



STUDENT HANDBOOK

Montana State University Extension



Montana Weatherization Training Center
705 Osterman Drive, Suite A & C
Bozeman, MT 59715
406-586-0070



Montana Weatherization Training Center



Dear Attendee:

Welcome to the Montana Weatherization Training Center. Since 1991, Montana State University Extension has provided career and technical training to the Montana Weatherization Program. Our goal is to prepare you for your job utilizing our state-of-the-art training facility and qualified staff. On behalf of my staff, the Department of Energy (DOE), and State of Montana, I invite you to freely explore our training center and take with you resources that will make your job easier and more efficient.

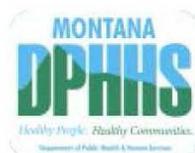
There are currently twelve HRDC offices and one Native American Housing Authority operating Low-Income Weatherization Programs in the state of Montana. Our hope is that our classroom and lab sessions will provide an opportunity for you to network with others in the industry, to learn about residential energy reduction, and to prepare for work in the field.

We utilize the DOE Standardized curricula for home energy professionals and our courses cover the core competencies defined in the DOE/NREL Job Task Analysis (JTAs). By completing our series of courses, you will acquire the knowledge, skillsets and abilities needed to perform in each weatherization position defined by the JTAs. Should you choose to do so, you will also be preparing to take third-party tests offered by Building Performance Institute (BPI) to become a certified Energy Auditor or Quality Control Inspector.

Finally, I hope that you take the opportunity to enjoy Bozeman, Montana while you are here. If you are looking for suggestions, we have compiled a "Things to do in Bozeman" list with options for how to spend your time outside of the classroom.

Sincerely,

Ben Cichowski
Center Director



Contents

Overview of Programs.....	4
Student Code of Conduct.....	5
Trainer Code of Professional Conduct.....	7
Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking and Retaliation	12
Conflict of Interest	21
Confidentiality Policy	30
Family Educational Rights and Privacy Act (FERPA) Notification of Rights.....	32
Release of Information Policy	34
Dispute Resolution Policy and Process	38
Commitment to Safety and Safe Practices	41
Organizational Management.....	44
Trainee Complaint Form	46

Overview of Programs

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

STANDARDS OF CONDUCT FOR STATE EMPLOYEES

2-2-103, Montana Code Annotated. 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.

Why do we have standards of conduct and a code of ethics?

The Montana Constitution requires a Code of Ethics prohibiting conflict between public duty and private interest. Your position as a state employee is a public trust and state law requires that you perform your job for the benefit of the people of the state.

Standards of Conduct and the Code of Ethics are found in Title 2 – Chapter 2 MCA. The legislature makes changes to this statute from time to time. The most recent changes were effective on October 1, 2001.

This pamphlet provides an overview which is intended to help you, as a state employee, understand the impact this statute has. Each agency will adopt and implement internal rules and procedures. It is your responsibility to make sure you understand the standards of conduct and ethical principles which apply to you as you do your job. You should contact your supervisor or agency personnel director for additional information.

Other provisions of the Standards of Conduct, 2-2-101, et seq. MCA, which affect elected officials and local government employees, are not addressed here. The Commissioner of Political Practices will issue information and rules concerning enforcement of the act.

What can I rely on to guide my conduct?

As you will see, some actions are clearly conflicts between public duty and private interest, while other actions may only pose conflicts in certain circumstances.

If you rely only on the Standards of Conduct law as your guide, you will not have a complete picture of the standards of conduct to which you may be held. Other state laws, rules and department policies direct employee conduct. Some professions and occupations have ethical standards to which those practicing the profession must adhere. As part of the implementation of the Standards of Conduct, each department will adopt a standards of conduct policy which may provide more specific requirements and limits on activities based on the agency's mission or on the duties of the position.

The Standards of Conduct law establishes outside limits on certain actions and penalties for violations. This pamphlet will summarize those limits.

This does not mean that any action inside the limits will be acceptable or legal. Criminal standards of conduct are addressed in a different part of state law (see Title 44, part 7, MCA). Major areas covered in Title 44 include threats and improper influence, bribery, compensation for past official action, gifts to public servants, and official misconduct.

What areas does the Standards of Conduct law cover?

Standards of conduct for public employees may be grouped into four major categories. The law is summarized for each category.

1. GIFTS

As a state employee you may not:

- Accept a substantial gift or economic benefit, generally more than a value of \$50, that:
 - A. would tend to influence you to depart from the faithful and impartial discharge of public duties, or
 - B. a reasonable person would know is a reward for official action taken.

Examples of “economic benefit” include a loan at a rate substantially lower than the current commercial rate, or compensation for private services which substantially exceeds the fair market value of the services.

What kinds of gifts may be acceptable?

Your department policy may provide additional guidance on acceptance of gifts or economic benefits. Acceptance of a gift or economic benefit of any value which is intended to exert improper influence on you or which you believe is a reward for action taken should be closely scrutinized. A gift or economic benefit which is intended as a bribe, regardless of value, could result in criminal penalties.

The following are excluded from the definition of a gift in 2-2-102, MCA:

- Any gift that is not used and is either returned to the donor within 30 days or donated to a charitable organization.
- Food and beverage that you consume while participating in a charitable, civic or community event which is related to your employment or that you are attending in an official capacity.
- Educational materials directly related to your duties.
- An award presented publicly in recognition of public service.
- Educational activity that does not place or appear to place you under any obligation and is not lavish or extravagant.

2. SELF-DEALING

As a state employee you may not:

- Disclose or use confidential information acquired in the course of your job for personal financial gain.

- Acquire an interest in any business or undertaking you have reason to believe may be directly and substantially affected to its economic benefit by actions taken by your employing agency.
- Perform an official act which directly and substantially harms a business when you have a substantial personal interest in a competing business.
- Engage in a substantial financial transaction for your private business purposes with a person whom you inspect or supervise in the course of your official duties.
- Assist a person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from your agency.
- Perform an official act which directly and substantially provides an economic benefit to a business in which you have a substantial financial interest or for which you are engaged as a counsel, consultant, representative or agent.

3. UNWARRANTED PRIVILEGES

As a state employee you may not:

- Engage in any activity, including lobbying, on behalf of an organization of which you are a member while performing your job duties.
- Participate in a proceeding before your agency, that is within the scope of your job duties, when an organization of which you are an officer or director is involved, or attempt to influence a local, state, or federal proceeding in which you represent the state.
- Within 12 months following voluntary termination, obtain employment taking advantage unavailable to others of matters with which you were directly involved. Such matters include rules which you helped formulate and applications, claims or contested cases in which you were actively involved.
- Within 6 months of termination, contract or be employed by someone who contracts with the state involving matters with which you were directly involved during your employment with the state. This does not apply to contracts awarded to the low bidder based on a competitive process or to merchandise sold to the highest bidder at public auction. This does not apply to you if you were terminated due to a reduction in force.

4. PUBLIC PROPERTY FOR PRIVATE BUSINESS PURPOSES

As a state employee you may not:

Receive two salaries as a public employee for work during overlapping hours, except if the duplicate pay for one job consists totally of accrued leave and/or compensatory time during the overlapping period.

- Use public time, facilities, equipment, supplies, personnel, or funds for private business purposes. This includes soliciting 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 authorized by law or properly incidental to another activity required or authorized by law. Further specific guidance on what is allowable for state employees can be found in 2-2-121(3), MCA. You may participate in charitable fund raising activities, if approved by your supervisor or authorized by law.

What else does the law require?

The law requires you to disclose certain information under specific circumstances. Your department policy provides procedures for making required disclosures.

Disclosure requirements

- You may not solicit or accept employment or engage in negotiations or meetings to consider employment with a person whom you regulate in your official duties, without first giving written notice to your supervisor or department director.
- If you are a member of a quasi-judicial board or commission or a board, commission or committee with rulemaking authority and have a conflict created by a personal or private interest that gives rise to the appearance of impropriety, you must disclose the interest creating the conflict prior to participating in official actions.
- Prior to acting in a manner that may affect your public duty, including the award of a permit, contract or license, you must disclose the nature of the private interest that creates the conflict. This disclosure must be in writing to the Secretary of State and must list the amount of private interest, the purpose and duration of your services, any compensation you have received and other relevant information. If you perform the act involved, you must include in the record the nature of the interest you disclosed.
- Prior to December 15 of even-numbered years, department directors and individuals appointed to office must file a business disclosure statement with the Commissioner of Political Practices.

Are there other laws or rules which affect your conduct?

A wide range of state and federal laws and rules concerning employee conduct have been enacted. Some activities for which there are laws or rules include use of telephones, use of motor pool vehicles, drug and alcohol use as it affects work, use of leave, making financial claims against the state, and prohibiting discrimination in employment and the delivery of services. You already may be aware of additional examples of laws and rules for your agency or position. Contact your supervisor or agency personnel director for further information.

Violations of these rules and laws may subject you to disciplinary action by your agency and also may be violations of the Standards of Conduct. And, as noted earlier, some violations may lead to criminal prosecution.

How are the Standards of Conduct enforced?

Each department director is charged with adopting a standards of conduct policy for employees and may take disciplinary action to enforce that policy.

The Commissioner of Political Practices is responsible for investigating and enforcing the Standards of Conduct when complaints are received by that office. When a legislative act is involved in the complaint, the commissioner does not have jurisdiction over a complaint about a legislator. The following actions and penalties are possible:

- Any person alleging a violation may file a complaint with the Commissioner of Political Practices. If the complaint is accepted by the Commissioner for investigation, the Commissioner will hold an informal contested case hearing and issue a decision.
 - Proof of commission of unlawful acts outlined in the Standards of Conduct and Code of Ethics is proof the employee has breached his or her public duty.
 - If the Commissioner determines a violation has occurred, an administrative penalty of not less than \$50 nor more than \$1,000 may be imposed along with the costs of the proceeding. If the violation is by a state employee, the Commissioner may also recommend disciplinary action by the employing agency.
 - If the Commissioner determines that a violation did not occur, costs for the proceedings may be assessed against the person bringing the complaint.

- Judicial Review of commissioner decisions is through the state District Court.

CLOSING

Two main principles apply to your conduct in your job: public trust and public duty. By keeping these in mind as you do your job on a day-to-day basis, you will be able to carry out your duties for the benefit of the people of the state and avoid taking actions which would cause you to depart from your public duty and violate the public's trust.

For additional information, contact your supervisor or agency personnel director.
Table of Citations for the Standards of Conduct, 2-2-101, et seq., MCA
Citations from the Standards of Conduct, 2-2-101 et. seq., MCA, are listed here.

Part 1. Code of Ethics

- 2-2-101 Statement of purpose
- 2-2-102 Definitions
- 2-2-103 Public trust -- public duty
- 2-2-104 Rules of conduct for public officers, legislators, and public employees
- 2-2-105 Ethical requirements for public officers and employees
- 2-2-106 Disclosure
- 2-2-111 Rules of conduct for legislators
- 2-2-112 Ethical requirements for legislators
- 2-2-121 Rules of conduct for public officers and public employees
- 2-2-131 Disclosure
- 2-2-135 Ethics committees
- 2-2-136 Enforcement for state officers, legislators and state employees –referral of complaint involving county attorney
- 2-2-144 Enforcement for local government

Part 2 -- Proscribed Acts Related to Contracts and Claims

- 2-2-201 Public officers, employees, and former employees not to have interest in contract -- local government waiver
- 2-2-202 Public officers not to have interest in sales or purchases
- 2-2-203 Voidable contracts
- 2-2-204 Dealings in warrants and other claims prohibited
- 2-2-205 Affidavit to be required by auditing officers
- 2-2-206 Officers not to pay illegal warrant
- 2-2-207 Settlements to be withheld on affidavit

Part 3 -- Nepotism

- 2-2-301 Nepotism defined
- 2-2-302 Appointment of relative to office of trust or emolument unlawful – exceptions -- publication of notice
- 2-2-303 Agreements to appoint relative to office unlawful
- 2-2-304 Penalty for violation of nepotism law

Alternative accessible formats of this pamphlet will be provided on request. Persons who need an alternative format should contact the State Personnel Division, Department of Administration, 125 N Roberts St., Box 200127, Helena, Montana 59620-0127; telephone (406) 444-3871. For those with a TDD, relay service is available by dialing 1-800-253-4091.

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

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 of Sexual Harassment and Sexual Misconduct Involving Students.

To enable the University to respond effectively and to stop instances of sexual harassment and sexual misconduct involving students at the University proactively, all University employees must promptly (normally within 24 hours) report information they have about alleged or possible sexual harassment and sexual misconduct involving students to the RO. Employees, such as licensed health-care professionals and victim advocates who have a statutory privilege under Montana law, are exempt from these reporting requirements.

Upon receiving a report of alleged or possible sexual harassment, or sexual misconduct, the RO will evaluate the information and determine what further action should be taken, following the procedures described in the [Discrimination Grievance Procedures](#). The RO will take steps, either directly or through a reporting employee, to provide information about the University's Discrimination Grievance Procedures, as well as available health and advocacy resources, and options for criminal reporting.

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
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

Subject: Conflict of Interest

Policy: Montana State University Conflict of Interest Policy

Revised: August 24, 2012; November 16, 2012

Effective Date: August 24, 2012

Review Date: August 2015

Responsible Party: Office of Research Compliance

100. INTRODUCTION

The administration, faculty, and staff of Montana State University (MSU or University) all bear the responsibility of serving the teaching, research, and service mission of the University. 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, MSU encourages entrepreneurial activities 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 affect—or could appear to affect—the manner or extent to which those individuals carry out their University responsibilities. Such conflicts—real or apparent—may undermine public and professional confidence in the University, diminish its 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

Montana State University-Bozeman 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 Montana Board of Regents Policy. A conflict of interest exists when an employee's actions or decisions, are influenced by considerations of personal or financial gain. Therefore, it is the policy of the University that in all of its 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 its mission—it shall endeavor to be free of undue influence or bias that may result from conflicts of interests. This Policy is intended to enable employees to recognize potential conflicting interests and, thus, to protect themselves and the University from such conflicting interests 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. See [\[http://data.opi.state.mt.us/bills/mca_toc/2_2_1.htm\]](http://data.opi.state.mt.us/bills/mca_toc/2_2_1.htm).
- Federal regulations governing sponsored research. The National Institutes of Health requires institutions receiving funding to have a conflict of interest policy which complies with its regulations found at [\[http://www.gpo.gov/fdsys/pkg/FR-2011-08-25/pdf/2011-21633.pdf\]](http://www.gpo.gov/fdsys/pkg/FR-2011-08-25/pdf/2011-21633.pdf) (Public Health Service (PHS) FCOI regulations). This Policy is intended to comply with those regulations.
- The American Council on Education—American Association of University Professors (ACE-AAUP) statement on preventing conflicts of interest in government sponsored research at universities [\[policy/faculty_handbook/fhaceaaup.html\]](http://policy/faculty_handbook/fhaceaaup.html). MSU explicitly adopts the principles contained in the statement.
- The Board of Regents Policy § 770, Conflicts of Interest. This MSU Policy is intended to implement the requirements contained therein. [\[http://mus.edu/borpol/bor700/770.htm\]](http://mus.edu/borpol/bor700/770.htm).
- The Board of Regents Policy § 407, Approval of University System Employee Equity Interest and/or Business Participation [\[http://mus.edu/borpol/bor400/407.htm\]](http://mus.edu/borpol/bor400/407.htm).
- Montana State University's Nepotism Policy [/policy/personnel/per400.html#430.00](http://policy/personnel/per400.html#430.00).
- Board of Regents Policy § 401.1 [\[http://mus.edu/borpol/bor400/401.htm\]](http://mus.edu/borpol/bor400/401.htm) and Montana State University's Consulting Policies found at: [\[http://www.montana.edu/wwwprov/agreements/tenure/art16.html\]](http://www.montana.edu/wwwprov/agreements/tenure/art16.html) [/policy/personnel/per900.html#970.00](http://policy/personnel/per900.html#970.00). These policies govern faculty and staff private consulting and professional practice outside of the control of the University.

300. APPLICABILITY

This policy applies to all MSU employees. 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. DEFINITIONS

410. Conflict of Interest. A Conflict of Interest occurs:

- When a University employee has a personal interest that could 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 unreasonably encroaches on the time an employee should devote to the affairs of the University; or
- When an employee's non-University activities could unreasonably impinge on or compromise the loyalty or commitment to the employee's University duties and responsibilities.
- In sponsored research, when an Investigator's Significant Financial Interest could directly and significantly affect, the design, conduct, or reporting of the research.

In determining whether a Conflict of Interest exists, an important consideration is whether an independent observer might reasonably question whether the employee's professional actions or decisions are influenced by considerations of personal gain, financial or otherwise.

420. Significant Financial Interest. A Significant Financial Interest (SFI) consists of one or more of the following interests of the employee (and those of the employee's Immediate Family):

- An equity interest (including stock, stock options, or other ownership interest) of \$5,000 or greater in any publicly traded entity as determined through reference to public prices.
- **Any** equity interest (including stock, stock options, or other ownership interest) in any non-publicly traded entity.
- Remuneration for services including annual salary, royalties, consulting fees, honoraria, paid authorship, or anything of monetary value (regardless of whether its value is readily ascertainable) that amount to \$5,000 or more over the 12 months preceding the disclosure.
- Intellectual property rights and interest (e.g., patents, copyrights), upon receipt of income related to such interests.

Significant Financial Interest does not include:

- Salary, royalties, or other remuneration received from or through 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.

430. Investigator. Principal Investigators, Project Director **and** all other MSU employees who are responsible for the design, conduct, or reporting of sponsored research.

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

450. 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 designed to develop or contribute to generalizable knowledge, including behavioral and social-science research.

460. Responsible Vice President. The Vice President responsible for the employee's organizational component of the University, except that in disclosures related to research, the Responsible Vice President shall be the Vice President for Research, Creativity and Technology Transfer (VPR).

470. Investigator's Institutional Responsibilities. An Investigator's professional responsibilities on behalf of the University, including, but not limited to: research, teaching, service, professional practice, and institutional review board or other institutional committee membership.

500. DISCLOSURE

The key mechanism for implementation of this Policy is disclosure. Disclosure allows the University and the employee to evaluate personal interests to determine if they present Conflicts of Interest and to take appropriate action based on the evaluation. All employees (unless exempted as provided in § 530 below) must annually complete and submit a [Conflict of Interest Disclosure Statement form](#) (See § 530 below). All employees, including those exempted from the annual disclosure requirement (See § 530 below), are required to comply with this Conflict of Interest Policy and to make disclosures of any potential

Conflicts of Interests (See § 510 and § 520 below) whenever they occur (using the [Conflict of Interest Disclosure Statement form](#)).

510. Sponsored Research Disclosure. In Sponsored Research, all Investigators (including Graduate Research Assistants) must disclose Significant Financial Interests, including those of their immediate family:

- Significant Financial Interests, including those of their immediate family, that would reasonably appear to be related to the Investigator's Institutional Responsibilities.

In addition to the above disclosure, all Investigators proposing or performing research funded by the PHS, must also disclose the following:

- The occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and immediate family) with an estimated value of \$5,000 or greater (aggregated for each paying entity), related to his/her Institutional Responsibilities; provided however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by governmental entities, U.S. institutions of higher education, academic teaching hospitals, medical center, or research institutes 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 MSU in accordance with the PHS FCOI regulations.

511. Disclosure shall be made before submitting a proposal for funding on a [Research Disclosure Form](#) and the [Reimbursed or Sponsored Travel Disclosure Form](#) included with the Proposal Clearance Form to the Office of Sponsored Programs (OSP), covering the previous 12 month period for income and travel. If the Significant Financial Interest has previously been disclosed on a Conflict of Interest Disclosure form and is up to date, a copy of the most recent disclosure may be attached in lieu of a new Research Disclosure Statement. The Research Disclosure Statement must be updated on the Annual Form as provided in §530 below.

512. In addition, for as long as the Sponsored Research continues, new Investigators and existing Investigators acquiring new interests shall disclose Significant Financial Interests or reimbursed or sponsored travel (as defined in Section 510 above) that would reasonably appear to be related to the Investigator's Institutional Responsibilities by filing a [Research Disclosure Form](#) and/or the [Reimbursed or Sponsored Travel Disclosure Form](#) with OSP. A new Investigator must make such disclosure before engaging in the sponsored research and an existing Investigator acquiring a new interest or receiving reimbursed or sponsored travel must disclose the interest or travel within 30 days.

513. OSP will provide copies of such Research Disclosure Statements to the VPR and Office of Legal Counsel.

514. Director, Office of Research Compliance, in consultation with the Investigator, the VPR and the cognizant supervisor, shall review all Investigator disclosures to determine whether or not they constitute a financial conflict of interest as defined by the PHS FCOI regulations. This review shall determine (1) whether the interest 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 research. If a financial conflict of interest exists, appropriate action to manage the conflict will be taken as provided in this policy.

515. The University through OSP will provide initial and ongoing reports of Investigator financial conflicts of interest to PHS in accordance with the PHS FCOI regulations:

- Prior to the expenditure of PHS funds;
- Within 60 days of identifying a new financial conflict of interest of an Investigator on any PHS-funded research; and
- Annually.

516. The University will make information concerning identified Financial Conflicts of Interest held by senior/key personnel on PHS-funded research (as defined in the PHS FCOI regulations) to any requestor within five business days of a request in accordance with the requirements of the PHS FCOI regulations.

517. All Investigators performing research on any PHS- funded projects shall complete financial conflict of interest training prior to engaging in such research and at least every four years thereafter and as otherwise required by PHS FCOI regulations.

520. Disclosure. All employees must disclose the following whenever they occur:

521. The acquisition by the employee, or a member of his/her Immediate Family, of a Significant Financial Interest in an entity engaged in commercial or research activities directly related to the employee's University responsibilities.

522. The holding of an executive or officer position in or serving as a member of the board of directors of an entity engaged in commercial or research activities directly related the employee's University responsibilities.

523. An immediate family member holding an executive or officer position in or serving on the board of directors of an entity engaged in commercial or research activities directly related to the employee's University responsibilities.

524. The planned direct participation in a University decision which would involve a direct benefit or detriment to:

A relative as defined in MSU's Nepotism Policy [[/policy/personnel/per400.html#430.00](#)]; 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.

525. 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 the Purchasing Department 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 under consideration. However, faculty members should not receive a profit as a result of recommending a specific vendor for the purchase of texts or course materials by their students, whether on-line or from other sources.

526. Participation as an employee, officer, board member, or owner in an entity which has (or wishes to have) rights to intellectual property for which you were an inventor or creator in your work for MSU as provided in Board of Regents Policy § 407 [<http://mus.edu/borpol/bor400/407.htm>].

527. The acquisition of any personal or financial interest which creates a Conflict of Interest.

528. The disclosures required by this Section shall be submitted on the [Conflict of Interest Disclosure Statement form](#).

530. Annual Disclosure. Annually, all employees (unless exempted as provided in § 533 below) must complete and submit a [Conflict of Interest Disclosure Statement](#) (Disclosure Form) as follows:

531. Disclosure Forms shall be completed and filed by October 1 of each year.

532. The employee's signature on the Disclosure Form certifies that the employee has read and understands this Policy and that either (1) the employee does not have any interests which require disclosure, or 2) that the employee has appropriately disclosed any interests which create a potential conflict of interest.

533. The following groups of employees are exempt from the annual disclosure obligation, (although they remain obligated to make disclosures under § 510 and §520 above):

- Employees working less than one-half time; and
- Classified employees.

540. Disclosure Submission. All Disclosures shall be submitted to the Office of Research Compliance, with copies to the employee's supervisor, the appropriate dean (when applicable) or director, and the Responsible Vice President. [Note, this may change depending on electronic submission system]

550. Submission to President. All disclosure forms of executive employees reporting directly to the President and employees reporting directly to the VPR, other than Research Center Administrators, shall be submitted to the President of the University and Office of Research Compliance.

560. Optional Conflicts Management Plan Submission. Any of the above disclosures may be accompanied, at the employee's option, by a proposed conflict management plan; a plan template is available from the Office of Legal Counsel (994-4570), and that office is available to answer questions or provide help with a plan.

600. DISCLOSURE REVIEW AND DISPOSITION

610. Initial Review. The Office of Research Compliance shall review each form containing a disclosure and determine, in consultation with the Responsible Vice President, or the President relative to the disclosures described in § 550 above, whether a conflict of interest exists.

620. Waiver of Conflict. The Office of Research Compliance, in consultation with the Responsible Vice President, or the President under § 550, may waive the conflict and the need for a conflict management plan if they make the following written determinations:

- That the conflict of interest is so remote that there is no significant probability for bias or undue influence on the employee's University duties and responsibilities;
- Any resolution of the conflict other than by disclosure and waiver would be ineffective or inequitable and the conflict is not prohibited by statute or regulation; or
- Any bias reasonably expected is outweighed by the interests of scientific progress, technology transfer or the public health and welfare, and the conflict is not prohibited by statute or regulation.

640. Conflict Management. If a Conflict of Interest exists and is not waivable, Office of Research Compliance, in consultation with the Responsible Vice President, or the President under § 550, the employee, and any others deemed helpful in assessing the situation, will develop a written conflict management plan to manage, reduce, or eliminate the conflict of interest.

641. The conflict management plan may employ strategies including, but not limited to, the following:

- Public disclosure of the Significant Financial Interest;
- Monitoring of the relevant employment duties (e.g., research) by independent reviewers;
- Modification of duties of the employee, including modification of a research plan;
- Disqualification from participation in the conflicting employment activity, such as research, procurement, student advising, or employee supervision;
- Divestiture of the conflicting interest; or
- Severance of relationship that creates the Conflict of Interest.

642. Whenever a decision is made to manage rather than eliminate the conflict of interest that has not been waived, the Office of Research Compliance shall make a written statement explaining why management is in the best interest of the University. Such statement may be included in the conflicts management plan.

643. Relevant questions to consider in designing an appropriate conflicts management plan include, but are not limited to:

- What is the magnitude of the financial interest?
- What is the level of incentive created by the interest?
- How direct is the link between the interest and the duties of the employee, including research duties?
- Could the conflict compromise the objectivity of research results or their evaluation and presentation?
- Could the conflict adversely affect students?
- Could the conflict unreasonably interfere with the employee's commitment to University responsibilities?
- Can a reasonably knowledgeable person be identified to satisfactorily monitor the conflict?

644. MSU shall periodically monitor compliance with all conflicts management plans for as long as the conflict of interest exists.

700. APPEAL PROCEDURE

710. Appeal to President. If an employee believes the conditions or restrictions in the conflict management plan are inappropriate, the employee may appeal the decision to the President, unless the President was involved in the decision appealed, in which case the President's decision is the final decision of the University. The President may, in his/her discretion, appoint and convene a Conflict

Review Committee to provide advice on an appeal. The President's decision on the appeal shall be the final decision of the University.

720. Conflict Review Committee. If the President wishes to have the benefit of advice from a Conflict Review Committee, the President 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. [<http://mus.edu/borpol/bor200/20352.htm>].

800. COMPLIANCE REPORTING AND RECORD RETENTION

810. Sponsored Research. The VPR is responsible for the following compliance duties related to conflicts of interest in Sponsored Research, if required by the sponsoring agency:

- Compliance of subgrantees, subcontractors and collaborators.
- Submission of compliance certifications.
- Reporting concerning conflicts of interest in research.
- Notifying the sponsoring agency of financial conflicts of interest as required by the sponsoring agency.
- Notifying the sponsoring agency if non-compliance with this policy has biased the design, conduct, or reporting of the funded research and identify the corrective action taken or to be taken to address the non-compliance.
- Records of conflicts disclosure submitted with the Proposal Clearance Form and records of actions related to such disclosures shall be maintained by OSP in the grant or contract file for three years from the date of submission of the final expenditure report.

830. Records Maintenance. Office of Research Compliance shall be responsible for maintenance of all disclosure and conflict management records (including copies of records kept by OSP for sponsored research disclosures) 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 consistent with state and federal law.

900. COMPLIANCE.

910. MSU 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 form as required by this Policy; failure to comply with University requirements concerning the conflict of interest; or failure to abide by a conflicts management plan.

920. A violation of this policy may be the basis for discipline of an employee. Such discipline will be imposed consistent with the discipline policies and procedures applicable to the particular employee (Faculty Handbook, collective bargaining agreement, Personnel Policies and Procedures Manual).

930. 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 the Institutional Review Board (IRB) or Institutional Animal Care and Use Committee (IACUC).
- Suspension without pay
- Termination

940. If MSU discovers an Investigator conducting PHS-funded research has failed make any disclosure required in §910 or to comply with a management plan, or if MSU has failed to review or manage a financial conflict of interest as required by the PHS FCOI regulations, MSU shall within 120 days, in accordance with the requirements of the PHS FCOI regulations, complete a retrospective review of the non-compliance and determine whether the research was biased by the non-compliance. Further, MSU will document and report its review in accordance with the PHS FCOI 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.
5. 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.

They are:

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.
2. Students should submit to the Registrar, Dean, Head of the Academic Department, or other appropriate official, written request that identify the record(s) they wish 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.
3. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights.

Students may ask the University to amend a record that they believe is inaccurate or identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to 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.

4. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to University officials with legitimate educational interests. A University official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Higher Education; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another University official in performing his or her tasks. A University official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

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

5. The right to refuse to permit the designation of any or all of the following categories of personally identifiable information as directory information, at which is not subject to the above restrictions on disclosure:
 - a. name, campus address, home address, telephone listing and campus e-mail address.
 - b. state of residence
 - c. age, date, and place of birth
 - d. sex and marital status
 - e. name of advisor
 - f. name and address of parent(s)
 - g. major field of study, including the college, division, department, or program in which the student is enrolled
 - h. classification as a freshman, sophomore, junior, senior, or graduate student, or by number referring to such cases
 - i. participation in officially recognized activities and sports
 - j. weight and height of members of athletic teams
 - k. dates of attendance and graduation, and degrees received
 - l. the most recent educational institutional attended
 - m. honors and awards received, including selection to a Dean's list or honorary organization, and the grade point average of students selected
 - n. photographic, video or electronic images of students taken and maintained by the University

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.

6. 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
600 Independence Avenue, SW
Washington, DC 20202-4605

Release of Information Policy

Data Stewardship Guidelines

June 2007

INTRODUCTION

The following Data Stewardship Guidelines recognize data as a university asset which, like other resources, must be managed with overall utility and cost/benefit in mind. Based on the philosophy that the greatest benefit of data is gained through its shared and thoughtful use but diminished through loss, misuse, misinterpretation and unnecessary restrictions to its access, these guidelines establish minimum standards for the management and protection of institutional data as provided in the University Data Stewardship Policy (http://www2.montana.edu/policy/itc/data_stewardship.htm). It is designed to achieve an appropriate mix of three core values – confidentiality, integrity and availability - which are described below along with the associated assumptions under which MSU's data repositories shall be administered and used.

- Confidentiality. University data should be available to meet the legitimate needs of members of the University community including access to sensitive information maintained in University data repositories. It is understood, however, that some data may be subject to legal and ethical considerations which define and regulate its responsible use. Provisions to not only increase the University community's understanding of the data and to maximize sensitivity to appropriate uses of all information, especially information that is considered "confidential," should be central to the university's data stewardship model. Controls must be in place to minimize the risk of unauthorized disclosure of university data.
- Integrity. The university community should trust the integrity of institutional data. Data should be collected and maintained, therefore, to guarantee its consistency, reliability, timeliness and accuracy and to avoid duplication and disparity across databases. Appropriate security measures should be provided which will protect institutional data from compromise or unauthorized access, modification, destruction or disclosure. Individuals share responsibility and are accountable for their use and access of the university's data repository, requiring on-going education on the part of those who use and care for it.
- Availability. This document provides guidelines and procedures which will support ease of use and access to data according to the authorized and legitimate needs of members of the University community. For purposes of this document, legitimate access is further defined as access which provides information necessary for users to carry out assigned duties or to fulfill a role or function. Additionally, the controls described here ensure that data will be available when needed.

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://www2.montana.edu/policy/itc/data_stewardship.htm).

DATA MANAGERS are individuals, including faculty, staff, administrators who typically guide the collection, storage, and sharing of University information. The Data Manager will answer to the Data Steward on matters related to information handling.

DATA USERS are individuals, including faculty, staff, administrators and students, who need and 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. Responsibility for activities of 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 (system environments). Responsibility for the activities of computer system administration may belong to the Information Technology Center or to other divisions or departments within the University. Individuals with administrative or root access to systems housing University data fall into this category.

APPLICATION ADMINISTRATION is the function of developing and maintaining application and software environments. Responsibility for the activities of application administration may belong to the Information Technology Center or to other divisions or departments within the University. Individuals with administrative access to University applications fall into this category.

DATA CLASSIFICATION

The University Data Stewardship Policy and section 510.20 of the University Data Security Policy describe the 4 classifications of University data. Data Stewards and Data Managers have responsibility for classifying data in their areas and applying the applicable controls as described in this document. The definitions and responsibilities for these classifications are provided below:

Restricted Data: All data which, if released in an uncontrolled fashion, could have substantial fiscal or legal impacts on the University. Examples include personal data containing elements such as Social Security Numbers, student grades, and personnel records. Personally identifiable information (other than public directory information as defined under FERPA:

http://www2.montana.edu/policy/family_ed_privacy_act) should be considered Restricted.

External Data: All data belonging to an outside party or agency. Examples include data maintained by commercial account owners and certain researchers who have special data arrangements with public or personal agencies. Access control is the responsibility of the local owners and researchers, who may request assistance in securing data from the Enterprise Security Manager.

Personal Data: All data equivalent to personal documents stored in desks or file cabinets. Examples include electronic mail, personal correspondence, and personal files, including most research files. Access control is the responsibility of each individual account owner, who may request assistance in securing data from the Enterprise Security Manager (Section 510.50). Recipients of Restricted Data are responsible for maintaining the restricted nature of the data in accordance with these guidelines which precludes local storage in most cases.

Public Data: All data that is not restricted by one of the above classifications and may be released to the general public, such as information designated as "Directory Information" under University policy

pertaining to the Family Educational Rights and Privacy Act. Availability and integrity of this information is the responsibility of the appropriate application administrator.

DATA STORAGE

The requirement to store University data exists for each data type defined above. In all cases, it is expected that data will be stored on managed servers, not desktop systems. Proper management includes compliance with the Standards for Network Connectivity (<http://www.montana.edu/itac/campusnetstds.doc>) which includes but is not limited to the following practices:

- Operating Systems with current support will be used
- All currently available and applicable patches will be tested and installed in a timely manner
- Unnecessary services will be disabled
- A properly configured firewall will be enabled
- Vulnerability scans will be performed on a regular basis
- System and access logs will be monitored or reviewed on a regular basis
- Automated backups to removable media will be configured and tested on a regular basis
- Automated backup media will be managed and stored securely by responsible personnel in a location separate from the server.
- Access will be controlled through a managed authentication/authorization system (such as the Windows Active Directory) with appropriate permissions limited to those as required
- Administrative access will be limited to the system and/or application administrator as required
- Hardware will be housed in a physically secure environment with access restricted to authorized personnel. The environment will include redundant power and cooling, and suitable fire suppression whenever feasible.

Storage of Restricted Data outside of centrally managed servers is discouraged and should only be undertaken when absolutely necessary. It is expected that the decision to store *Restricted Data* in this manner will occur only after discussion with the appropriate Data Steward and ITC personnel. 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 sensitive data between client and server will be encrypted
- 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

The use of removable media (other than for managed backups) is typically discouraged for the storage of *Restricted Data*. When necessary, *Restricted Data* must be encrypted when stored on portable devices such as USB drives, desktops, or laptop computers.

DATA SHARING

Data sharing will be accomplished through the use of managed accounts on servers managed as described above based on functional job requirements. Sharing and distribution of data can be accomplished in the following ways:

- Managed file services. This includes systems providing file shares through SMB or comparable protocols
- Managed Web services. This includes the use of the MyMSU portal, WebCT, or other similar systems.

Web services hosting Restricted Data will employ secure communications via HTTPS and encrypted authentication or authorized users.

Email will not be used for the distribution or sharing of *Restricted Data*. The Data Steward (or their designate) will be responsible for authorizing access to *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 *Restricted Information* should not be distributed via email or stored on local desktops)
- Administrative reporting should be accomplished through central Banner systems whenever possible
- Reports should contain only the information required to meet functional requirements. *Restricted Information* should be contained in reports only when deemed 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 can be found here: <http://www2.montana.edu/desktop/surplus.htm> .

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

TRAINING

It is expected that all individuals with responsibilities that include data handling will be properly trained in the procedures and best-practices commonly employed to protect information.

Formal Banner training is required as part of the authorization process in order to be granted access to the MSU Banner system. Training and access is coordinated through the Banner Module Team Leaders.

General training for individuals with IT-related support responsibilities is available through the ITC ITSS training program (<http://www.montana.edu/wwwitc/itsupport/>).

Departmental and one-on-one training on IT security and data stewardship is available through ITC and the Enterprise Security Manager.

Dispute Resolution Policy and Process

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/#infoaboutstudents

500.00 STUDENT ACADEMIC GRIEVANCE PROCEDURES

510.00 INTRODUCTION

Students who disagree with an academic decision made by an instructor or administrator, including the assignment of grades or decisions about program or degree requirements or eligibility, may file a grievance under these procedures.

520.00 ACADEMIC DECISIONS REVIEWED

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

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

530.00 STUDENT ACADEMIC GRIEVANCES

531.00 PROCEDURES

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

531.01 Informal Meeting

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

531.02 Department Head/Director Review

If the student and instructor cannot reach a mutually satisfactory resolution to the problem, the student may file a formal grievance. The grievance must be presented in writing to the instructor's Department Head/Director no later than the fifteenth day of university instruction of the following term. The student must describe the grievance, the date(s) of occurrence, why the student believes the decision was unfair, the student's attempts to resolve the grievance informally and the precise relief sought by the student. The student may attach copies of any relevant documents. The student shall send a copy of the grievance to the instructor. The instructor shall have ten (10) business days to respond to the student and Department Head/Director after receipt of the grievance. Once a student files a grievance, he or she will be assigned an incomplete grade ("I") until the matter is concluded. A grade assigned before the filing of the grievance may be changed by the Dean or Graduate Dean, if, after the grievance procedures have been completed, the grade is found to be unfair or otherwise improper. The Department Head/Director will receive and review all evidence, interview each party, if possible, and render a written decision with recommendations as to resolution within ten (10) business days of receipt of the instructor's response. If the grievance is not concluded within this time, the student may carry it forward to the Dean or Graduate Dean for resolution.

531.03 Dean's Review

A. For Undergraduate Students

Either party may appeal the Department Head/Director's decision in writing to the instructor's College Dean, with copies to the instructor, student and the Department Head/Director. Such appeal will be filed within five (5) business days of receipt of the Department Head / Director's determination. The Dean will submit a written decision to the student, instructor, and the Department Head/Director within ten (10) business days of receipt of the appeal. The decision of the Dean is the final decision of the University in grievances concerning grades for undergraduate students.

B. For Graduate Students

Either party may appeal the Department Head/Director's decision in writing to the Dean of the College of Graduate Studies, with copies to the instructor, student and the Department Head/Director. Such appeal will be filed within five (5) business days of receipt of the Department Head/Director's determination.

The Graduate Dean will discuss the appeal with the Dean of the student's academic college and will subsequently submit a written decision to the student, instructor, and the Department Head/Director within ten (10) business days of receipt of the appeal. The decision of the Graduate Dean is the final decision of the University in grievances concerning grades for graduate students.

531.04 Provost's Review

A. For Undergraduate Students

Either party may appeal the Dean's decision, except decisions concerning grade grievances. Such appeal will be filed in writing and submitted to the Provost (or designee) within five (5) business days of receipt of the Dean's decision, with copies to the instructor, student and the Dean. The Provost will submit a written decision to the student, instructor, and the Dean within ten (10) business days of receipt of the appeal. The decision of the Provost is the final decision of the University.

B. For Graduate Students

Either party may appeal the Graduate Dean's decision, except decisions concerning grade grievances. Such appeal will be filed in writing and submitted to the Provost (or designee) within five (5) business days of receipt of the Graduate Dean's decision, with copies to the instructor, student and the Graduate Dean. The Provost will submit a written decision to the student, instructor, and the Graduate Dean within ten (10) business days of receipt of the appeal. The decision of the Provost is the final decision of the University.



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/wwwsrn/forms.html>;
2. The Workplace Self-Inspection Checklist forms located at <http://www.montana.edu/wwwsrn/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

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, system efficiency and maintenance, health and safety issues for workers and their clients and energy efficiency alternatives for home owners.
- 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. 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 policies.

...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.



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.