Discrimination-Free Educational Environment
The U.S. Department of Education, its Office for Civil Rights and Carroll College believe that providing all students with an educational environment free from discrimination is extremely important. The sexual harassment of students, including sexual violence, interferes with students’ rights to receive an education free from discrimination and, in cases of sexual violence, is a crime.

In compliance with Title IX of the Education Amendments of 1972, Carroll College provides notice of non-discrimination, identifies an employee to conduct Title IX compliance and informs all students and employees that discrimination based on sex in education programs or activities is prohibited.

Equal Opportunity: Notice of Non-Discrimination
Carroll College is an equal opportunity employer, committed to compliance with state and federal anti-discrimination laws, including Title IX of the Education Amendments of 1972. Carroll College is committed to providing an environment that is free from harassment and discrimination based on race, color, or national origin or because of age, physical or mental disability, marital status, gender identity, sexual orientation, creed, religion, or sex, except when the reasonable demands of the position require an age, physical or mental disability, marital status, gender identity, sexual orientation, creed, religion, or sex distinction. In the case of religion and creed, such distinctions may be appropriate under state and federal constitutional provisions due to the religious character and Catholic identity of Carroll College and the nature of the particular employment position at issue.

Title IX Coordinator
All complaints or any concerns about conduct that may violate this policy and retaliation should be filed with the Carroll College employee designated to coordinate Title IX compliance:

Renee McMahon
Director of Human Resources, Carroll College
214 O’Connell Hall
1601 N. Benton Avenue
Helena, MT 59625
rmcmahon@carroll.edu
406.447.5501

The Title IX Coordinator has access to relevant materials in order to conduct all college Title IX investigations.

Prohibited Behaviors
Under Title IX, discrimination on the basis of sex can include sexual harassment or sexual violence such as rape, sexual assault, sexual battery and sexual coercion. Sexual harassment covers a range of behaviors, including but not limited to: touching, pinching, or grabbing body parts; sending sexual notes or pictures; writing sexual graffiti on bathroom walls; making suggestive or sexual gestures, looks, jokes, or verbal comments; spreading sexual rumors or making sexual propositions; pulling someone’s clothes off; pulling your own clothes off; sexual assault; and rape.

The definition of prohibited behaviors includes:
1. Discrimination. Behaviors that exclude 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 College programs or activities including, but not limited to, discrimination in admission, athletics, instruction, grading, and campus housing.

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

3. Harassment. Behaviors that can be demeaning to another person including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

4. Sexual Harassment. Behaviors that include any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
   a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or education; or
   b. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting such individuals; or
   c. Such conduct has the purpose or effect of interfering with an individual’s academic or professional performance or creating an intimidating, hostile or offensive work or academic environment.

   The following are examples of conduct that may constitute sexual harassment: sexual advances which are unwelcome (this may include situations which began as a reciprocal attraction but later ceased to be reciprocal); sexual gestures; graphic verbal comments of a sexual nature, including such comments about a person’s body, or sexually degrading words used to describe an individual; displaying sexually suggestive objects, pictures, cartoons, or posters; verbal abuse of a sexual nature, sexually oriented jokes, innuendoes, obscenities, or sexually suggestive letters, notes or invitations; reprisals or threats after a negative response to sexual advances; academic or employment benefits affected in exchange for sexual favors; physical conduct such as assault, rape, impeding or blocking movements, or unwelcome touching.

5. Stalking. Behaviors or activity occurring on more than one occasion that collectively instills fear in the victim, or threatens his or her safety, mental health, or physical health. Such behaviors and activities may include, but are not limited to, the following: nonconsensual communication, including person-to-person, telephone calls, voice mail messages,
electronic mail, written letters or notes, unwanted gifts, etc.; threatening or obscene gestures; pursuing or following; or surveillance of other types of observation.

Grievance Procedures
When a student believes that there has been a violation of Carroll College’s non-discrimination policy, the student should meet with the Title IX Coordinator to review the complaint and to discuss options for either an informal or a formal resolution. The Title IX Coordinator should notify the complainant of the right to file a criminal complaint.

If a complainant asks for confidentiality, the school should respect the request but still proceed with an investigation. The complainant may need to be informed that confidentiality may limit the ability to gather evidence.

When filing a complaint of harassment, repetition is important to document. However, there is less need to show repetition the more severe the conduct. Stalking, harassment and sexual assault are not appropriate violations for informal resolution.

Regardless of where the conduct occurred—on campus or off campus—the college will process the complaint. The college must protect the complainant as necessary which includes taking interim steps before the final outcome of the investigation. Offering alternative housing, class schedule, counseling, escorts, medical services or academic services such as tutoring may be necessary. Title IX protects complainants and third parties from harassment and retaliation.

Informal Resolution
An informal resolution, or mediated response, must adequately address the concerns of the complainant, the rights of the respondent, and the overall intent of the Title IX Coordinator to stop, remedy and prevent policy violations. Under the informal process, the Title IX Coordinator shall be required only to conduct such fact-finding as is useful to resolve the conflict and is necessary to protect the interests of the parties, the college, and the community. Actions in an informal resolution might include, but are not limited to: providing training to a work unit; having an informal discussion with an individual who conduct, it not stopped, could rise to the level of discrimination, or hostile work environment; or having a confidential conversation with a student, supervisor or employee.

If at any point in the informal process, the complainant, respondent or the Title IX Coordinator wishes to cease the informal process and to proceed through the formal grievance procedures, the formal process will be invoked.

Formal Resolution
When a student files a complaint with the Title IX Coordinator, the complainant will be asked to submit a written account of the incident. The Title IX Coordinator will contact the accused student or employee with notification of the complaint. The respondent will be prohibited from contacting the complainant or from retaliating against the complainant. Depending on the nature of the complaint, the college may take further steps such as changing campus housing or class schedules if needed.

Both the complainant and the respondent have the opportunity to receive support from an advisor. Both have the opportunity to review the written statements of each other and any written witness statements of individuals who have knowledge of the incident. Both are given the opportunity to write a response to the written statements of each other. The written statements, witness statements and any written materials documenting physical evidence are submitted for review by the Title IX Coordinator.

At the conclusion of the investigation, the Title IX Coordinator—based on a preponderance of evidence—will submit a written report to the Director of Community Living if the respondent was a student or to the ap-
appropriate vice president if the respondent is an employee. The report will indicate whether there is reasonable cause to believe unlawful discrimination occurred. In the investigation report, the Title IX Coordinator will include recommendations for steps to prevent future recurrence of any such violations, and, if appropriate, will include sanctions and remedies for the complaint. A copy of the Title IX Coordinator’s recommendations will be provided to the complainant(s) and the respondent(s). All investigations and recommendations must be completed within thirty calendar days of when the written complaint is filed.

The Director of Community Living, in violations involving any students, or the respective vice president, in violations involving any employees, will make a decision on the recommendations of the Title IX Coordinator regarding the unlawful discrimination. The action must be commensurate with the severity of the offense. The Director of Community Living or the respective vice president will communicate the decision in writing to the complainant, the respondent and the Title IX Coordinator. The college will then take prompt and effective remedial action to address the unlawful discrimination and prevent its reoccurrence.

Appeal Process for Students
Upon receipt of the written decision of the outcome of the investigation of the complaint, both the complainant and the respondent have five school days to submit an appeal in writing to the Title IX Coordinator requesting a hearing. The appeal is limited to reviewing the written statements of the complainant, the respondent and the witnesses to find merit in any one or more of the following issues: fairness in the implementation of the process; facts supporting the decision of no unlawful discrimination or the decision of unlawful discrimination; the appropriateness of the sanctions to be implemented; and consideration of any new information not available at the time that the written statements were submitted. The standard for reviewing the outcome is a preponderance of the evidence.

The membership of the appeals board will consist of Carroll College students, staff and faculty selected from a pool of trained Student Conduct Board members. The hearing of the appeal will occur within fifteen school days of receipt of notification of the hearing request. The decision of the hearing board will be communicated to the Director of Community Living within five business days. The Director of Community Living will communicate the decision of the appeals board to the complainant, the respondent and the Title IX Coordinator. The decision of the appeals board is final. The college reserves the right to disclose to the public the final results of a disciplinary hearing if it determines that the student is a perpetrator of a crime of violence or non-forcible sex offense.

Appeal Process for Employees
This process will be posted online after the process is reviewed with employees during the 2014-2015 academic year.

Involvement of Law Enforcement
The college’s investigation of a sexually harassing or a sexual discrimination complaint should remain separate from parallel investigations by enforcement. While it may be necessary to slow down the college’s investigation while law enforcement officers gather evidence, the college must promptly resume its fact-finding when notified by law enforcement. The Title IX Coordinator will notify a complainant of the right to file a criminal complaint.

Education and Training
The college’s Counseling Services staff will work with the Title IX Coordinator to contract with Outside the Classroom for the use of their online training program on sexual harassment and sexual assault prevention to educate students. In addition, the college will contract with United Educators to use their online training program to educate employees on the same topics. Both programs will be mandatory.
for all students and for all employees for the 2014-2015 academic year. The intent of both programs is to help students and employees recognize and respond to sexual assault crimes.

Workshops
Carroll College’s sexual violence prevention education offers students several opportunities annually to learn to identify dangerous or violent situations as well as to explore how to assist other students observed in those situations. The workshops offered annually by Counseling Services staff focus on student-athletic teams, coaches, new students, freshmen seminar students, first-year men in campus housing and first-year women in campus housing.

Campus Evaluation
Carroll College will create a committee of students, staff and faculty to review the campus efforts to promote the non-discrimination policy, how to recognize discrimination, the prevention of harassment and violence as well as understand how to report incidents. In addition, the college will conduct periodic assessments or climate checks to assess the effectiveness with this educational and prevention initiative.

External Complaints
If a complaint was filed with the Title IX Coordinator and it is believed the resolution was inadequate, or it is otherwise believed that Carroll College has discriminated on the basis of race, color, national origin, sex, including sexual harassment, disability, religion, creed, pregnancy, marital status, familial status (housing only), or political beliefs or retaliation, a complaint may be filed with the Montana Human Rights Bureau: http://erd.dli.mt.gov/human-rights, 406-444-4356.

Please Note: Any part of the Title IX of the Education Amendments of 1972 section in the 2014-2015 Student Handbook will be updated online based on further reflection, new information or updates released by the U.S. Department of Education.