held within two (2) business days after the imposition of the interim restrictions. If the student is unable to attend for good cause, the meeting will be held as soon as the student is able to attend.

   1. At the meeting, the student shall be informed of the basis of the allegations that led to the imposition of the Interim Restrictions and shall be offered the opportunity to explain his/her position regarding the charges and the imposition of the Interim Restrictions. If, after hearing the student's position, the College official believes the imposition of the Interim Restrictions was made in error or is too restrictive, he/she may rescind or modify the restrictions. Otherwise, the restrictions shall continue until the decision is rendered in the disciplinary proceedings.

   2. The time limitations set forth in this section may be expanded upon the consent of the Complainant and by the College official.

300.88 RECORDS AND CONFIDENTIALITY

A. The Associate Dean of Student Services’ Office shall maintain disciplinary records, which shall include, but not be limited to, the student's name and related identifying information, applicable Student Conduct Code section(s), parties involved, description of the incident, sanction(s), expiration dates, agreements or restrictions, and any other data deemed relevant. Disciplinary records and related information shall be made available to Investigators and designated officials to assist in recommendation of an appropriate sanction, and to other College personnel who require such information to fulfill their official duties.

B. Students may arrange to review their own disciplinary records and related information by contacting the Associate Dean of Student Services’ Office.

C. Except as provided elsewhere in this Code and/or as required by law, the College shall not communicate a student's disciplinary record to any person or agency without the prior written consent of the student or, when the student is a minor, the student's parents or legal guardian.

D. Disciplinary records shall be maintained for seven (7) years from the last recorded entry, and then destroyed.
A. Complaints against student(s) accused of violations of Great Falls College MSU’s Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking Policy (Policy Violations) will be referred to the Title IX Coordinator who will follow the procedures for reports and complaints of Policy Violation in accordance with Great Falls College MSU’s discrimination Grievance Procedures. The Student Conduct Procedures in Section 800.00 “STUDENT CONDUCT ADJUDICATION PROCEDURES” shall not apply in allegations of such Policy Violations and shall be replaced by MSU’s Discrimination Grievance Procedures.

B. When a student is found to have engaged in Policy Violations, the Associate Dean of Student Services will impose sanctions allowed by the Student Conduct Code in Section 300.85, including suspension or expulsion from the College. The Associate Dean of Student Services sanction decision is the final College decision and shall not be subject to the appeal right and procedures found in Section 300.86 of the Student Conduct Code.

Last updated: January 2014

History:
This policy replaces the following policies effective March 2012 and revised August 2012: 301.1 – Academic Integrity (Effective February 2007; Revised July 2010); 302.2 – Sexual Harassment Policy; 309.1 – Student Complaints (Revised June 2010); 309.2 – Student Conduct Complaints (Revised June 2010); 309.3 – Student Equal Opportunity Complaints polices (Revised June 2010).
Policy: 301.1 Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and Retaliation
Effective: June 2014 Revised: Reviewed:

Scope
This Policy Applies to the following MSU Campuses:

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

For the purpose of this policy, the term “College” means all campuses listed.

Introduction and Purpose

In addition, this Policy is intended to comply with Title IX of the Education Amendments of 1972 and its implementing regulation, at 34 C.F.R. § 106.31 (a), which 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 College.

100.00 Policy Statement
Montana State University's campuses are 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 College. Acts of discrimination, harassment, sexual misconduct, dating violence, domestic violence, stalking, and retaliation will be addressed consistent with this policy.

100. 10 Disability Discrimination
The College is committed to eliminating disability-based discrimination against persons with disabilities and making 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 College service or participate in a College sponsored or hosted event. Applicants, employees, students or participants with a disability seeking an accommodation shall contact the College's disability services office.

100.20 Retaliation Prohibited
Retaliation against an individual for taking any of the actions in support of this policy as defined in Section 128.00 below is prohibited. It is central to the values of this College 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.

100.30 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.

100.40 Remedying Effects of Past Discrimination
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 at the University.

100.50 Applicability
This policy prohibits discrimination and harassment of employees by the employer and between members of the College 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 College programs and activities, including, but not limited to, discrimination in athletics, instruction, grading, College housing, and College employment.

110.00 Reporting Violations of This Policy
All reports or any concerns about conduct that may violate this policy and retaliation should be reported to the campus official responsible for receiving reports of discrimination referred to throughout this Policy as the Responsible Official (“RO”). The campus Responsible Officials (ROs) are:

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

**MSU Billings**
*Director of Human Resources/Title IX Coordinator*
*Human Resources Office*
Montana State University Billings
1500 University Drive
Billings MT 59101
Tel: (406)657-2278
Fax: (406)657-2120
Guidance concerning means and methods of reporting, criminal reporting, confidentiality and anonymous reporting are found in the Discrimination Grievance Procedure. Upon receiving a report, the RO will follow the procedures described in the Discrimination Grievance Procedure.

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 RO can take proactive steps to prevent harassment from continuing and perhaps escalating and to protect or otherwise assist the person harassed. For example, in the case of a student experiencing harassment, the University can arrange for no-contact orders, counseling and changes in class schedules,
living arrangements, class requirements, and testing schedules as needed. The RO 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 concerns appropriately.

110.10 **Mandatory Employee Reporting of Sexual Harassment and Sexual Misconduct Involving Students.**
To enable the University to respond effectively and to stop instances of sexual harassment and sexual misconduct involving students at the University proactively, all University employees must promptly (normally within 24 hours) report information they have about alleged or possible sexual harassment and sexual misconduct involving students to the RO. Employees, such as licensed health-care professionals and victim advocates [University Police] who have a statutory privilege under Montana law, are exempt from these reporting requirements.
Upon receiving a report of alleged or possible sexual harassment, or sexual misconduct, the RO will evaluate the information and determine what further action should be taken, following the procedures described in the **Discrimination Grievance Procedures**. The RO will take steps, either directly 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.

120.00 **Definitions**

120.10 **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. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

120.20 **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, social media, 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.

120.30 **Sexual Harassment** can include unwelcome: sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including sexual misconduct. Sexual harassment, including sexual misconduct, 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 program 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. Generally, this type of sexual harassment will involve agents or employees with some authority from the University.

2. Hostile Environment [as defined in 124.00 below]

120.40 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 or academic performance.

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 creates a hostile environment, the harassment will be considered not only from the perspective of the individual who feels harassed, but also from the perspective of a reasonable person in a similar situation. Also, the following factors will be considered:

- The degree to which the conduct affected one or more students’ education or individual’s employment;
- The nature, scope, frequency, duration, and location of incident or incidents;
- The identity, number, and relationships of persons involved;
- The perspective of a “reasonable person” in the same situation as the person harassed; and
- The nature of higher education.

120.50 Sexual Misconduct includes sexual assault, inducing incapacitation for sexual purposes, and sexual exploitation.³

A. 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:

- Involvement in any sexual contact when the victim is unable to consent.
- Intentional and unwelcome contact with the breasts, buttock, groin or genitals or touching another with any of these body parts or coercing or forcing or attempting to coerce or force another to touch the perpetrator or themselves with or on any of these body parts.
- Any other intentional bodily contact in a sexual manner, including contact by a penis, tongue or

³While 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.
• Finger, and oral copulation (mouth to genital contact or genital to mouth contact).
• Sexual intercourse without consent, including acts commonly referred to as “rape.”

B. **Consent** is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. If coercion, intimidation, threats, or physical force are used there is no consent.

There is no consent if a person is mentally or physically incapacitated so that such person cannot understand the fact of, or make a reasonable judgment as to the nature or harmfulness of the conduct, or extent of the sexual situation. This includes incapacitation due to mental disability, alcohol or drug consumption, or being asleep or unconscious. A person who knows or reasonably should have known that another person is incapacitated may not engage in sexual activity with that person.

There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. In the absence of mutually understandable words or actions, it is the responsibility of the initiator, or the person who wants to engage in the specific sexual activity to make sure that he/she has the consent from his/her partner(s).

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. Effective consent may not be given by minors less than 16 years old.

C. **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.

D. **Sexual Exploitation/coercion** 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 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 a sexually transmitted disease, such as HIV to another;
- Exposing one’s genitals in non-consensual circumstances, or inducing another to expose his or her genitals; and
- Possessing, distributing, viewing or forcing others to view illegal pornography.

120.60 **Dating Violence** is abuse or violence between, partners or persons in a social relationship of an intimate or romantic nature involving one or more of the following elements:

- Battering that causes 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.
The existence of such a relationship shall be determined based on consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction.

To the extent applicable as provided in Sections 100.30 and 100.50 above, allegations of dating violence, regardless of whether they are based on discrimination, shall be addressed and considered in accordance with this Policy and the Discrimination Grievance Procedure.

120.70 **Domestic Violence** is an act of violence committed by a current or former spouse of the victim, by a person with whom the victim share a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic and family violence laws of Montana [Title 40, Ch. 15, MCA] or by any other person against an adult or youth victim who is protected under the domestic or family violence laws of Montana. Persons protected include mothers, fathers, brothers, sisters, and other past and present family members of a household. To the extent applicable as provided in Sections 100.30 and 100.50 above, allegations of domestic violence, regardless of whether they are based on discrimination, shall be addressed and considered in accordance with this Policy and the Discrimination Grievance Procedure.

120.80 **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. To the extent applicable as provided in Sections 100.30 and 100.50 above, allegations of stalking, regardless of whether they are based on discrimination, shall be addressed and considered in accordance with this Policy and the Discrimination Grievance Procedure.

120.90 **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.

130.00 **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.

In determining the severity of sanctions or corrective actions, factors such as the frequency and severity of the offense and any history of past discriminatory, harassing or retaliatory conduct are relevant. 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 policies and procedures and collective bargaining agreements.

140.00 **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 provide information about sex-based discrimination,
sexual harassment, sexual misconduct, dating violence, domestic violence, or stalking 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.

150.00 Free Speech and Academic Freedom
This policy shall not be construed or applied to restrict academic freedom at the campuses of Montana State University, nor shall it be construed to restrict constitutionally protected expression, even though such expression may be offensive, unpleasant, or even hateful.

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.4

160.00 External Complaints
If you are a student and filed a complaint with the RO and believe the University’s response was inadequate, or as a student, 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. Contact information for the Office for Civil Rights is as follows:

U.S. Department of Education Office for Civil Rights
Seattle Office
915 Second Avenue, Room 3310
Seattle, WA 98174-1099
OCR.Seattle@ed.gov
Voice: 206-607-1600
Fax: 206-607-1601
TDD: 206-607-1647

As a student or employee, if you filed a complaint with the RO 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. Contact information is as follows:

Montana Human Rights Commission
1625 11th Ave.
PO Box 1728
Helena, MT 59624-1728
Voice: 406-444-2884
Toll free: 800-542-0807

4 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 at http://www2.ed.gov/about/offices/list/ocr/docs/shguide.html at section XI.
170.00 Training
To educate staff and faculty on the importance of non-discrimination and the prevention of sexual harassment in the work environment and classroom, each Montana State University campus requires all employees (faculty, all Graduate Teaching Assistants, Graduate Research Assistants, Administrators and staff members) to:

- Complete discrimination and harassment prevention training on a biennial basis; and
- Complete MSU’s Title IX on-line training in accordance with Montana Board of Regents Policy 507.

New employees must complete the training within 45 days of employment. Temporary employees and student employees are required to complete the training program only at the discretion of the RO or Human Resources and/or in conjunction with the department of hire.

Supervisors shall support the employee in providing a reasonable amount of work time for the employee to complete the training program. Training programs can be selected from resources such as online programs, presentations or self-study options as determined and pre-approved by the responsible University Officials.

The University also requires primary prevention, risk reduction and awareness training programs for all incoming students and new employees concerning sexual misconduct, dating violence, domestic violence, and stalking. And, the University shall maintain ongoing primary prevention, risk reduction, and awareness campaigns concerning sexual misconduct, domestic violence, and stalking for students and employees.

180.00 Consensual Relationships
There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor and employee). These relationships may be less consensual than perceived by the person whose position confers power. A consensual romantic relationship in which one party has a supervisory or evaluative responsibilities for the other is a conflict of interest and, as such, and as provided in the University Conflict of Interest (COI) Policy the party in the evaluative or supervisory position must promptly disclose the relationship to his or her supervisor and to the campus official responsible for COI reporting. The supervisor and the University official responsible for COI management shall take steps to ensure that the situation is appropriately managed in accordance with the campus COI Policy. This could result in the removal of the employee or student from the supervisory or evaluative responsibilities by their romantic partner. As provided in the COI Policy, an employee’s failure to promptly disclose a conflict of interest may result in discipline.
This Policy applies to the following MSU Campuses:

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

For the purpose of this Procedure, the term "University" applies to all campuses listed above.

Introduction and Purpose
The purpose of these procedures is to provide a prompt and equitable resolution of reports of discrimination based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Any person believing that he or she has been subjected to discrimination or harassment on any of these bases may report any potential violation of policy to the University. These procedures address all reports of alleged discrimination or harassment, including conduct that violates the Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking and Retaliation Policy (hereinafter referred to as “Policy Violations”). The procedures also address reports of retaliation against those who have opposed practices forbidden under the policy, those who have filed complaints or reports under the policy, and those who have testified or otherwise participated in enforcement of the policy.

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

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

**MSU Billings**
**Director of Human Resources/Title IX Coordinator**
**Human Resources Office**
Montana State University Billings
Reports should be made as soon as possible after an incident and there are several avenues available for submitting a report [based on the contact information above]:

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

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

210.00 Criminal Reporting
Please remember that if someone is in immediate danger or needs immediate medical attention, the first place to report is 9-1-1. You may also report to the appropriate University or city/county police department shown below:

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

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

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

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

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

Calling local law enforcement can help you:
• Obtain emergency and nonemergency medical care;
• Get immediate law enforcement response for your protection;
• Understand how to provide assistance in a situation that may escalate to more severe criminal behavior;
• Arrange a meeting with victim advocate services;
• Find counseling and support;
• Preserve evidence (which is very important in a criminal case);
• Initiate a criminal investigation; and
• Answer questions about the criminal process.

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

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

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

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

The investigation Report of Findings and any written decision resulting from the appeals process will be disclosed only to the Complainant, Respondent, RO, and Discipline Authorities\(^5\) subject to the protection of confidentiality as may be appropriate under the circumstances and in accordance with the requirements of FERPA. This information will also be provided to University officials as necessary to prepare for subsequent proceedings (e.g., University President, CEO, Appeals Officer, and University Legal Counsel). If otherwise required by law or legal process, the Report may be provided to other entities subject to the requirements of FERPA.

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

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

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

\(^5\) In the case of employees, the Discipline Authority is the University Administrator with the authority to impose discipline 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 or other University official with the authority to impose sanctions on students in accordance with applicable policies and procedures.
220.20 Reporter or Complainant Requests No Investigation
If a Reporter or Complainant requests that no investigation of an incident be conducted, the RO will consider the reasons for the request, including concerns about continued safety of the person reportedly harmed and members of the campus community. The RO must balance considerations about the continued health and safety of members of the community against a Reporter’s or Complainant’s desire not to have the report investigated, and the RO retains the right to initiate a formal or informal investigation. The RO may consult with appropriate campus officials, but the RO will make the ultimate decision about whether to conduct a formal investigation or respond to the report in another manner, including taking informal actions, such as those described below in Section 320.00A.

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

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

- Options for obtaining medical and counseling services;
- Making a criminal report;
- Receiving advocacy services;
- Options for changing academic, living, transportation, and working situations; and
- Other helpful campus and community resources.

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

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

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

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

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

320.00 Resolution
If a Complainant chooses to file a complaint, there are two avenues for resolution of an alleged Policy Violation: formal and informal resolution. The Complainant has the option to proceed informally, except cases involving allegations of sexual misconduct. In cases involving allegations of sexual misconduct, informal resolution is not appropriate, even if both the Complainant and Respondent indicate a preference for informal resolution.\(^6\) The RO is available to explain the informal and formal resolution procedures.

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

C. Informal Process and Resolution

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

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

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; having a confidential conversation with a supervisor or instructor; or taking appropriate personnel action.

D. Formal Process

Step 1: The RO discusses concerns with Complainant, and the Respondent as appropriate, including providing information about the policy and procedures and other helpful resources. RO also considers whether immediate or interim actions or involvement of other University offices is appropriate. The RO determines whether the office has jurisdiction to investigate the matter. The RO’s jurisdiction is limited to reports of Policy Violations.

Option 1: If the RO determines that there is no jurisdiction, the RO 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.

\(^6\)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.
Option 2: If the RO determines that there is jurisdiction, the RO will proceed to Step 2.

Step 2: The RO 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 within forty (40) days of receipt of the complaint unless it is necessary to extend the time because of the complexity of the case, availability of witnesses, or other factors which unavoidably delay the investigation. If the investigation is extended, both parties will be promptly notified of a revised expected resolution timeframe.

The RO will notify and update both parties of the timeframe for the investigation, their right to identify witnesses, provide any supporting evidence at any time during the investigation, and the opportunity for appeal. The RO will provide a written update to the parties if the investigation is not complete within 30 days.

The RO will advise both parties of the right, at their own expense, to have an attorney or other advisor (including a union representative for union employees) with them during their interviews and during any stage of these procedures. Such advisor may be present at interviews, meetings, or hearings only to advise the parties; he/she may not participate directly.

The RO will confer with and interview the Complainant to clarify the allegations, identify desired outcomes and obtain detailed information about the allegations.

The RO will provide the Respondent with a written summary of the allegations and the Respondent shall have the opportunity to respond to the allegations during the investigator interview and, if desired, in writing.

The RO will collect and review written documents, interview the Complainant, the Respondent (unless a party is unwilling or unable to be interviewed), identify and interview relevant witnesses, and collect such other evidence as may be relevant to the investigation.

Step 3: The RO determines whether there is a preponderance of the evidence to believe that an individual engaged in a Policy Violation. This “preponderance of the evidence” standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it; that is, it is more likely than not that the alleged conduct occurred.

The RO’s decision shall be presented in the form of a written Report of Findings which:

5. Presents the contentions of the parties;
6. Describes the evidence considered, including general testimony of witnesses, if any;
7. Sets forth the analysis and findings and summarizes the basis for each; and
8. Makes recommendations for remedial actions, if any.

Option 1: If the RO finds a Policy Violation did not occur, the investigation is complete; in this case the Complainant may file an appeal of the finding to the President or CEO in accordance with the Appeal Procedure.

Option 2: If the RO finds that a Policy Violation occurred, the RO’s written Report of Findings will include steps to take to prevent recurrence of any such violation, including, as appropriate, remedial actions described in Section 340.00. The Respondent may appeal the finding to the President or CEO. If the Respondent does not appeal the Report of Finding within the time period for appeal, the Report will be
forwarded to the Discipline Authority for a determination of appropriate sanctions. In the case of student Respondents, the Discipline Authority is the Dean of Students or other University official with the authority to impose discipline on students in accordance with applicable policies and procedures. In the case of employees, the Discipline Authority is the University administrator with the authority to impose discipline in accordance with applicable employment policies and procedures and collective bargaining agreements. The Discipline Authority must inform the RO of the ultimate sanctions imposed upon a Respondent. The RO will inform the Complainant of the sanctions to the extent permitted by Title IX and applicable privacy laws.

Each party will be provided with a copy of the Report of Findings, subject to the protection of confidentiality as may be appropriate under the circumstances and as may be required by laws or regulations, including the Family Educational Rights & Privacy Act (FERPA) [(20 U.S.C. § 1232g; 34 CFR Part 99).

330.00 Relation to the Student Code of Conduct

The student Discipline Authority is charged with imposing sanctions on students who are found to have violated the policy. Sanctions may include a warning, probation, eviction from campus housing, suspension, expulsion, or any other sanction set forth in the University’s Student Conduct Code. Disciplinary records for policy violations are maintained in the same manner as other disciplinary records, as described in the Student Conduct Code.

340.00 Remedial Action

Remedial action means the administrative steps taken to remedy a situation that has led to a complaint. The purpose of remedial action is to:

• Prevent serious and immediate harm to the complainant and others;
• Prevent retaliation against any party;
• End discriminating or harassing behavior and prevent its recurrence; and
• Provide appropriate training in preventing discrimination.

At any time during the complaint process, the RO and/or other responsible administrators may take appropriate remedial action to ensure that these purposes are achieved. Remedial action may include, but shall not be limited to:

• Altering the Complainant’s or Respondent’s work or academic environment;
• Providing training on preventing discrimination or harassment;
• Meeting with Respondent and his/her supervisor to discuss changes of behavior;
• Reassignment or transfer;
• Changes in residence hall assignments;
• Changing advisors, mentors, supervisors or evaluators;
• Providing academic support services such as tutoring;
• Obtaining counseling or medical services;
• Providing escort service for a party’s safety in moving about campus;
• Arranging for re-taking or course withdrawal without penalty; and
• Suspending an employee pending investigation.

400.00 Appeals to the President or CEO

410.00 Filing an Appeal

An appeal requesting a hearing must be filed within five (5) days of the receipt of the RO’s Report of Findings. At MSU Bozeman, the request for a hearing shall be submitted to the President; for all other campuses the request for hearing shall be submitted to the campus CEO. The President or COE may designate in writing another University official to
receive appeals, and in such case, the RO shall advise the parties of the Designee to whom appeals must be submitted. A copy of the request for hearing shall be provided to the RO, who shall provide a copy to the non-appealing party.

The request for hearing must be in writing and must describe the appellant’s desired outcome and a statement of one or more of the following grounds for appeal:

- e. The investigation was not conducted in compliance with the procedures and the non-compliance materially affected the outcome of the investigation;
- f. The RO failed to conduct an adequate investigation;
- g. The RO had a conflict of interest which resulted in unfair bias against the appellant; and
- h. The appellant has discovered new evidence, not previously available, which would have materially affected the outcome of the investigation.

The RO may continue to impose interim remedial measures during the pendency of the appeal, as required by the circumstances.

### 420.00 Appointment of Hearings Officer

Within five (5) days of receipt of the request for appeal, the President, CEO, or Designee shall appoint a Hearings Officer to consider the appeal and submit a decision. The President, CEO, or Designee may remove and replace the Hearings Officer in response to a request from a party who timely objects regarding a conflict of interest (as provided in Section 600.00), or if the Hearings Officer cannot perform the duties assigned.

A copy of the Report of Findings shall be provided to the Hearing Officer concurrent with his/her appointment. The RO will forward copies of any additional evidence relevant to the matter to the Hearing Officer and parties within five (5) days of appointment.

### 430.00 Standard of Review

The Hearings Officer may determine that the RO’s Report of Findings be approved, overturned, or modified if it finds that the appellant has established one or more of the grounds for appeal stated in Section 410.00.

### 440.00 Hearing

#### 440.10 Notice of Hearing

Within ten (10) days of receipt of the written request for a hearing, the Hearings Officer will notify, in writing, the Complainant and the Respondent of the time and place of the hearing. The hearing will normally be held within thirty (30) days of receipt of the written appeal, unless it is necessary to extend the time because of the complexity of the case, availability of witnesses, or other factors requiring additional time. The parties will be notified, in writing, of any extension.

#### 440.20 Preparation for and Conduct of the Hearing

- **440.21 Written Statements on Appeal**

  Within ten (10) days of the filing of the appeal, the party appealing the decision must submit to the Hearing Officer the following information: (a) detailed statement of facts relevant to the complaint or report of discrimination, hostile environment harassment, sexual misconduct, dating violence, domestic violence, stalking, or retaliation; (b) names and contact information and anticipated testimony from witnesses proposed to be called; (c) copies of any documents which will be submitted as evidence; (d)
any additional evidence not available at the time of the investigation that the party believes should be considered at the Hearing; (e) reference to the portion of the policy or procedure 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.

Within ten (10) days of his/her receipt of a copy of the appeal, the non-appealing party may also submit the information described in (a) through (f), above. If the non-appealing party chooses to participate in the hearing, that party must notify the Hearings Officer as described above at (g) whether he or she will be represented by legal counsel and the identity of the counsel.

The RO will provide to the Hearing Officer and the parties, in addition to the written investigation report, any additional documents or other materials, and names and contact information of any witnesses the RO proposes for the hearing.

The Hearing Officer shall provide the parties and the RO copies of any materials submitted pursuant to this section.

440.22 Legal Counsel Representation
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. A party’s attorney may not speak at the hearing but may consult with the attorney’s client and client witnesses.

440.23 Pre-hearing Conference
At any time but no later than five (5) days prior to the date of the hearing, the Hearings Officer may call a pre-hearing conference. Topics discussed at a pre-hearing conference may include, but are not limited to: (a) witnesses and other evidence to be presented; (b) issues to be addressed; (c) time limits and order of presentation of evidence at the hearing; and (d) other matters concerning the conduct of the hearing. At the request of any party, the Hearings Officer will conduct separate meetings with the appellant and the non-appealing party for purposes of the pre-hearing conference. The Hearing Officer may decide to extend the hearing date for good cause.

440.24 Conduct of the Hearing
The Hearing Officer will conduct the hearing. The hearing is a non-adversarial proceeding and courtroom rules of evidence, procedure, and discovery do not apply. The Hearing Officer shall determine the evidence and witnesses which will be presented and 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 in a manner to assure fairness and accuracy in fact-finding. The parties and witnesses will address only the Hearing Officer rather than each other. The Hearing Officer will be the final arbiter of all matters of evidence and procedure. All hearings are closed to the public.

As he or she deems appropriate (for example, in cases of sexual assault, dating violence, domestic abuse, or stalking), the Hearings Officer may take steps such as allowing remote testimony or protective screening, as necessary, to protect parties or witnesses. Further, in such cases the Hearings Officer may conduct questioning of the witnesses; that is, questioning of the witnesses by the parties would not be allowed.
**450.00 The Decision**
Within twenty (20) days of the conclusion of the Hearing, the Hearings Officer will submit a decision in writing to the President, CEO, or Designee approving, overturning, or modifying the Report of Findings. The written decision will include the following:

a. A summary of the allegations;
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 RO, if applicable;
d. Specific reference to the portion(s) of the policy or procedures alleged to have been violated;
e. Analysis of whether the alleged grounds for appeal have or have not been substantiated; and
f. Remedial action, if any, regarding redress of the complaint as well as any other recommendations, as applicable, for precluding further policy violations.

The Hearing Officer is not responsible for determining sanctions or discipline to be taken against a person determined to have violated the policy.

**450.10 President or CEO Action on Hearing Officer Decision**
The President, CEO, or Designee will review the Hearing Officer’s decision. The 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 Hearing Officer’s decision, the President, CEO, or Designee will notify the Hearing Officer, the RO, and the parties, in writing, of his/her decision upon review, including providing a copy of the Hearing Officer decision to the RO and the parties.

If the President, CEO, or Designee upholds a finding of Policy Violation, a copy of the decision and Hearing Officer decision shall be forwarded to the appropriate Discipline Authority for disciplinary action in accordance with applicable University policies, procedures, and collective bargaining agreements.

**500.00 Training**
All University officials who are involved in the discrimination grievance process, including the RO, designated investigators, Hearings Officer, 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, domestic violence, stalking, and retaliation, conducting investigations, protecting confidentiality, and recognizing the link between alcohol and drug use and Policy Violations.

The RO, Discrimination Grievance Procedure investigators, and Hearings Officers shall receive annual training on sexual misconduct, domestic violence, and stalking and on how to conduct investigations and appeal processes that protect the safety of victims and promote accountability.

**600.00 Conflict of Interest**
Upon their assignment to an investigation or appeal, the names of the investigator and the Hearings Officer will be provided to the parties. These officials must promptly disclose any potential conflict of interest they believe 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 the Hearings Officer, that conflict must be disclosed to both parties. If a party objects to the investigator or Hearing Officer on the basis that there is a conflict of interest which would bias the official’s judgment,
the party must submit the written objection to the RO, in writing, within five (5) days of learning of the conflict of interest. Determination of such objections will be made by an impartial University official appointed by the President, CEO, or Designee. Objections not timely made are waived.

700.00 Employee Participation
Employees shall participate in this Grievance Procedure as required and failure to participate as requested may be grounds for discipline.

800.00 Complaints to Federal and State Agencies
A party who is dissatisfied with the University’s response to a complaint, or otherwise believes he/she has 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 are dissatisfied with the University’s response to a complaint, 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, 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.

SUBJECT: Student Affairs
Policy 302.1 Equal Opportunity
Effective: Revised: August 2013

Great Falls College Montana State University is committed to the provision of equal opportunity for education, employment, and participation in all College programs and activities without regard to race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, gender, age, political ideas, marital or family status, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation.

The College’s Equal Opportunity Officers are the Executive Director of Human Resources and the Associate Dean of Student Services.
In compliance with the Drug Free Workplace Act of 1988, Public Law 101-690, Great Falls College MSU is committed to a good faith effort to provide a drug-free campus. Therefore, the manufacturing, distribution, sale and/or abuse of illicit and/or prescription drugs, or the inappropriate use of alcohol at the college or in any activity affiliated with the college is prohibited. In addition, the college will enforce the Board of Regents’ Policy 503.1 regarding alcoholic beverages. Students must comply with this policy as a condition of attendance. Violations of this policy will result in disciplinary action up to and including expulsion and/or referral for prosecution. At the discretion of the CEO/Dean of the College, a student violating the policy may be required to satisfactorily complete a drug or alcohol abuse rehabilitation program as an alternative to expulsion or as a condition for readmission.

According to information provided by the U.S. Department of Education, drug and alcohol abuse may cause personal health problems, as well as interfere with work, school, and daily living performance.

The Great Falls community has a number of excellent resources available to assist an individual who is having difficulty with drug and/or alcohol abuse. Counselors at the College are familiar with community resources and are available to refer individuals for assistance and/or treatment to overcome the problem of drug or alcohol abuse. If an individual is reluctant to approach college personnel, information about assistance programs may be obtained by calling the Community Help Line at 761-6010.
It is the policy and commitment of the College to afford its students, employees, and visitors a campus and educational environment that is as safe and free of crime as possible.

Students, employees, and visitors contribute to overall campus safety by reporting criminal activity, by securing personal possessions while on campus, and by being aware of personal safety when entering or exiting the campus. A brochure which provides campus crime prevention information as well as statistics on the incidence of campus crime is available from Student Central.

The Great Falls Police Department is the primary law enforcement agency for the City of Great Falls. They have jurisdiction over the College and will respond upon request to all crimes committed on campus that violate city ordinances and State of Montana Statutes, and they will conduct all investigations or arrests.

When entering or exiting the building, students are advised to use the buddy system and stay in well-lighted areas with other foot traffic. When exiting the buildings alone after dark, students are urged to request escort from other students they know or go to a Information Desk to request the security officer on duty.

Students who are victims of criminal activity or who observe any criminal and/or suspicious activity in the College's buildings or on campus property are urged to immediately call 9-1-1. If calling from a campus phone, dial only 9-1-1 (no extra 8 is needed to get an outside line). There is no charge when dialing 9-1-1 from a pay telephone. In addition, an Incident Report must be completed. The form is available at http://www.gfcmusu.edu/about/PoliciesProcedures/300/IncidentReport.pdf or from the Information Desk, or Business Office. It is advised that the report be completed within 24 hours of the incident and returned to the Controller in the Business Office. The Controller will share the Incident Report in incidents that involve students with the Associate Dean of Student Services.

In the case of personal injury/violation requiring medical attention, Emergency Medical Services (9-1-1) should be called for assistance and instructions.
Interactions between the faculty and students at Great Falls College MSU are guided by mutual trust, confidence, and professional ethics. An inherent power differential exists between faculty members and students; as a result, faculty-student interactions that go beyond their professional connection carry risks of conflict of interest, breach of trust, abuse of power, and breach of professional ethics.

Faculty members shall not engage in romantic, sexual, or exploitive relationships with students whenever a faculty member has a professional "position of authority" with respect to the student in such matters as teaching a course or in otherwise evaluating, supervising, or advising a student as part of a school program. Should such a relationship develop, or appear likely to develop, while the faculty member is in a position of authority, the faculty member and/or the student shall terminate the position of authority. Even when the faculty member has no professional responsibility for a student, the faculty member should be sensitive to the perceptions of other students that a student who has a consensual relationship with a faculty member may receive preferential treatment from the faculty member or the faculty member's colleagues.

Failure to comply with this policy will subject the faculty member to disciplinary action up to and including dismissal. This policy applies also to other College employees who have a supervisory or advisory responsibility for students.

There are exceptional circumstances in which a student at the College is a spouse, partner or other individual with a previously established close person tie to a faculty member or other employee with a supervisory/advisory responsibility. This policy does not apply in such circumstances, but the circumstance should be disclosed to the CEO/Dean as soon as the employee is aware of the close relation's enrollment. The CEO/Dean is the administrative officer who determines whether an exceptional circumstance exists and, if so, the extent to which it governs employee conduct.
400 Personnel

SUBJECT: Personnel
Policy 401.1 Equal Opportunity
Effective: Revised: August 2013

Reference: MUS Board Policy 703, 1902, 1908; Executive Order 11246; Section 503 of the Rehabilitation Act of 1973; Section 4212 of Vietnam Era Veterans Readjustment Assistance Act; Americans with Disabilities Act; Equal Pay Act; Montana State Constitution, Article X, Section 7; Civil Rights Act of 1991; Age Discrimination in Employment Act

Great Falls College Montana State University (GFC MSU) is committed to the provision of equal opportunity for education, employment, and participation in all College programs and activities without regard to race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, gender, age, political ideas, marital or family status, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation.

GFC MSU will take affirmative action (AA) to equalize employment opportunities at all levels of operations where there is evidence that there have been barriers to employment for those protected groups that have traditionally been underrepresented.

GFC MSU makes a commitment to provide reasonable accommodation to any otherwise qualified individual with a known disability that may interfere with his or her ability to fully participate in the selection process or perform the duties of the job. Employees requiring accommodation must make requests to their supervisor and/or through Human Resources.

GFC MSU guarantees employees protection from retaliation for lawfully opposing any discriminatory practice, including the filing of an internal complaint alleging unlawful discrimination, the filing of a union grievance, the initiation of an external administrative or legal proceeding, or testifying in or participating in any of the above.

The College’s Executive Director of Human Resources is responsible for coordinating the EEO/AA program and for resolving applicant/employee EEO complaints. Implementation of the College’s Affirmative Action Program is the responsibility of each of the College’s administrators, supervisors, and division chairs.
SUBJECT: 400 Human Resources  
Policy: 401.2 Sexual Harassment

Reference: EEOC Guidelines on Sexual Harassment; Civil Rights Act of 1991

Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of gender, and sexual harassment is a form of gender-based discrimination. Great Falls College Montana State University prohibits and will not tolerate sexual harassment on its premises, within any of its programs, services or other College-sponsored activities, or by anyone acting as an agent of the College.

Great Falls College Montana State University uses the definition of sexual harassment set forth by the U.S. Equal Employment Opportunity Commission which states:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive work environment.

The College extends these protections beyond its employees to include its students (in accordance with Title IX), other consumers, and members of the general public who come into contact with the College or its agents.

Anyone who believes that he or she has experienced sexual harassment should immediately contact the College’s Human Resources Director to discuss options for resolving the issue. Individuals are generally encouraged to attempt to resolve the issue informally by discussing their concerns with the alleged harasser, his or her supervisor, or both. However, the College recognizes that sexual harassment is a sensitive and potentially volatile issue, and if it is not feasible for the harassed individual to follow this recommended procedure, the Human Resources Director should be contacted initially to begin an investigation. All complaints will be handled with discretion and information provided in the initial complaint and during the course of the investigation will remain as confidential as possible. The identity of both the complainant and the alleged harasser will be protected.

Employees and students who believe they have experienced sexual harassment are encouraged to report the incident(s) or action(s) as soon as possible after the alleged harassment has occurred. Early reporting is encouraged, because ability to investigate and act on such reports diminishes with time. Sexual harassment complaints must be received within 180 days of the alleged act(s), with the possibility of extending that deadline to 300 days with extenuating circumstances. The Human Resources Director will generally begin with an informal investigation to determine the validity of the charge and seek satisfactory resolution. In extreme or potentially dangerous circumstances, the Human Resources Director will authorize an immediate formal investigation and may recommend that the alleged offender be suspended from duties with pay and/or barred from the premises pending the findings of the investigation.

The Human Resources Director will complete the investigation within fifteen (15) working days of the receipt of the complaint, unless circumstances beyond the control of the investigator prevent such timely completion. In that case, the Human Resources Director will request an extension of up to fifteen (15) working days to complete the investigation.

Upon completion of the investigation, the Human Resources Director will complete a Report of Findings and submit it to the Dean within ten (10) working days of the completion of the investigation. When circumstances prevent completion within that timeframe, the Human Resources Director may request an extension of up to ten (10) working days.
Any individual found to be guilty of violating the College’s sexual harassment policy will be subject to discipline commensurate with the nature of the offense. Disciplinary action up to and including termination may be implemented. Individuals who submit complaints and/or participate in the investigation process are protected from retaliation resulting from their participation. Anyone engaging in retaliatory behavior will be in violation of the College’s sexual harassment policy, and therefore subject to appropriate disciplinary action as outlined above. Great Falls College Montana State University is committed to providing and ensuring a safe, positive learning environment that is free from harassment.

Observation of Harassment
Employees who are not themselves victims of sexual harassment, but observe actions which they have interpreted to be harassment, should bring such actions to the attention of the Human Resources Director.

Confidentiality
Reports of sexual harassment, including the investigation, the outcome of an investigation and any action(s) taken relating to a specific employee(s) or student(s) are confidential. Dissemination of confidential information shall be limited to persons with a need to know during the course of and following an investigation.

Violations of Policy
Substantiated violations of this policy may result in disciplinary action that complies with the discipline policy of the College. If the initial violation is sufficiently severe or if lesser violations are repeated, appropriate discipline may include discharge.

If disciplinary action results from a report of sexual harassment, the respondent may file a complaint under the College’s complaint policy or through a grievance procedure available through collective bargaining agreements or statute.
SUBJECT: 400 Human Resources  
Policy: 403.8 Drug-Free Workplace  
Effective:  
Revised: July 2010  
Reference: Drug-Free Workplace Act of 1988

Great Falls College Montana State University (herein the College) is required by Federal regulations that implemented the Drug-Free Workplace Act of 1988, 34 CFR Part 85, Subpart F, published in the Federal Register of January 31, 1989, to certify that an effort to provide a Drug-Free Workplace will be maintained.

In compliance with this regulation, the College will make a good faith effort to maintain a drug-free workplace. The unlawful manufacture, distribution, sale, possession, or use of alcohol or illicit drugs at Great Falls College Montana State University or as a part of any of its activities is prohibited. In addition, the College enforces the Board of Regents’ policy (section 503.1 of the Policy and Procedures Manual) regarding alcoholic beverages.

The College will comply with this regulation by:

1. Publishing, posting and disseminating this Drug-Free Workplace policy statement.

2. Establishing a drug-free awareness program to educate employees about the College's policy of maintaining a drug-free workplace; the dangers of drug abuse in the workplace; the availability of drug counseling, rehabilitation, and other employee assistance; and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

3. Providing all employees involved in work with or under a federal grant a copy of this policy statement and apprising them that as a condition of employment under the grant, they must abide by the terms of this policy statement and notify the College of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

4. Taking appropriate personnel action within 30 days against any employee found to be in non-compliance with this policy, up to and including termination; or requiring the employee to participate satisfactorily in a chemical abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other agency approved by the College.

The College has responded to federal mandates set out in the Drug-Free Schools and Communities Act Amendments of 1989 to certify that the College has adopted and implemented a program to prevent the unlawful possession, use, or distribution of alcohol or illicit drugs by students and employees.
SUBJECT: 400 Human Resources
Policy: 405.4 Campus Security and Safety
Effective: Revised: March 2011 Reviewed:

It is the policy and commitment of the Great Falls College Montana State University to provide its employees, students, and visitors with a campus environment that is as safe and free of crime as possible.

Employees, students, and visitors contribute to overall campus security and safety by reporting criminal activity, securing personal possessions, and being aware of personal safety at all times including entering and exiting campus buildings.

A brochure, which provides campus crime prevention information as well as statistics on the incidence of campus crime, is available from Student Central.

The Great Falls Police Department is the primary law enforcement agency for the City of Great Falls. They have jurisdiction over the College and will respond upon request to all crimes committed on campus that violate city ordinances and State of Montana Statutes, and they will conduct all investigations or arrests.

When entering or exiting the building, walk in pairs and stay in well-lighted areas with other foot traffic. When exiting the building alone after dark, anyone may request escort from their colleagues or the security officer on duty.

Employees, students, and visitors who are victims of criminal activity or who observe any criminal and/or suspicious activity in the College's building or on campus property are urged to immediately call 9-1-1. If calling from a campus phone, dial only 9-1-1 (no extra 8 is needed to get an outside line). There is no charge when dialing 9-1-1 from a pay telephone.

In the case of personal injury/violation requiring medical attention, Emergency Medical Services (9-1-1) should be called for assistance and instructions.

In addition, an Incident Report must be completed. The form is available at http://intranet.msugf.edu/Forms/IncidentReport.pdf or from the Information Desk, or Business Office.

It is advised that the report be completed within 24 hours of the incident and returned to the office of the CFO in the Administration Suite.
Interactions between the faculty and students at Great Falls College Montana State University depend upon mutual trust, confidence, and professional ethics. An inherent power differential exists between faculty members and students. As a result, faculty-student interactions that go beyond a professional relationship carry risks of conflict of interest, breach of trust, abuse of power, and breach of professional ethics.

No faculty member shall engage in a romantic, sexual, or exploitive relationship with a student when that faculty member has a professional "position of authority" with respect to that student in such matters as teaching a course, or evaluating, supervising, or advising him or her as part of a school program. Should such a consensual relationship develop, or appear likely to develop while the faculty member is in a position of authority, the faculty member and/or the student shall take steps to dissolve the position of authority. Even when the faculty member has no professional responsibility for a student, he or she should be sensitive to the perceptions on the part of other students that a student engaged in a consensual relationship with a faculty member may receive preferential treatment from the faculty member and/or the faculty member's colleagues.

Failure to comply with this policy will subject the faculty member to disciplinary action up to and including dismissal. This policy also applies to other College employees who have a supervisory or advisory responsibility in relation to students.
Support and Reporting Options for Survivors of Sexual Assault, Domestic Violence, Dating Violence and/or Stalking

You can speak with anyone at any time. Reporting is always an option. Choosing one route does not exclude other options. Survivors should pursue whatever routes will be most helpful to their recovery.

Would you like to speak with someone confidentially?

CONFIDENTIAL- NOT OBLIGATED TO REPORT:
- Licensed Mental Health Counselors at Center for Mental Health: 727-4315 or 761-2104
- Your Clergy
- YWCA Mercy Home 24 Hour Crisis Line: 406-453-1018 or 800-352-7449
- National Domestic Violence Hotline: 1-800-799-7233
- Voices of Hope: 406-268-1330
- Victim Witness: 406-315-1111
- National Sexual Assault Hotline: 1-800-656-4673

NON-CONFIDENTIAL- MAY BE OBLIGATED TO REPORT:
- Great Falls Police Department: 9-1-1 or 406-771-1180
  May be obligated to report.
- Title IX Coordinators:
  Camille Consolvo – 406-771-4304
  and/or
  Mary Kay Bonilla – 406-771-5123

ANONYMOUS REPORT OF SEXUAL ASSAULT form available at:
http://www.gfcmsu.edu/safety/reporting.html

All GFC MSU employees must report incidents of sexual assault, even if the alleged victim declines to report. Title IX Coordinators investigate all reports.

Would you like to make an anonymous report?

For Medical Attention, call 9-1-1 or Benefis, 406-455-5000 (important for evidence preservation)
Trade Building
Main Building
Child Care Building
16th Ave. South
23rd St. South
2100 16th Ave S
Great Falls, MT 59405