



STUDENT HANDBOOK

Montana State University Extension



Montana Weatherization Training Center

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WELCOME!

The Montana Weatherization Training Center is one of sixteen regional training centers sponsored by Department of Energy program activities. As an accredited training program, MTWTC course offerings teach to the Weatherization Assistance Program's Core Competencies. Additionally MTWTC incorporates Standard Work Specifications into course curricula to ensure students follow the quality work plan required for Home Energy Upgrades.

Trainings at the Center fall under two categories:

Tier 1 Trainings align with the NREL Job Tasks Analyses developed for DOE. These classes provide students with comprehensive, weatherization-professional specific training to meet the standardized knowledge base defined for four weatherization industry positions; Single-Family Retrofit Installer, Single-Family Crew Leader, Single-Family Energy Auditor or Single-Family Quality Control Inspector. The knowledge and skills addressed in the Tier 1 courses are cumulative; as the student progresses through the series of classes, weatherization issues are introduced, reinforced and expanded on, preparing them to advance within their profession.

Tier 2 Trainings are focused classes that provide in depth training on a single-issue. Topics include Insulation Systems, Zonal Pressure Diagnostics, Advanced Furnace applications and others. MTWTC can customize course content to address specific situations or problems encountered in the field.

MTWTC's Tier 1 Training programs have passed IREC accreditation and are organized as follows:

Single-Family Retrofit Installer Technician:

Weatherization 101
Weatherization 102
Mobile Home Weatherization
EPA Lead Renovation, Repair and Painting Rule

Single-Family Crew Leader:

Weatherization 101
Weatherization 102
Mobile Home Weatherization
EPA Lead Renovation, Repair and Painting Rule
Basic Furnace
OSHA 30
Weatherization Crew Leader

Single-Family Energy Auditor:

Weatherization 101
Weatherization 102
Mobile Home Weatherization
EPA Lead Renovation, Repair and Painting Rule
Basic Furnace
OSHA 30
Weatherization Crew Leader
Single Family Energy Auditor

Single-Family Quality Control Inspector:

Weatherization 101
Weatherization 102
Mobile Home Weatherization
EPA Lead Renovation, Repair and Painting Rule
Basic Furnace
OSHA 30
Weatherization Crew Leader
Single Family Energy Auditor
Quality Control Inspector

By completing the courses listed above, the student will acquire the knowledge, skillsets and abilities needed to perform in each weatherization position.

For those who are interested, these same classes also are preparing them to take the third-party tests offered by Building Performance Institute (BPI) to become a certified Energy Auditor or Quality Control Inspector. MTWTC is a BPI Testing Center and can assist any student in pursuing those designations.

Student Code of Conduct

Policy: MSU Conduct Guidelines and Grievance Procedures for Students

Revised: August 2006; February 2009; August 2010, July 2011, April 2012, August 2012

Effective Date: August 23, 2006

Review Date: August, 2012

Responsible Party: Dean of Students Office, SUB Room 174, (406) 994-2828

Introduction and Purpose:

The Dean of Students Office reviews the MSU Conduct Code and Grievance Procedures for Students annually. As changes occur in the organizational, operational, educational, and legal environments, the guide is revised.

EXCERPT – for the full policy go to: http://www2.montana.edu/policy/student_conduct/#conductcode

600.00 Student Conduct Code

610.00 CONDUCT EXPECTATIONS

Montana State University 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 and staff and the public to use, enjoy and participate in the University 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.

620.00 JUDICIAL AUTHORITY AND JURISDICTION

A. Conduct violations which occur on University-owned or University-controlled property or at University-sponsored events are subject to University disciplinary jurisdiction. The University 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 University or the health and safety of members of the University 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. University 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 University will neither request nor agree to special consideration for the student solely because of his or her status as a student.

C. When a complaint is filed with appropriate University officials charging a student with violating the Student Conduct Code, the University is responsible for conducting an investigation, initiating charges and adjudicating those charges. Charges under the Student Conduct Code which are filed by the University are brought forward by the University and not an individual complainant. If the complainant decides to withdraw the complaint, the University may proceed with the case.

630.00 PROSCRIBED CONDUCT

631.00 Any student found to have committed a violation of the student conduct code is subject to disciplinary sanctions outlined in Section 670.00. The following offenses constitute violations of the student conduct code and can lead to serious disciplinary action, including suspension or expulsion from the University.

632.00 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, 420.00 for additional definitions)

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

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



Trainer Code of Professional Conduct

Montana Standards of Conduct for State Employees

Montana Code Annotated 2017

TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION

CHAPTER 2. STANDARDS OF CONDUCT

Part 1. Code of Ethics

http://leg.mt.gov/bills/mca/title_0020/chapter_0020/part_0010/sections_index.html

Statement Of Purpose

2-2-101. Statement of purpose. The purpose of this part is to set forth a code of ethics prohibiting conflict between public duty and private interest as required by the constitution of Montana. This code recognizes distinctions between legislators, other officers and employees of state government, and officers and employees of local government and prescribes some standards of conduct common to all categories and some standards of conduct adapted to each category. The provisions of this part recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

History: En. 59-1701 by Sec. 1, Ch. 569, L. 1977; R.C.M. 1947, 59-1701.

Definitions

2-2-102. Definitions. As used in this part, the following definitions apply:

1. "Business" includes a corporation, partnership, sole proprietorship, trust or foundation, or any other individual or organization carrying on a business, whether or not operated for profit.
2. "Compensation" means any money or economic benefit conferred on or received by any person in return for services rendered or to be rendered by the person or another.
3. (a) "Gift of substantial value" means a gift with a value of \$50 or more for an individual.
(b) The term does not include:
 - (i) a gift that is not used and that, within 30 days after receipt, is returned to the donor or delivered to a charitable organization or the state and that is not claimed as a charitable contribution for federal income tax purposes;
 - (ii) food and beverages consumed on the occasion when participation in a charitable, civic, or community event bears a relationship to the public officer's or public employee's office or employment or when the officer or employee is in attendance in an official capacity;
 - (iii) educational material directly related to official governmental duties;
 - (iv) an award publicly presented in recognition of public service; or
 - (v) educational activity that:
 - (A) does not place or appear to place the recipient under obligation;
 - (B) clearly serves the public good; and
 - (C) is not lavish or extravagant.
4. "Local government" means a county, a consolidated government, an incorporated city or town, a school district, or a special district.
5. "Official act" or "official action" means a vote, decision, recommendation, approval, disapproval, or other action, including inaction, that involves the use of discretionary authority.
6. "Private interest" means an interest held by an individual that is:
 - (a) an ownership interest in a business;
 - (b) a creditor interest in an insolvent business;
 - (c) an employment or prospective employment for which negotiations have begun;
 - (d) an ownership interest in real property;
 - (e) a loan or other debtor interest; or
 - (f) a directorship or officership in a business.
7. "Public employee" means:
 - (a) any temporary or permanent employee of the state;
 - (b) any temporary or permanent employee of a local government;
 - (c) a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority; and
 - (d) a person under contract to the state.
8. (a) "Public officer" includes any state officer and any elected officer of a local government.
(b) For the purposes of 67-11-104, the term also includes a commissioner of an airport authority.
9. "Special district" means a unit of local government, authorized by law to perform a single function or a limited number of functions. The term includes but is not limited to conservation districts, water districts, weed management districts, irrigation districts, fire districts, community college districts, hospital districts, sewer districts, and transportation districts. The term also includes any district or other entity formed by interlocal agreement.
10. (a) "State agency" includes:
 - (i) the state;
 - (ii) the legislature and its committees;
 - (iii) all executive departments, boards, commissions, committees, bureaus, and offices;
 - (iv) the university system; and

(v) all independent commissions and other establishments of the state government.

(b) The term does not include the judicial branch.

11. "State officer" includes all elected officers and directors of the executive branch of state government as defined in 2-15-102.

History: En. 59-1702 by Sec. 2, Ch. 569, L. 1977; R.C.M. 1947, 59-1702; amd. Sec. 3, Ch. 18, L. 1995; amd. Sec. 1, Ch. 562, L. 1995; amd. Sec. 1, Ch. 122, L. 2001; amd. Sec. 1, Ch. 77, L. 2009.

Public Trust -- Public Duty

2-2-103. Public trust -- public duty.

1. The holding of public office or employment is a public trust, created by the confidence that the electorate reposes in the integrity of public officers, legislators, and public employees. A public officer, legislator, or public employee shall carry out the individual's duties for the benefit of the people of the state.
2. A public officer, legislator, or public employee whose conduct departs from the person's public duty is liable to the people of the state and is subject to the penalties provided in this part for abuse of the public's trust.
3. This part sets forth various rules of conduct, the transgression of any of which is a violation of public duty, and various ethical principles, the transgression of any of which must be avoided.
4. (a) The enforcement of this part for:
 - (i) state officers, legislators, and state employees is provided for in 2-2-136;
 - (ii) legislators, involving legislative acts, is provided for in 2-2-135 and for all other acts is provided for in 2-2-136;
 - (iii) local government officers and employees is provided for in 2-2-144.
- (b) Any money collected in the civil actions that is not reimbursement for the cost of the action must be deposited in the general fund of the unit of government.

History: En. 59-1703 by Sec. 3, Ch. 569, L. 1977; R.C.M. 1947, 59-1703; amd. Sec. 216, Ch. 685, L. 1989; amd. Sec. 2, Ch. 562, L. 1995; amd. Sec. 2, Ch. 122, L. 2001.

Rules Of Conduct For Public Officers, Legislators, And Public Employees

2-2-104. Rules of conduct for public officers, legislators, and public employees.

- (1) Proof of commission of any act enumerated in this section is proof that the actor has breached the actor's public duty. A public officer, legislator, or public employee may not:
 - (a) disclose or use confidential information acquired in the course of official duties in order to further substantially the individual's personal economic interests; or
 - (b) accept a gift of substantial value or a substantial economic benefit tantamount to a gift:
 - (i) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or
 - (ii) that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.
- (2) An economic benefit tantamount to a gift includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of the services. Campaign contributions reported as required by statute are not gifts or economic benefits tantamount to gifts.

- (3) (a) Except as provided in subsection (3)(b), a public officer, legislator, or public employee may not receive salaries from two separate public employment positions that overlap for the hours being compensated, unless:
- (i) the public officer, legislator, or public employee reimburses the public entity from which the employee is absent for the salary paid for performing the function from which the officer, legislator, or employee is absent; or
 - (ii) the public officer's, legislator's, or public employee's salary from one employer is reduced by the amount of salary received from the other public employer in order to avoid duplicate compensation for the overlapping hours.
- (b) Subsection (3)(a) does not prohibit:
- (i) a public officer, legislator, or public employee from receiving income from the use of accrued leave or compensatory time during the period of overlapping employment; or
 - (ii) a public school teacher from receiving payment from a college or university for the supervision of student teachers who are enrolled in a teacher education program at the college or university if the supervision is performed concurrently with the school teacher's duties for a public school district.
- (c) In order to determine compliance with this subsection (3), a public officer, legislator, or public employee subject to this subsection (3) shall disclose the amounts received from the two separate public employment positions to the commissioner of political practices.

History: En. 59-1704 by Sec. 4, Ch. 569, L. 1977; R.C.M. 1947, 59-1704; amd. Sec. 3, Ch. 562, L. 1995; amd. Sec. 1, Ch. 243, L. 1997.

Ethical Requirements For Public Officers And Public Employees

2-2-105. Ethical requirements for public officers and public employees.

- (1) The requirements in this section are intended as rules of conduct, and violations constitute a breach of the public trust and public duty of office or employment in state or local government.
- (2) Except as provided in subsection (4), a public officer or public employee may not acquire an interest in any business or undertaking that the officer or employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the officer's or employee's agency.
- (3) A public officer or public employee may not, within 12 months following the voluntary termination of office or employment, obtain employment in which the officer or employee will take direct advantage, unavailable to others, of matters with which the officer or employee was directly involved during a term of office or during employment. These matters are rules, other than rules of general application, that the officer or employee actively helped to formulate and applications, claims, or contested cases in the consideration of which the officer or employee was an active participant.
- (4) When a public employee who is a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority is required to take official action on a matter as to which the public employee has a conflict created by a personal or private interest that would directly give rise to an appearance of impropriety as to the public employee's influence, benefit, or detriment in regard to the matter, the public employee shall disclose the interest creating the conflict prior to participating in the official action.
- (5) A public officer or public employee may not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the officer or employee has a substantial personal interest in a competing firm or undertaking.

History: En. 59-1709 by Sec. 9, Ch. 569, L. 1977; R.C.M. 1947, 59-1709; amd. Sec. 4, Ch. 562, L. 1995.

Disclosure

2-2-106. Disclosure.

- (1) (a) Prior to December 15 of each even-numbered year, each state officer, holdover senator, supreme court justice, and district court judge shall file with the commissioner of political practices a business disclosure statement on a form provided by the commissioner. An individual filing pursuant to subsection (1)(b) or (1)(c) is not required to file under this subsection (1)(a) during the same period.
 - (b) Each candidate for a statewide or a state office elected from a district shall, within 5 days of the time that the candidate files for office, file a business disclosure statement with the commissioner of political practices on a form provided by the commissioner.
 - (c) An individual appointed to office who would be required to file under subsection (1)(a) or (1)(b) is required to file the business disclosure statement at the earlier of the time of submission of the person's name for confirmation or the assumption of the office.
- (2) Except as provided in subsection (4), the statement must provide the following information:
 - (a) the name, address, and type of business of the individual;
 - (b) each present or past employing entity from which benefits, including retirement benefits, are currently received by the individual;
 - (c) each business, firm, corporation, partnership, and other business or professional entity or trust in which the individual holds an interest;
 - (d) each entity not listed under subsections (2)(a) through (2)(c) in which the individual is an officer or director, regardless of whether or not the entity is organized for profit; and
 - (e) all real property, other than a personal residence, in which the individual holds an interest. Real property may be described by general description.
- (3) An individual may not assume or continue to exercise the powers and duties of the office to which that individual has been elected or appointed until the statement has been filed as provided in subsection (1).
- (4) An individual required to file a business disclosure statement may certify that the information required by subsection (2) has not changed from the most recent statement filed by the individual. The commissioner shall provide a certification form.
- (5) The commissioner of political practices shall make the business disclosure statements and certification forms available to any individual upon request.

History: En. Sec. 16, I.M. No. 85, approved Nov. 4, 1980; amd. Sec. 12, Ch. 562, L. 1995; Sec. 5-7-213, MCA 1993; redes. 2-2-106 by Code Commissioner, 1995; amd. Sec. 2, Ch. 114, L. 2003; amd. Sec. 2, Ch. 130, L. 2005; amd. Sec. 1, Ch. 156, L. 2015; amd. Sec. 1, Ch. 166, L. 2017.

Rules Of Conduct For Public Officers And Public Employees

2-2-121. Rules of conduct for public officers and public employees.

- (1) Proof of commission of any act enumerated in subsection (2) is proof that the actor has breached a public duty.
- (2) A public officer or a public employee may not:
 - (a) subject to subsection (7), use public time, facilities, equipment, supplies, personnel, or funds for the officer's or employee's private business purposes;
 - (b) engage in a substantial financial transaction for the officer's or employee's private business purposes with a person whom the officer or employee inspects or supervises in the course of official duties;
 - (c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the officer's or employee's agency;
 - (d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any agency;

- (e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the officer or employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or
 - (f) solicit or accept employment, or engage in negotiations or meetings to consider employment, with a person whom the officer or employee regulates in the course of official duties without first giving written notification to the officer's or employee's supervisor and department director.
- (3) (a) Except as provided in subsection (3)(b), a public officer or public employee may not use public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue unless the use is:
- (i) authorized by law; or
 - (ii) properly incidental to another activity required or authorized by law, such as the function of an elected public officer, the officer's staff, or the legislative staff in the normal course of duties.
- (b) As used in this subsection (3), "properly incidental to another activity required or authorized by law" does not include any activities related to solicitation of support for or opposition to the nomination or election of a person to public office or political committees organized to support or oppose a candidate or candidates for public office. With respect to ballot issues, properly incidental activities are restricted to:
- (i) the activities of a public officer, the public officer's staff, or legislative staff related to determining the impact of passage or failure of a ballot issue on state or local government operations;
 - (ii) in the case of a school district, as defined in Title 20, chapter 6, compliance with the requirements of law governing public meetings of the local board of trustees, including the resulting dissemination of information by a board of trustees or a school superintendent or a designated employee in a district with no superintendent in support of or opposition to a bond issue or levy submitted to the electors. Public funds may not be expended for any form of commercial advertising in support of or opposition to a bond issue or levy submitted to the electors.
- (c) This subsection (3) is not intended to restrict the right of a public officer or public employee to express personal political views.
- (d) (i) If the public officer or public employee is a Montana highway patrol chief or highway patrol officer appointed under Title 44, chapter 1, the term "equipment" as used in this subsection (3) includes the chief's or officer's official highway patrol uniform.
- (ii) A Montana highway patrol chief's or highway patrol officer's title may not be referred to in the solicitation of support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.
- (4) (a) A candidate, as defined in 13-1-101(8)(a), may not use or permit the use of state funds for any advertisement or public service announcement in a newspaper, on radio, or on television that contains the candidate's name, picture, or voice except in the case of a state or national emergency and then only if the announcement is reasonably necessary to the candidate's official functions.
- (b) A state officer may not use or permit the use of public time, facilities, equipment, supplies, personnel, or funds to produce, print, or broadcast any advertisement or public service announcement in a newspaper, on radio, or on television that contains the state officer's name, picture, or voice except in the case of a state or national emergency if the announcement is reasonably necessary to the state officer's official functions or in the case of an announcement directly related to a program or activity under the jurisdiction of the office or position to which the state officer was elected or appointed.

- (5) A public officer or public employee may not participate in a proceeding when an organization, other than an organization or association of local government officials, of which the public officer or public employee is an officer or director is:
 - (a) involved in a proceeding before the employing agency that is within the scope of the public officer's or public employee's job duties; or
 - (b) attempting to influence a local, state, or federal proceeding in which the public officer or public employee represents the state or local government.
- (6) A public officer or public employee may not engage in any activity, including lobbying, as defined in 5-7-102, on behalf of an organization, other than an organization or association of local government officials, of which the public officer or public employee is a member while performing the public officer's or public employee's job duties. The provisions of this subsection do not prohibit a public officer or public employee from performing charitable fundraising activities if approved by the public officer's or public employee's supervisor or authorized by law.
- (7) A listing by a public officer or a public employee in the electronic directory provided for in 30-17-101 of any product created outside of work in a public agency is not in violation of subsection (2)(a) of this section. The public officer or public employee may not make arrangements for the listing in the electronic directory during work hours.
- (8) A department head or a member of a quasi-judicial or rulemaking board may perform an official act notwithstanding the provisions of subsection (2)(e) if participation is necessary to the administration of a statute and if the person complies with the disclosure procedures under 2-2-131.
- (9) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee unless the member is also a full-time public employee.
- (10) Subsections (2)(b) and (2)(e) do not prevent a member of the governing body of a local government from performing an official act when the member's participation is necessary to obtain a quorum or to otherwise enable the body to act. The member shall disclose the interest creating the appearance of impropriety prior to performing the official act.

History: En. 59-1706 by Sec. 6, Ch. 569, L. 1977; R.C.M. 1947, 59-1706; amd. Sec. 1, Ch. 59, L. 1991; amd. Sec. 7, Ch. 562, L. 1995; amd. Sec. 3, Ch. 42, L. 1997; amd. Sec. 3, Ch. 122, L. 2001; amd. Sec. 1, Ch. 58, L. 2003; amd. Sec. 1, Ch. 145, L. 2005; amd. Sec. 3, Ch. 173, L. 2005; amd. Sec. 1, Ch. 437, L. 2005; amd. Sec. 1, Ch. 386, L. 2011; amd. Sec. 1, Ch. 14, L. 2013; amd. Sec. 1, Ch. 259, L. 2015.

Disclosure

2-2-131. Disclosure. A public officer or public employee shall, prior to acting in a manner that may impinge on public duty, including the award of a permit, contract, or license, disclose the nature of the private interest that creates the conflict. The public officer or public employee shall make the disclosure in writing to the commissioner of political practices, listing the amount of private interest, if any, the purpose and duration of the person's services rendered, if any, and the compensation received for the services or other information that is necessary to describe the interest. If the public officer or public employee then performs the official act involved, the officer or employee shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act.

History: En. 59-1710 by Sec. 10, Ch. 569, L. 1977; R.C.M. 1947, 59-1710; amd. Sec. 9, Ch. 562, L. 1995; amd. Sec. 1, Ch. 65, L. 2005.

Ethics Committees

2-2-135. Ethics committees.

- (1) Each house of the legislature shall establish an ethics committee. Subject to 5-5-234, the committee must consist of two members of the majority party and two members of the minority party. The committees may meet jointly. Each committee shall educate members concerning the provisions of this part concerning legislators and may consider conflicts between public duty and private interest as provided in 2-2-112. The joint committee may consider matters affecting the entire legislature.

- (2) Pursuant to Article V, section 10, of the Montana constitution, the legislature is responsible for enforcement of the provisions of this part concerning legislators.

History: En. Sec. 14, Ch. 562, L. 1995; amd. Sec. 3, Ch. 4, Sp. L. May 2007.

Enforcement For State Officers, Legislators, And State Employees -- Referral Of Complaint Involving County Attorney

2-2-136. Enforcement for state officers, legislators, and state employees -- referral of complaint involving county attorney.

- (1) (a) A person alleging a violation of this part by a state officer, legislator, or state employee may file a complaint with the commissioner of political practices. The commissioner does not have jurisdiction for a complaint concerning a legislator if a legislative act is involved in the complaint. The commissioner also has jurisdiction over complaints against a county attorney that are referred by a local government review panel pursuant to 2-2-144 or filed by a person directly with the commissioner pursuant to 2-2-144(6). If a complaint is filed against the commissioner or another individual employed in the office of the commissioner, the complaint must be resolved in the manner provided for in 13-37-111(5). The commissioner may request additional information from the complainant or the person who is the subject of the complaint to make an initial determination of whether the complaint states a potential violation of this part.
 - (b) The commissioner may dismiss a complaint that is frivolous, does not state a potential violation of this part, or does not contain sufficient allegations to enable the commissioner to determine whether the complaint states a potential violation of this part. If the issues presented in a complaint have been addressed and decided in a prior decision and the commissioner determines that no additional factual development is necessary, the commissioner may issue a summary decision without holding an informal contested case hearing on the complaint.
 - (c) Except as provided in subsection (1)(b), if the commissioner determines that the complaint states a potential violation of this part, the commissioner shall hold an informal contested case hearing on the complaint as provided in Title 2, chapter 4, part 6. The commissioner shall issue a decision based upon the record established before the commissioner.
- (2) (a) Except as provided in subsection (2)(b), if the commissioner determines that a violation of this part has occurred, the commissioner may impose an administrative penalty of not less than \$50 or more than \$1,000.
 - (b) If the commissioner determines that a violation of 2-2-121(4)(b) has occurred, the commissioner may impose an administrative penalty of not less than \$500 or more than \$10,000.
 - (c) If the violation was committed by a state employee, the commissioner may also recommend that the employing state agency discipline the employee. The employing entity of a state employee may take disciplinary action against an employee for a violation of this part, regardless of whether the commissioner makes a recommendation for discipline. The commissioner may assess the costs of the proceeding against the person bringing the charges if the commissioner determines that a violation did not occur or against the officer or employee if the commissioner determines that a violation did occur.
- (3) A party may seek judicial review of the commissioner's decision, as provided in chapter 4, part 7, of this title, after a hearing, a dismissal, or a summary decision issued pursuant to subsection (1)(b).
- (4) Except for records made public in the course of a hearing held under subsection (1) and records that are open for public inspection pursuant to Montana law, a complaint and records obtained or prepared by the commissioner in connection with an investigation or complaint are confidential documents and are not open for public inspection. The complainant and the person who is the subject of the complaint shall maintain the confidentiality of the complaint and any related documents released to the parties by the commissioner until the commissioner issues a decision. However, the person who is the subject of a complaint may waive, in writing, the right of confidentiality provided in this subsection. If a waiver is

filed with the commissioner, the complaint and any related documents must be open for public inspection. The commissioner's decision issued after a hearing is a public record open to inspection.

- (5) When a complaint is filed, the commissioner may issue statements or respond to inquiries to confirm that a complaint has been filed, to identify against whom it has been filed, and to describe the procedural aspects and status of the case.
- (6) The commissioner may adopt rules to carry out the responsibilities and duties assigned by this part.

History: En. Sec. 15, Ch. 562, L. 1995; amd. Sec. 4, Ch. 42, L. 1997; amd. Sec. 4, Ch. 122, L. 2001; amd. Sec. 2, Ch. 386, L. 2011; amd. Sec. 1, Ch. 234, L. 2013.

Retaliation Unlawful -- Civil Liability -- Remedies -- Statute Of Limitations -- Definitions

2-2-145. Retaliation unlawful -- civil liability -- remedies -- statute of limitations -- definitions.

- (1) It is unlawful for a state agency, state officer, public officer, or public employee to retaliate against, or to condone or threaten retaliation against, an individual who, in good faith, alleges waste, fraud, or abuse.
- (2) A person who violates a provision of this section is liable in a civil action in a court of competent jurisdiction. The provisions of 2-9-305 apply if the person is being sued in a civil action for actions taken within the course and scope of the person's employment and the person is a state officer, public officer, or public employee.
- (3) For purposes of this section:
 - (a) "person" has the meaning provided in 2-5-103;
 - (b) "retaliate" means to take any of the following actions against an individual because the individual, in good faith, alleged waste, fraud, or abuse:
 - (i) terminate employment;
 - (ii) demote;
 - (iii) deny overtime, benefits, or promotion;
 - (iv) discipline;
 - (v) decline to hire or rehire;
 - (vi) threaten or intimidate;
 - (vii) reassign to a position that hurts future career prospects;
 - (viii) reduce pay, work hours, or benefits; or
 - (ix) take another adverse personnel action; and
 - (c) "state agency" has the meaning provided in 1-2-116.
- (4) Remedies available to an aggrieved individual for a violation may include:
 - (a) reinstatement to a lost position;
 - (b) compensation for lost benefits, including service credit;
 - (c) compensation for lost wages;
 - (d) payment of reasonable attorney fees;
 - (e) payment of court costs;
 - (f) injunctive relief; and
 - (g) compensatory damages.

- (5) A lawsuit alleging a violation of this section must be brought within 2 years of the alleged violation.
- (6) If a state agency maintains written internal procedures under which an individual may appeal an action described in subsection (3)(b) within the agency's organizational structure, the individual shall first exhaust those procedures before filing an action under this section. The individual's failure to initiate or exhaust available internal procedures is a defense to an action brought under this section.
- (7) For purposes of this subsection, if the state agency's internal procedures are not completed within 90 days from the date the individual may file an action under this section, the agency's internal procedures are considered exhausted. The limitation period in subsection (5) is tolled until the procedures are exhausted. The provisions of the agency's internal procedures may not in any case extend the limitation period in subsection (5) more than 240 days.
- (8) If the state agency maintains written internal procedures described in subsection (6), the agency shall, within 7 days of receiving written notice from the complaining individual of the action described in subsection (3)(b), notify the individual of the existence of the written procedures and supply the individual with a copy. If the agency fails to comply with this subsection, the individual is relieved from compliance with subsection (6).
- (9) The commissioner of political practices is not required or authorized to enforce this section.

History: En. Sec. 1, Ch. 215, L. 2017.



Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking and Retaliation

Subject:	Students, Personnel
Policy:	Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and Retaliation
Effective date:	March 6, 2014
Review date:	March 6, 2017
Responsible Party:	Campus Title IX Coordinators

Scope

This Policy applies to the following MSU Campuses:

MSU Bozeman (including MSU Extension, Agricultural Experiment Stations, and Gallatin College)
 MSU Billings (including City College)
 MSU Northern
 Great Falls College MSU

For the purpose of this policy, the term "University" means all campuses listed.

100.00 Introduction and Purpose

State and federal laws and regulations prohibit certain kinds of discrimination in employment and in educational services. This policy is intended to comply with the following laws and regulations: Titles IV, VI, and VII of the Civil Rights Act of 1964; 34 C.F.R. pt. 100; Title IX; 28 C.F.R. pt. 54 and 34 C.F.R. pt. 106; Section 504 of the Rehabilitation Act; 34 C.F.R. pt. 104; Age Discrimination Act of 1975; 34 C.F.R. pt. 110; and Titles I and II of the Americans with Disabilities Act; 28 C.F.R. pt. 35; Montana Human Rights Act and Governmental Code of Fair Practices, Title 49, Montana Code Annotated.

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 university.

200.00 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's status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among all people at our University. Acts of discrimination, harassment, sexual misconduct, dating violence, domestic violence, stalking, and retaliation will be addressed consistent with this policy.

200.10 Disability Discrimination

The University 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 University service or participate in a University sponsored or hosted activity or event. Applicants, employees, students or participants with a disability seeking an accommodation shall contact the University's Human Resources or the Office of Disability, Re-Entry, and Veteran Services.

200.20 Retaliation Prohibited

Retaliation against an individual who takes any action in support of this policy as defined in Section 229.00 below is prohibited. It is central to the values of this University that any individual who believes they may have been the target of unlawful discrimination or harassment feel free to report their concerns for appropriate investigation and response, without fear of retaliation or retribution.

200.30 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.

200.40 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.

200. 50 Applicability

This policy prohibits discrimination and harassment of employees by the employer and between members of the University community more generally: for example, between an instructor and a student, between two students, or between a student and an applicant or campus guest. The policy applies in all University programs and activities, including, but not limited to, athletics, instruction, grading, university housing, and university employment.

210.00 Reporting Violations Of This Policy

All reports or any concerns about conduct that may violate this policy and/or 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
118 Hamilton Hall
Montana State University
P.O. Box 172430
Bozeman, MT 59717-2430
Tel: (406) 994-2042
Fax: (406) 994-7999
E-mail: discrimination@montana.edu

MSU Billings
Director of Human Resources/Title IX Coordinator
Human Resources Office
McMullen Hall 310
Montana State University Billings
1500 University Drive
Billings MT 59101
Tel: (406)657-2278
Fax: (406)657-2120
Email: jsimon@msubillings.edu

Great Falls College MSU
Executive Director, Human Resources/Title IX Coordinator
G-1 Administrative Area
2100 16th Ave. South
Great Falls, MT 59401
406-771-5123
Fax: 406-268-3709
mbonilla@gfcmsu.edu

Montana State University - Northern
Dean of Students/Title IX Coordinator

Student Union Building, Room 207
300 West 11th Street
Post Office Box 7751
Havre, Montana 59501

Tel: (406) 265-4113
Fax: (406) 265-3785
Email: steven.wise@msun.edu
Location: SUB Room 207

Guidance concerning means and methods of reporting, criminal reporting, confidentiality and anonymous reporting are found in the Discrimination Grievance Procedures. Upon receiving a report, the RO will follow the procedures described in the Discrimination Grievance Procedures.

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.

210.10 Mandatory Employee Reporting

To enable the University to respond effectively and to stop instances of discrimination, harassment, violence, and retaliation proactively, all University employees must promptly (normally within 24 hours) report all known or suspected discrimination, harassment, sexual misconduct, dating or domestic violence, stalking, or retaliation as defined in this Policy to the RO. An employee is strongly encouraged, but is not required, to report if they themselves are the victim of one of these types of prohibited behavior.

Employees who are hired by the University to work under a license or statutory privilege under Montana law that provides for confidentiality are not required to report but may be required to provide de-identified statistics annually.

Upon receiving a report of alleged or possible actions that could violate this Policy, 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 person, to provide information about the University's Discrimination Grievance Procedures, as well as available health and advocacy resources, and options for criminal reporting.

220.00 Definitions

221.00 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's 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.

222.00 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's 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 verbal or written statements (including those communicated through cell phones, social media, or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to be based on 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.

223.00 Sexual Harassment includes: 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 224.00 below]

224.00 Hostile Environment Harassment A Hostile Environment based on race, color, religion, national origin, creed, service in the uniformed services, veteran's 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 the incident or incidents;

- The identity, number, and relationships of the persons involved;
- The perspective of a “reasonable person” in the same situation as the person harassed; and
- The nature of higher education.

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

1. 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.”
2. 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 judgement as to, the nature, potential 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.

3. 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.
4. 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.

¹ 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

226.00 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 200.30 and 200.50 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.

227.00 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 200.30 and 200.50 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.

228.00 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 200.30 and 200.50 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.

229.00 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.

230.00 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.

240.00 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.

250.00 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 reasonable permissible actions to ensure the safety of students and employees while complying with free speech requirements for students and employees.²

² 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.

260.00 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
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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
<http://erd.dli.mt.gov/human-rights-bureau.html>

270.00 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 RO

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 prevention, risk reduction, and awareness campaigns concerning sexual misconduct, domestic violence, and stalking for students and employees.

280.00 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 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.



Conflict of Interest

Affiliated Campus Conflict of Interest Policy

Subject: Conflict of Interest Policy

Policy: Affiliated Campus Conflict of Interest Policy

Revised: August 24, 2012; November 16, 2012; May 3, 2017

Effective Date: May 3, 2017

Review Date: May 2020

Responsible Party: Office of Research Compliance

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SCOPE

This policy applies to the following MSU Campuses:

MSU Bozeman (including MSU Extension, Agricultural Experiment Stations, and Gallatin College)

MSU Billings (including City College)

MSU Northern

Great Falls College MSU

For the purpose of this policy, the term "University" means all campuses listed.

The Institutional Official for each campus is:

MSU Bozeman – Director of the Office of Research Compliance (or designee)

MSU Billings – Director Human Resources (or designee)

MSU Northern – Director of Human Resources (or designee)

Great Falls College MSU – Director of Human Resources (or designee)

100. INTRODUCTION

The administration, faculty, and staff of the campuses of Montana State University (MSU or University) all bear the responsibility of serving the respective teaching, research, and service missions of the campuses. That mission is enhanced by the sustained, active interaction of members of the University community with business, government, not-for-profit groups, professional societies, academic institutions, and other individuals and organizations. Therefore, entrepreneurial activities are encouraged that support the University's mission through dissemination of knowledge, enhancement of educational opportunities for students, and economic development.

These many interactions and activities can, however, create the potential for conflict of interest in which University employees' external activities or interests could influence—or could appear to influence—the manner or extent to which those individuals carry out their University responsibilities. Such influences—real or apparent—may undermine public and professional confidence in the University, diminish the University's ability to accomplish its mission, and violate state or federal law. Typically, conflicts of interest can be dealt with effectively through disclosure and other steps to resolve or manage the conflict. Thus, an integral part of this Policy is the disclosure and management system detailed in §§500-600 below.

200. POLICY

The University is committed to fulfilling its mission with integrity and in full compliance with state and federal ethics and conflicts of interest laws and regulations and with the Montana Board of Regents Policy §770. This Policy is intended to implement the requirements contained therein. A conflict of interest may exist when an employee has a financial or personal interest in the outcome of an endeavor such that the employee's actions or decisions could be perceived as subject to influence in favor of the employee's interest, as more fully defined in §410.

Therefore, it is the policy of the University that in all activities—the education of students; the design, conduct, and reporting of research; the hiring and supervision of staff; the procurement of materials and services; and all other tasks incident to their mission—each campus and its employees shall endeavor to be free of inappropriate influence or bias that may result from conflicts of interest. This Policy is intended to enable employees to recognize perceived or potential conflicts of interest and, thus, to protect themselves and the University from inappropriate influence or bias through disclosure, evaluation, and, if required, management or elimination of conflicts of interest.

210. Applicable law, regulation, and policy. In addition to this Policy, MSU employees' ethical conduct is governed by:

- Montana law, Standards of Conduct—[Code of Ethics, Title 2, Chapter 2, Part 1 M.C.A.](#)

- Federal regulations governing sponsored research. For example, the National Science Foundation and the National Institutes of Health (and all other Public Health Service “PHS” agencies) require institutions receiving funding to have a conflict of interest policy which complies with its regulations:
 - [NSF - Grantee Standards, Award and Administration Guide](#)
 - [Responsibility of Applicants for Promoting Objectivity in Research for which PHS Funding is Sought \(42 C.F.R. Part 50, Subpart F\)](#)
 - [Responsible Prospective Contractors \(45 C.F.R. Part 94\)](#)
 - [The Board of Regents Policy § 770, Conflicts of Interest.](#)
 - [The Board of Regents Policy § 407, Approval of University System Employee Equity Interest and/or Business Participation.](#) This policy implements [M.C.A. 20-25-109](#).
 - Relevant Campus Nepotism Policies
 - [Billings Nepotism Policy](#) and [Procedure](#)
 - [Bozeman Nepotism Policy](#)
 - [Great Falls College Nepotism Policy](#)
 - MSU Northern Nepotism Policy
 - [MSU Consensual Romantic Relationships Policy \(see 280.00\)](#)
 - Relevant Campus Consulting Policies
 - Billings Consulting Policy
 - Bozeman
 - [Faculty Consulting Policy \(see 800.00\)](#)
 - [Professionals & Classified Consulting Policy](#)
 - [Great Falls Consulting Policy](#)
 - Northern Consulting Policy
-

300. APPLICABILITY

This policy applies to all employees of the University. Employees are expected to review and understand their obligations under this Policy and to be familiar with their obligations under the laws, regulations and policies referenced in §210 of this Policy.

400. GENERAL DEFINITIONS

410. Conflict of Interest. A conflict of interest may exist:

- When a University employee has a personal interest that could or could appear to compromise or impinge on the employee’s obligation to the University to exercise the employee’s best judgment in pursuit of the interest of the University and its students;
 - When a non-University activity could or could appear to unreasonably encroach on the time an employee should devote to the affairs of the University; or
 - When an employee’s non-University activities could or could appear to unreasonably impinge on or compromise the loyalty or commitment to the employee’s University duties and responsibilities.
 - In determining whether a Conflict of Interest exists, an important consideration is whether an independent observer might reasonably conclude that the employee’s professional actions or decisions are influenced by considerations of personal gain, financial, or otherwise.
 - 420. Institutional Official. Each campus will designate Institutional Official(s) or office to oversee the reporting, disclosure, and management of potential conflicts of interest.
-

500. DISCLOSURE PROCEDURE

The key mechanism for implementation of this Policy is disclosure. Disclosure allows the campus and the employee to evaluate personal interests to determine if they present a conflict of interest and to take appropriate action based on the evaluation. All employees, unless exempted as provided in §530, must annually complete and submit a Conflict of Interest Disclosure Report (§520). In addition, all employees, including those exempted from the annual disclosure requirement, are required to comply with this Conflict of Interest Policy and to make disclosures of any potential conflicts of interest whenever they occur to the designated Institutional Official.

510. Circumstances Requiring Disclosure. All employees must disclose the following whenever they occur. These situations apply to the employee and members of his/her family and as directly related to the employee's University responsibilities:

510.1. Related Outside Interest. The acquisition of any personal or financial interest in an entity engaged in University commercial or research activities that may create a conflict of interest. This may include but is not limited to consulting arrangements, research activities, University contracts and agreements, or other business relationships.

510.2. Related Purchase/Sale Interest. Any financial interest of the employee or an immediate family member in an entity involved in a University purchase or sale whenever the employee is in a position to recommend or approve the purchase or sale. Such interests must be disclosed to Procurement Services for purchases and to the Property Management Department for sales. NOTE: This disclosure requirement does not include textbook adoptions when the employee is clearly identified as an author, contributor, or editor of the textbook or course material under consideration. However, faculty members should not receive a profit as a result of recommending a specific vendor for the purchase of textbooks or course materials by their students, whether online or from other sources.

510.3. Related Sponsored Research Interest. In Sponsored Research, acquisition of a Significant Financial Interest ([see §1000](#)).

510.4. Related Interest by Outside Position. The holding of an executive or officer position in or serving as a member of the board of directors of an entity engaged in University commercial or research activities.

510.5. Employee Inventor Equity Interest and/or Business Participation. Participation as an employee, officer, board member, or owner in an entity which has, or wishes to have, rights to intellectual property invented or created during the course of MSU employment per [BOR §407](#).

510.6. Nepotism/Relationship Interest. The planned direct participation in a University decision which would or could appear to involve a direct benefit or detriment to:

- A relative as defined by the relevant campus Nepotism Policy. (For [MSU-Bozeman, the Nepotism Policy](#) includes parent, grandparent, great-grandparent, child, grandchild, great-grandchild, brother, sister, aunt, uncle, niece, nephew, or cousin, by blood relationship; spouse; or brother, sister, parent, or child of spouse; or spouse of one's brother, sister, parent or child);
- A person in whom or with whom the employee has a financial interest; or
- A person with whom the employee has a consensual romantic relationship.

510.7 Outside Supervisory Interest. Arrangements for the employment or use of students or employees outside the University. Such arrangements must be approved through the appropriate University channels to avoid supervisory conflicts.

520. Annual Disclosure. Annually, all employees (unless exempted under §530) must complete and submit a Conflict of Interest Report as follows:

520.1. Reports shall be completed online via MyInfo upon receiving notification via email for the Bozeman Campus. Each other campus shall establish a procedure for reporting.

520.2. The employee's completion of the report certifies that:

- The employee does not have any interests which require disclosure;
- The employee has a potential conflict of interest which has been duly disclosed previously and there has been no change which requires an updated disclosure; or
- The employee has new interests which may create a conflict of interest and has disclosed them.

520.3. Each campus will submit an annual written conflict of interest report to the Board of Regents per [BOR §770](#).

530. Exemptions. The following groups of employees are exempt from the annual disclosure obligation, (although they remain obligated to make disclosures under § 510 above):

Employees working less than one-half time
Classified employees

540. Disclosure Submission. All annual and new circumstantial disclosures shall be submitted to the Institutional Official or designee. Records will be made available to the employee's supervisor. Upon request, records are also available to the appropriate Department Head, Dean or Director, and any other supervisor in the line of authority when applicable.

600. DISCLOSURE REVIEW AND MANAGEMENT

610. Initial Review. The Institutional Official or designee shall review all disclosures and determine whether a conflict of interest exists.

620. Determination of Conflict. After the initial review, the Institutional Official or designee, along with Legal Counsel if necessary, will provide a written resolution to determine the nature of the conflict:

The disclosure does not represent a conflict that is prohibited by statute or regulation nor is it likely to influence the actions of the employee and, therefore, requires no further action;

The disclosure represents a conflict that requires management; or
The disclosure represents a conflict that must be eliminated.

630. Statement of Best Interest. Whenever a decision is made to manage rather than eliminate the potential for inappropriate influence or bias in a conflict that has not been waived, the Institutional Official or designee shall make a written statement explaining why management is in the best interest of the University. Such a statement should be included in the Conflicts Management Plan.

631. Conflicts Management Plan. If a conflict of interest exists and is deemed manageable, the Institutional Official or designee, the employee, a Plan Manager (§632), Conflict of Interest Committee, and any others deemed helpful in assessing the situation, will develop a written Conflicts Management

Plan to manage, reduce, or eliminate the inappropriate influence or bias, or the appearance thereof. The purpose of the plan is to:

1. Accurately describe the potential conflicts in writing
2. Create explicit agreements to protect against inappropriate influence or bias
3. Facilitate oversight

632. Plan Manager. A Plan Manager is assigned to monitor the plan, ensure that safeguards are followed, and, if applicable, to monitor the employee's professional actions or decisions related to the conflict of interest. Any individual identified to monitor a conflict must have the technical knowledge necessary to determine whether there has been inappropriate influence or bias in the results of a project and must be free from influence of the parties to the conflicts management plan, e.g., the Plan Manager must not report to the person being monitored. Plan Managers review plans with employees annually to cover the upcoming year. Plans are updated as circumstances change, and the annual reviews continue until the conflict no longer exists. Additional monitoring may take place at any other time of year.

700. APPEAL PROCEDURE

710. Appeal. At MSU Bozeman, if an employee believes the conditions or restrictions in the Conflict Management Plan or the determinations of the Institutional Official are inappropriate, the employee may appeal the decision to the President, for all other campuses the request for appeal shall be submitted to the campus CEO. If the President or CEO was involved in the decision appealed then President's or CEO's decision is the final decision of the University. The President or CEO or designee may appoint and convene a Conflict Review Committee to provide advice on an appeal. The President's or CEO's decision on the appeal shall be the final decision of the University.

720. Conflict Review Committee. If the President or CEO wishes to have the benefit of advice from a Conflict Review Committee, the President or CEO shall appoint a three member committee. The members shall include employees or community members who have had no involvement in the decision being appealed and who have relevant experience or training to assess the conflict.

730. Montana University System Appeal. An employee who disagrees with the final decision of the University may appeal further as provided in the [Board of Regents Appeal Policy, §203.5.2](#).

800. RECORD MAINTENANCE

810. The Institutional Official or designee shall maintain all disclosure and conflict management records (both general and Sponsored Research records) for the period of time required by state and federal laws and regulations. Records will be maintained in a manner to protect sensitive and confidential information.

900. NONCOMPLIANCE

910. Breach of Policy. The University expects all employees to comply fully and promptly with all requirements of this Policy. Breaches of this Policy include, but are not limited to:

- intentionally filing an incomplete, erroneous, or misleading disclosure form;
- failure to provide additional information as required;
- failure to provide a disclosure as required by this policy;
- failure to comply with University requirements concerning the Conflict of Interest; or
- failure to follow a Conflicts Management Plan.

920. Disciplinary Action. A violation of this policy may be the basis for discipline of an employee and result in potential sanctions. Such discipline will be in accordance with the policies and procedures and collective bargaining agreements applicable to the particular employee. Potential sanctions may include, but are not limited to, the following:

- Letter of warning
 - Suspension or termination of participation in a Sponsored Research grant
 - Removal or suspension of privileges related to the violation, such as suspension of the privilege to apply for Sponsored Research grants or contracts, to supervise graduate students, or to perform research which requires approval of any MSU Compliance or Institutional Review Board
 - Suspension without pay
 - Termination
-

1000. SPONSORED RESEARCH

The Institutional Official or designee and the University office overseeing federal grant management are responsible for compliance duties related to conflicts of interest in Sponsored Research. As a University that receives U.S. Public Health Service (PHS) funding, including National Institutes of Health (NIH), the University has adopted PHS terminology and perspective for reviewing sponsored research conflicts related to any funding agency. For reporting purposes, the interest threshold at which the University must disclose varies by agency.

While acting within the law, the intent of this policy is to identify conflicts and manage them by defining the boundaries within which conflicts occur while allowing investigators to proceed with their research. The primary goal is to maintain objectivity in research by establishing standards to ensure that there is no reasonable expectation that the design, conduct, or reporting of research will be biased by a Financial Conflict of Interest of an Investigator.

1010. Sponsored Research Definitions.

1011. Financial Conflict of Interest (FCOI). A significant financial interest that could directly and significantly affect the design, conduct, or reporting of research.

1012. Financial Interest. Anything of monetary value, whether or not the value is readily ascertainable.

1013. Immediate Family. The employee's spouse and dependent children.

1014. Institutional Responsibilities. An Investigator's professional responsibilities on behalf of the University including activities such as research, research consultation, teaching, professional practice,

institutional committee memberships, and service on panels such as Institutional Review Boards or other institutional committees.

1015. Investigator. The Project Director or Principal Investigator and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of funded research, or proposed for such funding, which may include, for example, graduate research assistants, collaborators, or consultants.

1016. Manage. Taking action to address a FCOI, which can include reducing or eliminating the FCOI, to ensure, to the extent possible, that the design, conduct, and reporting of research will be free from bias.

1017. Senior/Key Personnel. The Project Director/Principal Investigator and any other person identified as senior/key personnel by the University in the grant application, progress report, or any other report submitted to PHS

1018. Significant Financial Interest (SFI). Consists of one or more of the following interests of the Investigator (and the Investigator's Immediate Family) that reasonably appears to be related to the Investigator's Institutional Responsibilities received from an entity within twelve months preceding the disclosure. For purposes of this definition, "compensation" includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value:

- For any publicly traded entity, SFI is compensation and equity interest totaling \$5,000 or greater.
- For any non-publicly traded entity, SFI is compensation of \$5,000 or greater and/or any level of equity interest.
- Non-University intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests.

Significant Financial Interest does not include:

- Salary, royalties, or other compensation received from or through the University if the Investigator is currently employed or otherwise appointed by the University.
- Intellectual property rights assigned to the University and agreements to share in royalties related to such rights.
- Income from seminars, lectures, or teaching engagements sponsored by governments, institutions of higher education, academic teaching hospitals, medical centers, or research institutes affiliated with institutions of higher education.
- Income from service on advisory committees or review panels for governments, institutions of higher education, academic teaching hospitals, medical centers or research institutes affiliated with institutions of higher education.
- Investments in and income from investment vehicles, such as mutual funds and retirement accounts as long as the employee does not directly control the investment decisions made in these vehicles.

1019. Sponsored Research. Research, creative activities, scholarship, training and instructional projects involving funds, materials, or other compensation from outside sources under agreement. Research in this context means a systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge. The term encompasses basic and applied research (e.g., a published article, book or book chapter) and product development (e.g., a diagnostic test or drug). This may also include a research grant, career development award, center grant, individual fellowship award, infrastructure award, institutional training grant, program project, or research resources award.

1020. Sponsored Research Disclosures and Review.

1021. Sponsored Research Disclosure. In Sponsored Research, all Investigators must disclose any SFIs and PHS Sponsored Travel prior to the University expenditure of funds.

1022. Disclosure Prior to Proposal Submission. Disclosure to the University shall be made before submitting a proposal for funding. On the MSU-Bozeman campus, employees will use the forms included with the e-Proposal Clearance Form (ePCF) via the Office of Sponsored Programs (OSP), covering the previous 12 months of activity. The questions contained in the ePCF shall provide the vehicle to inform Investigators of this Policy, their disclosure responsibilities, and federal regulation.

1023. Disclosure During Sponsored Research. For as long as the Sponsored Research continues, new Investigators and existing Investigators acquiring new interests shall disclose SFI and/or PHS Sponsored Travel to the University that would reasonably appear to be related to the Investigator's Institutional Responsibilities within 30 days of discovering or acquiring (e.g., through purchase, marriage, or inheritance). All disclosures must be also updated on the Annual Report per §520 during the period of the award.

1024. Disclosure Review. The Institutional Official or designee shall review all Investigator disclosures prior to funding expenditure to determine if the SFI is a FCOI by evaluating (1) whether the Investigator's SFI could be affected by the research or the research could affect the entity in which the Investigator has an interest, and, if so, (2) whether the interest could directly and significantly affect the design, conduct, or reporting of the research. If a FCOI exists, appropriate action to manage the conflict will be taken as provided below in §1031.

1025. PHS Sponsored Travel Disclosure. Travel that is paid on behalf of a PHS Investigator related to their Institutional Responsibilities; provided however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by governments, an institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education. The disclosure must include:

- the purpose of the travel;
- the identity of the sponsor;
- the destination;
- the duration of the travel; and
- any additional information requested by the University, including monetary value, in order to determine whether the travel constitutes an FCOI

1030. Sponsored Research Conflicts Management.

1031. Sponsored Research Conflicts Management Plan. If the Institutional Official determines the SFI constitutes as FCOI, a conflicts management plan may be implemented. The plan may employ safeguard strategies including, but not limited to, the following:

- Public disclosure of FCOI (e.g., when presenting or publishing the research);
- For research projects involving human subjects research, disclosure of financial conflicts of interest directly to participants;
- Appointment of an independent monitor capable of taking measures to protect the design, conduct, and reporting of the research against bias resulting from the financial conflict of interest;
- Modification of the research plan;
- Change of personnel or personnel responsibilities, or disqualification of personnel from participation in all or a portion of the research;
- Reduction or elimination of the financial interest (e.g., sale of an equity interest); or
- Severance of relationships that create financial conflicts.

1040. Sponsored Research Reporting and Records.

1041. FCOI Reporting. As applicable by agency, the University will provide the Investigator's FCOI and implemented management reports to the funding agency. PHS FCOI Reports shall contain all the agency designated elements and will be submitted:

- Prior to the expenditure of PHS funds;
- Within 60 days of discovering or acquiring a new FCOI of an Investigator on any PHS-funded research; and
- Annually for ongoing, managed FCOI cases.

1042. No Reporting for Elimination of Conflict. In cases in which the University identifies a FCOI and eliminates it prior to the expenditure of awarded funds, the University shall not submit an FCOI report to the awarding agency.

1043. PHS Public Reporting Requirements. The University will make information concerning identified FCOI held by Senior/Key Personnel on PHS-funded research to any written request within five business days of a request in accordance with the requirements of the PHS FCOI regulations.

1045. Record Retention. Records of all conflicts disclosures submitted with grant proposals and records of actions related to such disclosures shall be maintained in the grant or contract file for the length of time specified by the funding agency, typically three years from the date of submission of the final expenditure report.

1050. Sponsored Research Noncompliance.

1051. PHS Retrospective Review and Remedies. Within 120 days of a determination of noncompliance, the University will complete a retrospective review of the Investigator's activities and the research project to determine whether any research conducted during the time period of the noncompliance, was biased in the design, conduct, or reporting of such research. The University will document the retrospective review, retain all information, and submit a mitigation report if necessary as required by agency regulations. Such noncompliance may occur:

- When a FCOI is not identified or managed in a timely manner (including failure by the Investigator to disclose a SFI that is determined to constitute a FCOI);
- When there is failure by the University to review or manage such a FCOI; or
- When there is failure by the Investigator to comply with a Sponsored Research Conflicts Management Plan.

1052. The noncompliance provisions of §900 will also apply to sponsored research noncompliance.

1060. Training.

1061. PHS Training. PHS Investigators must complete [Conflict of Interest Training](#) prior to engaging in research related to any PHS-funded grant and at least every four years thereafter, and immediately when any of the following circumstances apply:

- The University revises its financial conflict of interest policies or procedures in any manner that affects the requirements of Investigators;
- An Investigator is new to the University; or
- The University finds that an Investigator is not in compliance with the Institution's financial conflict of interest policy or management plan.

1070. Subrecipients.

1071. PHS Subrecipients. When the University carries out PHS-funded research through a subrecipient (e.g., subcontractors or consortium members), the (prime awardee) institution's office overseeing federal grant management will take reasonable steps to ensure that any subrecipient Investigator complies by written agreement with the subrecipient terms that establish whether the FCOI policy of the awardee Institution or that of the subrecipient will apply to the subrecipient's Investigators in accordance with PHS regulations.



Confidentiality Policy

Safeguarding Customer Information

Introduction and Purpose

This policy is being introduced as required by the Federal Trade Commission under the Gramm-Leach Bliley (GLB) Act.

At Montana State University, safeguarding the privacy and confidentiality of personal information is important. As an institution of higher education, we collect, retain, and use personal non-public information about individual students and staff members. We may collect personal information from such sources as hard copy applications, electronic forms, background checks, or over the Internet. The objectives of our information security program are to ensure the security and confidentiality of such personal information; to protect against any anticipated threats to its security or integrity; and to guard it against unauthorized access to or use.

Any sharing of nonpublic personal information about our students or employees must be done in strict adherence to the Federal Family Educational Rights and Privacy Act (FERPA) guidelines. The University may exchange such information with certain nonaffiliated third parties (under limited circumstances) to the extent permissible under law. Examples may include (but are not limited to) medical insurance institutions or credit card processing software companies.

We restrict access to student and employee information only to those employees who have business reasons to know such information, and we educate our employees and contract service providers about the importance of confidentiality and privacy.

Policy

In order to provide adequate safeguards over customers' credit card data and electronic addresses as they are received over the Web, the university will adhere to the following minimum technical specifications:

- Any server on the University network that makes non-personal public information available must be certified secure. A copy of the security certificate must be forwarded to ITC before any such server is connected to the network.
- Customer information, including credit card data, must be reasonably secured against disclosure and modification.

- The University must oversee local and contracted service providers by taking steps to select and retain providers that are proven capable of maintaining appropriate safeguards for customer information.
- MSU will contractually require service providers to implement and maintain such safeguards; and
- MSU will periodically evaluate, based on results of testing and monitoring, any material changes to the service providers' operations.

Departments may develop Web pages to accept payment by credit card under the following circumstances:

The department must complete the application for Authorization to Process Bankcard Transactions to apply to become an authorized merchant department and return it to the Controller's Office. (Request MSU startup procedures for processing credit cards from the Controller's Office). Procedures for timely deposit of credit card transactions and safe and proper handling of the data must be followed.

The department must also complete the application for Authorization to Process Bankcard Transactions Over the Internet, requesting approval from the Controller's Office, Internal Audit, and ITC before the Web page is approved to be put into production.

ITC will review, at the department's own expense, the department's hardware and software to ensure that the server is secure and the program requirements for a secure Internet site have been adhered to. (See Procedures below). Internal Audit will review the department's internal procedures to ensure that personal information is handled utilizing reasonable confidentiality security practices.

The following safeguards should be in place:

- Personal computers containing confidential information must be secure.
- Adequate internal controls regarding separation of duties must be in place.
- It is the merchant department's responsibility to maintain the customer's credit card or e-mail information in a confidential manner.
- Any hard copy documents containing confidential information must be shredded in a timely manner.
- The merchant department must follow the MSU Business Procedures Manual Section 350.00 regarding procedures for safe handling of money deposits.

Procedures

1. Approvals - Obtain approvals from the ITC, Internal Audit, and the Controller's Office by completing the required forms.
2. Program Requirements - Follow these procedures to establish a secure Internet site.
 - a. Install and maintain an effective network firewall to protect data accessible via the Internet.
 - b. Keep operating system and application software security patches up-to-date.
 - c. Encrypt stored data.
 - d. Encrypt data sent across open networks.
 - e. Use and regularly update anti-virus software.
3. Develop adequate office procedures for staff or contract service providers to maintain secure information.
 - a. Restrict access to data by business "need-to-know".
 - b. Assign a unique ID to each person with computer access to data.
 - c. Do not use vendor-supplied defaults for system passwords and others security parameters.

- d. Track access to data by unique ID.
- e. Regularly test security systems and processes.
- f. Maintain a policy that addresses information security for employees and contractors.
- g. Restrict physical access to cardholder information.

Internal Controls

Segregation of duties is important to protect against fraud and maintain confidentiality.

1. Individuals who collect monies and/or write receipts may not be the same individuals who account for deposits.
2. Different Individuals are to perform the following functions:
 - a. Collecting monies and preparing receipts
 - b. Depositing receipts
 - c. Accounting for receipts
3. Limit access to information such as ID and credit card numbers only to those individuals who need to know.
4. Protect and shred confidential information.
 4. Small departments that do not have sufficient staff to meet ideal segregation of duties requirements must ensure that detailed supervisory review compensates for this weakness.



Family Educational Rights and Privacy Act (FERPA) Notification of Rights

The Family Educational Rights and Privacy Act of 1974 (FERPA) affords students certain rights with respect to their education records.

Student Rights

These rights include:

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit to the Registrar, Dean, Head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identify the part of the record the student wants changed and specify why it should be changed.

If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to provide written consent before [University] discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to University officials with legitimate educational interests. A University official typically includes a person employed by the university in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); or a student serving on an official committee, such as a disciplinary or grievance committee.

A university official also may include a volunteer or contractor outside of the university who performs an institutional service of function for which the university would otherwise use its own employees and who is under the direct control of the University with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another University official in performing his or her tasks. A University official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University.

Upon request, the University discloses education records without a student's consent to officials of another University in which a student seeks or intends to enroll.

Directory Information

The University has designated certain information as "directory information" which it may disclose without the student's written consent. Montana State University has designated the following as directory information.

1. name, campus address, home address, telephone listing and campus e-mail address.
2. state of residence
3. age, date, and place of birth
4. sex and marital status
5. name of advisor
6. name and address of parent(s)
7. major field of study, including the college, division, department, or program in which the student is enrolled
8. classification as a freshman, sophomore, junior, senior, or graduate student, or by number referring to such cases
9. participation in officially recognized activities and sports
10. weight and height of members of athletic teams
11. dates of attendance and graduation, and degrees received
12. the most recent educational institutional attended
13. honors and awards received, including selection to a Dean's list or honorary organization, and the grade point average of students selected
14. photographic, video or electronic images of students taken and maintained by the University

Any student may refuse to permit the university from designating any or all of the personally identifiable information designated as directory information with regard to his or her records. Any student wishing to

exercise this right must inform the University Registrar in writing no later than the 10th class day of the semester, of the categories of personally identifiable information which are not to be designated as directory information with respect to that student.

FERPA permits the disclosure of certain information from the students' education records without the consent of the student if the disclosure meets certain conditions as outlined in the federal regulations (34 C.F.R. §99.31. The University will comply with the requirements of FERPA as outlined in 20 U.S.C. 1232G and 34 C.F.R., Part 99.

Complaints

Students who believe the university has failed to comply with the requirements of FERPA have the right to file a complaint with the U.S. Department of Education concerning alleged failures by MSU to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Release of Information Policy

Data Stewardship Guidelines
March 2017

ENTERPRISE IT STANDARDS AND PROCEDURES

Policy: Enterprise Data Stewardship Policy
Document: Data Stewardship Standards
Campus: MSU-Bozeman
Revision: 3.1
Contact: Adam Edelman | Associate CIO, CSO
aedelman@montana.edu

These Standards establish minimum guidelines for the management and protection of institutional data as outlined in the University Data Stewardship Policy (http://www.montana.edu/policy/enterprise_it/data_stewardship.html).

Data Stewardship Roles and Responsibilities

DATA STEWARDS are University officials who have responsibility for data within their functional areas. Ultimate authority for stewardship of University data rests with the president, though is typically delegated to the respective steward along with the CIO and/or Legal Counsel as defined in the Policy (http://www.montana.edu/policy/enterprise_it/data_stewardship.html).

DATA USERS are individuals, including faculty, staff, administrators, and students, who use University data as part of their assigned duties or in fulfillment of their roles or functions within the University community.

DATA ADMINISTRATION is the function of applying formal guidelines and tools to manage the university's information resource. The responsibility for data administration is shared among the data stewards, data users, and information technology personnel.

COMPUTER SYSTEM ADMINISTRATION is the function of maintaining and operating hardware and software platforms (systems). Responsibility for the activities of computer system administration belongs to the Information Technology Center with delegated authority to other divisions or departments within the University.

APPLICATION ADMINISTRATION is the function of developing and maintaining application and software. Responsibility for the activities of application administration belongs to the Information Technology Center with delegated authority to other divisions or departments within the University.

Data Classification

There are 3 classifications of University data. Data Stewards have responsibility for classifying data in their areas and applying appropriate controls as described in this document.

Confidential Data: All data which, if released in an uncontrolled fashion, could have substantial fiscal or legal impacts on the University. Examples include social security numbers, financial account numbers, MTWTC Student Handbook - 17-Oct-18

driver's license numbers, health insurance policy ID numbers, protected health information (PHI), passport visa numbers, and export controlled information under U.S. laws.

Restricted Data: All data for which release or modification without authorization could have an adverse affect on the operations, assets, or reputation of the University. Examples include employee and student ID numbers (GIDs), course evaluations, financial transactions that do not include confidential data, contracts, planning documents, and student education records as defined by the Family Educational Rights and Privacy Act (FERPA) (http://www.montana.edu/policy/family_ed_privacy_act/). All files are assumed to be 'restricted' unless otherwise classified as 'public' or 'confidential'.

Public Data: All data that is not restricted by one of the above classifications and may be released to the general public in a controlled manner, such as information designated as "Directory Information" under University policy pertaining to FERPA. Other examples include course schedules, public web pages, campus maps, policy documents, faculty publications, job opening announcements, and press releases.

Storage of payment card data is not addressed in this document. For guidance on handling of information subject to Payment Card Industry Data Security Standards (PCI-DSS), please contact the MSU University Business Office or reference the MSU Business Procedures Manual.

Storage and backups of research data are not addressed in this document. While most research data are classified as Restricted, proper data identification and storage is the responsibility of the Data User with guidance from the Data Steward, Vice-President of Research and Economic Development.

Data Storage

In all cases, it is expected that data will be stored on managed servers or approved hosted services, not desktop systems. Proper management includes compliance with the Technology Management Policy Storage of Confidential Data outside of Knox is prohibited. Where: "Knox" refers to the ITC-managed server knox.montana.edu.

Storage of Restricted Data outside of centrally managed servers or approved hosted services is prohibited unless authorized per a documented discussion with the appropriate Data Steward and the Chief Security Officer. Furthermore, servers housing Restricted Data will conform to the above guidelines and employ the following additional controls:

- Data will be encrypted through the use of database or file system encryption techniques whenever possible.
- Authorized users will gain access through encrypted authentication.
- Transmission of data between client and server will be encrypted whenever possible without introducing additional security risks.
- Access must be authorized by the Data Steward (or their designate).
- All data and system access will be logged and logs will be preserved for a minimum of 8 weeks.

A subset of restricted data, not including FERPA-protected information such as materials associate with search committees, may be stored on managed servers such as Opal. Where: "Opal" refers to the ITC-managed fileserver, opal.msu.montana.edu. Please contact the Information Security Group for analysis and determination of appropriate use of such managed servers.

While Public Data may be stored on local desktop hard drives and removable media, this practice is not advised as it carries risk of data loss due to hardware failure.

Permissible storage solutions for each Data Classification are as follows:

Where: "Box" refers to University-managed storage accounts on box.com.

Where: "OneDrive" refers to University-managed storage accounts on Office 365.

Note that University-managed Box/OneDrive accounts may be used for storage of Restricted Data including education records as defined by FERPA. Use of other cloud storage solutions, such as Google Docs or Dropbox, have not been approved by The University for storage of FERPA restricted data. Additionally, note that University data stored in non-MSU approved cloud services are subject to MSU Data Stewardship Standards. It is the responsibility of the Data User, in conjunction with the Data Steward, to ensure that proper controls and practices are in-place.

Data Sharing

Public Data may be shared through any means including managed file services, publicly-available web servers, and University email accounts.

Sharing of Confidential and Restricted Data, when necessary, will be accomplished through the use of managed accounts on servers managed as described above. Sharing and distribution of data can be accomplished in the following ways:

- **Managed file services:** This includes locally-managed systems providing file transfer and storage services using standard technologies such as SMB, SFTP, and WebDAV. Confidential data must be encrypted in transit and at rest unless other mitigating controls are in-place and approved by The Chief Security Officer, The Manager of Information Security, or their designee.
- **Managed Web services:** This includes hosted solutions including Desire2Learn, Box, OneDrive, or other University-approved systems. Web services hosting Confidential or Restricted Data will employ secure communications via HTTPS and encrypted authentication for authorized users. Email may not be used for Confidential or Restricted Data. The Data Steward (or their delegate) will be responsible for authorizing access to all Confidential and Restricted Data.

Data Reporting

Information is typically extracted from central repositories for reporting purposes. Reporting considerations include:

- Reports should be handled in accordance with above guidelines (i.e. reports with Confidential or Restricted information should not be distributed via email or stored on local desktops).
- Administrative reporting should be accomplished through central Banner or Argos systems whenever possible.
- Reports should contain only the information needed to meet functional requirements. Confidential or Restricted information should be contained in reports only when deemed absolutely necessary and approved by the appropriate Data Steward.

Data Disposal

Prior to repurposing or recycling, all electronic information stored on any device will be properly purged. This includes internal and external hard drives and removable media. Guidelines for proper handling of surplus computing equipment are addressed in Montana Board of Regents of Higher Education Information Technology Policy 1308 – Disposal of Computer Storage Devices:

<http://www.mus.edu/borpol/bor1300/1308.htm>

Paper reports containing Confidential or Restricted Information will be shredded prior to disposal. A cross-cut shredder is recommended.

<http://www.montana.edu/uit/security/documents/Data-Stewardship-Standards.pdf>



Discrimination Grievance Procedures for Allegations of Violations of the Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking and Retaliation Policy

Subject:	Students, Personnel
Effective date:	March 6, 2014 [<i>Applies to allegations of Policy Violations first made on or after the effective date.</i>]
Review date:	March 6, 2017
Responsible Party:	Campus Title IX Coordinators

Scope

This Policy applies to the following MSU Campuses:

MSU Bozeman (including MSU Extension, Agricultural Experiment Stations, and Gallatin College)
MSU Billings (including City College)
MSU Northern
Great Falls College MSU

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

100.00 Introduction and Purpose

The purpose of these procedures is to provide 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
118 Hamilton Hall
Montana State University
P.O. Box 172430
Bozeman, MT 59717-2430
Tel: (406) 994-2042
Fax: (406) 994-7999
E-mail: discrimination@montana.edu

MSU Billings
Director of Human Resources/Title IX Coordinator
Human Resources Office
McMullen Hall 310
Montana State University Billings
1500 University Drive
Billings MT 59101
Tel: (406)657-2278
Fax: (406)657-2120
Email: jsimon@msubillings.edu

Great Falls College MSU
Executive Director, Human Resources/Title IX Coordinator
G-1 Administrative Area
2100 16th Ave. South
Great Falls, MT 59401
406-771-5123
Fax: 406-268-3709
mbonilla@gfcmsu.edu

Associate Dean of Student Services/Title IX Coordinator
406-771-5133
Fax: 406-268-4306
camille.consolvo@gfcmsu.edu

MSU Northern
Director of Human Resources/Title IX Coordinator
Human Resources Office
Cowan Hall Rm 208
Montana State University – Northern
300 W 11th Street

PO Box 7751
Havre, MT 59501
Tel: (406) 265-4147
Fax: (406) 265-3530
Email: hr@msun.edu

Dean of Student Engagement/Title IX Deputy
Student Union Building RM 204
Havre, MT 59501
Tel: (406) 265-4113
Fax: (406) 265-3785
Email: hr@msun.edu

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 sites 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); or
- 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 911. 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 the Bozeman Police Department, or the Gallatin County Sheriff’s Office at (406) 582-2100.

MSU Billings: University Police Department (406-657-2222) located in the Southwest Corner of Parking Garage or call the Billings Police Department, or the Yellowstone County Sheriff’s Office at (406) 657-8200.

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 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 Authorities¹ 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 to on or off-campus victim advocate counselors who are not mandated reporters and 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.

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.

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.

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.² 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.

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. Provided however, where non-jurisdictional, interconnected allegations are made, information collected during the investigation concerning the allegations will be referred to appropriate University authorities for consideration.

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 each party of his/her right, at their own expense, to have an attorney or other advisor (including a union representative for union employees) with them during their own 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 conclude 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 federal regulations 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 and Privacy Act [FERPA], (20 U.S.C. § 1232g; 34 CFR Part 99).

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.*

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 CEO 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:

- a. The investigation was not conducted in compliance with the procedures and the non-compliance materially affected the outcome of the investigation;
- b. The RO failed to conduct an adequate investigation;
- c. The RO had a conflict of interest which resulted in unfair bias against the appellant; and
- d. 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 he/she 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 Policy Violation 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 violence, 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 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.

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 his/her 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.

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

Commitment to Safety and Safe Practices

Facility Safety Plan

The Montana Weatherization Center is a branch of the Montana State University Extension Service. The Weatherization Center's Function is to provide building weatherization training to non MSU employees. As a result, both MSU and non MSU employees are in the facility. Classroom and hands on training with

power and hand tools takes place in the facility. The Montana Weatherization Center employees and students will comply with all applicable OSHA Regulations.

Facility

The facility resides in the City Limits of Bozeman and is protected by professional Fire and Police Departments. The building is a two story facility. The building is protected with properly located portable multipurpose fire extinguishers, an automatic fire alarm warning system, an automatic fire sprinkler system, and emergency lighting. The facility is in compliance with all applicable building, fire, and mechanical codes for the time it was constructed.

Emergency Response

Emergency Response may include response to fire, hazardous atmosphere or condition, bomb threat, intruder, or serious injury to employee or student.

Fire:

Facility Evacuation maps are placed at or near each exit from the facility to be clearly visible by both employees and students. Employees are instructed to provide exiting and evacuation procedures to students at the beginning of training. Primary and secondary pre-designated personnel assembly points are established well away from the facility for both employees and students. Employees are instructed to call 911 immediately in the event of any fire. Use of portable fire extinguishers to fight any fire should only be done if the fire is small in size; the employee has been trained in their operation, and can do so safely without becoming trapped. In general all employees and students are encouraged to evacuate the building as quickly as possible. No person shall re-enter the facility until given permission by emergency responders.

Hazardous Atmosphere:

Discovery or suspicion of any hazardous atmosphere shall result in notification to occupants, calling 911 and immediate evacuation of the facility. Occupant notification is best accomplished by activating a manual fire alarm pull station. Employees and students shall gather well away from the facility at one of the pre-designated assembly points, preferably upwind. No person shall re-enter the facility until given permission by emergency responders.

Earthquake:

Remain inside if inside, stay away from walls, watch for falling light fixtures, glass etc. Protection may be found under strong doorways, desks, or tables. If outside, avoid tall buildings, falling objects, and downed power lines. Protection may be found in the nearest strong building.

Bomb Threat:

Call 911, relay any information gathered about the threat, and follow instructions provided.

Intruder:

Call 911, follow any instructions regarding evacuation or lock down.

Serious Injury:

The facility is equipped with an Automated External Defibrillator (AED), First Aid Kits, and Eyewash Stations. Visible signage is located near all the devices, and the items are noted on the posted building evacuation maps. In the event of a serious injury to an employee or student, 911 should be called immediately. Care should be provided only if there will be no additional injuries to the rescuer, and in

accordance with the level of training of the rescuer. Any available person will be assigned outside to direct emergency responders in.

Personal Protection:

Students and employees shall be expected to have and wear proper Personal Protective Equipment (PPE) while operating any power tools, pneumatic equipment, or while working in any other potentially dangerous environment. This includes, but is not limited to, foot and hand protection, head protection, hearing protection, eye protection, respiratory protection, and disease transmission protection. Failure to wear proper PPE may result in disciplinary action.

Staff Responsibility:

Training personnel shall promote a safe work environment and exercise safe work practices at all times. In the case of extreme situations, as outlined below, staff shall adhere to these safety guidelines and those stated in the MSU Environmental, Health, Safety and Risk Management Policy posted at <http://www.montana.edu/policy/environment-health-safety/>.

Training personnel shall maintain current industry safety certifications pertinent to their position including but not limited to EPA Lead Renovation Repair and Painting Rule, OSHA 10/30 Construction Workplace, Asbestos Inspector, Respiratory Protection, AED/CPR, First Aid and others as may be requested by the MTWTC Director. Staff shall provide photocopies of all safety certifications to the MTWTC to be kept in their personnel files.

All staff shall familiarizer themselves with and know when to use:

1. The SRM Report of Incident form located at <http://www.montana.edu/wwwsrm/forms.html>;
2. The Workplace Self-Inspection Checklist forms located at <http://www.montana.edu/wwwsrm/EHSresources.htm>.

All incident and inspection forms shall be routed to the Director. Incident reports involving vehicles shall be forwarded to MSU Safety and Risk Management.

Operations:

Power equipment and hand tools shall remain in good repair. All equipment and tools to be used in trainings shall be tested and confirmed in proper operating condition prior to class use. Electrical equipment and cords shall be properly grounded. Power cords shall be disconnected, coiled, secured and stored away from traffic areas. Machine guards shall be in place and in use whenever the equipment is being used. Equipment and power tools found to be in disrepair shall be taken out of service until proper repair or replacement is accomplished. Power sources to any power or pneumatic equipment shall be secured prior to any work being done on the equipment; this includes, but is not limited to, blade or bit changes, or any repair work. Work areas and exit ways throughout the building shall remain clear to prevent tripping or fall hazards, and to allow for unhindered evacuation during an emergency. Flammable or combustible materials shall not be stored inside except in allowable quantities as allowed by the 2009 International Fire Code, or unless they are stored in an approved Flammable Liquid Storage Cabinet.

Training:

When warranted, students receive indoctrination training on emergency procedures, and proper PPE and machine usage upon their arrival. Employees receive at least annual training in the following subjects; Facility Safety Plan, Emergency Procedures and Building Evacuation, General Fire Safety and Use of Portable Fire Extinguishers, Basic First Aid, AED Use, Hazard Communications, Proper selection, fit, and use of Personal Protective Equipment (PPE), Machine Guarding, and Proper Lifting Techniques.

Safety Committee:

The Safety Committee includes all Center program and support staff and meets once per year. The Facility Safety Plan is reviewed and updated annually at the time that the MTWTC Scope of Work is revised for funding renewal.

Emergency Response Contact(s)	
Fire/Paramedics/Police:	911
Local Emergency Medical Facility:	406-585-5000
Bozeman Deaconess Hospital 915 Highland Boulevard Bozeman, MT 59715	
National Response Center:	800-424-8802

Organizational Management

Montana State University Extension Housing & Environmental Health
Montana Weatherization Training Center

Management System Policy Statement

Internal

Effective date: 10/23/2012; revised 12/22/2013, 04/28/2015

Review date: Annually

Responsible Party: Director, Montana Weatherization Training Center

Introduction and Purpose:

The Montana Weatherization Training Center is committed to providing quality educational services to professionals working in fields devoted to improving energy efficiency to existing housing.

Policy:

To achieve this objective the Center commits to:

- Provide up-to-date and relevant training in weatherization fundamentals and best practices, heating system efficiency and maintenance, health and safety issues for workers and their clients and energy efficiency alternatives for homeowners.
- Require that all instructors, including short-term hires, are provided and required to use MTWTC-approved materials and procedures for courses.
- Operate and maintain the Center as a safe and accessible learning environment for all participants.

- Provide continuing professional development opportunities for staff to assure students and participants are exposed to high quality instructors.
- Provide quality equipment and laboratory situations to enhance the learning experience of students and ensure their safety while participating in courses.
- Adhere to Montana State University policies and procedures for student rights and protection of information.
- Comply with State of Montana and Montana State University business and purchasing practices.
- Review all policies, practices, course content and equipment, at a minimum, on an annual basis to evaluate and improve the functioning of the Center.

Procedures:

MTWTC policies are provided to all staff in the Policy Manual as part of their orientation at time of hire. This includes contractors that may be hired to fulfill training duties in the case of interruptions and changes in personnel. Subsequently the Center Director and others, as appropriate, review Center policies and procedures as outlined in the Center's Management Review Policy.

To ensure:

...quality and relevant trainings, staff and management follow the guidelines set out in the Commitment to Quality Policy, Contracted Trainer Qualifications Policy, Curriculum Development Policy and are dedicated to the mission of the MTWTC.

...a safe and accessible learning environment, staff and management follow MSU and State of Montana policies for facility safety, equal access to all, protection of student information and document security.

...continuing professional development of trainers, MTWTC management facilitates staff training opportunities both in-house and off-site and follows the Contracted Trainer Qualifications Policy when outside trainers are needed.

...quality equipment and laboratory situations, management and staff evaluate classroom and lab props as-needed. At the end of reach training instructors assess equipment and training materials and make necessary upgrades, with management participation.

...protect student rights, staff and management follow MSU policies for equal access to all, protection of student information and document security.

...business is conducted professionally, MTWTC management follows MSU and State of Montana business policies and attends sponsored trainings to stay current with revisions and updates to those polices.

...management review, the Center Director and staff conduct an annual review of all Center policies per the Management Review Policy and make adjustments and updates as necessary.

The Center Director is responsible for initiating all management system processes and may delegate authority to staff to complete tasks as needed.



Weatherization Works
in Montana

Trainee Complaint Form

Trainee Name: _____

Class Name: _____ Date of Complaint: _____

Trainer Name: _____

Please describe your complaint below:

Trainee Signature: _____ Date: _____

Reviewed by: _____ Date: _____

Response: _____

Please use the back of this form if you need more space.