



TITLE IX COMPLIANCE REVIEW REPORT



Montana State University
College of Engineering
Fiscal Year 2016

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Montana State University College of Engineering

I. INTRODUCTION

During Fiscal Year 2016, the Office of Civil Rights (OCR) of the United States Department of Energy (the Department or DOE) conducted a Title IX compliance review of the graduate program at the College of Engineering at Montana State University (MSU). The compliance review was conducted pursuant to Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. Section 1681, *et seq.*, and the Department’s Title IX implementing regulations, 10 C.F.R. Parts 1042 and 1040. Title IX prohibits discrimination on the basis of sex in any educational program or activity that receives federal financial assistance. 20 U.S.C. § 1681(a).

Title IX and DOE Title IX implementing regulations prohibit recipients of federal financial assistance, such as universities and colleges, from discriminating on the basis of sex in any of their educational programs or activities. 20 U.S.C. § 1681(a); 10 C.F.R. § 1042.100. In addition, DOE Title IX implementing regulations require the Department to periodically conduct compliance reviews of recipients of DOE financial assistance to ensure compliance with the nondiscrimination requirements of Title IX. *See* 10 C.F.R. §§ 1042.605, 1040.101(a).

In April 2016, members of the Department’s compliance review team held on-campus interviews with University administrators, including the University’s Title IX Coordinator, and with students, faculty, and staff of the College of Engineering. The facts, findings, and recommendations contained in this report are based on a review and an analysis of the data obtained from the University, including the University’s website, as well as information obtained from the interviews held with students, faculty, staff, and administrators.

A. Background

The Department supports a diverse portfolio of research at colleges, universities, and research institutions across the United States, providing funding to more than 300 such institutions every year. The funding provided by the Department for research at universities and colleges supports thousands of principal investigators, graduate students, and post-doctoral researchers.

In July 2004, the Government Accountability Office (GAO) issued a report (GAO-04-639)¹ entitled, “GENDER ISSUES: Women’s Participation in the Sciences has Increased, but Agencies Need to do More to Ensure Compliance with Title IX.” The purpose of the report was two-fold: (1) to report on the status of women in the sciences; and (2) to evaluate the Title IX compliance activities of the four federal science agencies—the Department of Energy,

¹ Government Accountability Office, *Gender Issues: Women’s Participation in the Sciences Has Increased, but Agencies Need to Do More to Ensure Compliance with Title IX* (July 2004) (July 2004 GAO Report).

Department of Education, National Aeronautics and Space Administration, and National Science Foundation. With respect to the status of women in the sciences, the GAO reported that the participation of women in the sciences at the undergraduate and graduate levels had increased over the past thirty years; however, the GAO reported that “[w]omen continue to major in the sciences and earn degrees in the sciences to a lesser extent than men.” The GAO also noted that some studies suggest that sex discrimination may still affect women’s choices and professional progress in the sciences. With respect to the Title IX compliance activities of the four federal science agencies, the GAO found that the agencies had taken steps, through the conduct of complaint investigations and the provision of technical assistance, to ensure that the institutions to which they provide financial assistance are in compliance with Title IX. However, the GAO noted that “[g]iven the general lack of knowledge and familiarity with the reach of Title IX and the disincentives for filing complaints against superiors,” the agencies needed to do more to judge whether sex discrimination exists in the sciences. To that end, the GAO made recommendations specific to each of the four federal science agencies. With respect to the Department, the GAO recommended that the Secretary of Energy ensure that compliance reviews of grantees are periodically conducted.

In August 2007, Congress passed, and the President signed into law, the America COMPETES Act, Pub. L. No. 110-69, § 5010, 121 Stat. 572, 620 (2007), which provided additional impetus for the Department to conduct compliance reviews. DOE regulations require the agency to conduct periodic reviews of institutions to which federal financial assistance is provided for the purpose of determining compliance with Title IX. 10 C.F.R. Part 1040, Subpart G, and 45 C.F.R. Part 611.7. In addition, the America COMPETES Reauthorization Act of 2010, 124 Stat. 3982 Public Law 111–358, January 4, 2011, requires DOE to conduct at least two Title IX compliance reviews each year.

In Fiscal Year 2016, the Department conducted Title IX compliance reviews of engineering programs at three universities to which it provides financial assistance, including the Graduate Engineering Department at Montana State University. Montana State University is a recipient of DOE financial assistance and in the years 2013-2016, DOE alone has awarded MSU approximately \$36 million dollars.

B. Objective

OCR evaluated and assessed Montana State University’s nondiscrimination policies and procedures related to Title IX, grievance and discrimination complaint processes, and the role of the Title IX Coordinator in implementing and enforcing Title IX requirements. The review also evaluated whether the University’s procedures provide for the prompt and equitable resolution of Title IX complaints, and whether there is compliance with the notification and dissemination requirements of Title IX. In addition, OCR identified and reported on any promising practices instituted by the University for promoting gender equity.

C. Scope

The review was conducted by the DOE-OCR and involved an evaluation and assessment of the following areas and practices of the College of Engineering's (COE) graduate programs: outreach and recruitment efforts; admissions and enrollment policies and practices; leave of absence and re-admissions policies; financial assistance and awards practices; academic climate; and student safety. Student demographics and retention records were evaluated and analyzed. To determine whether the University was in compliance with the requirements of Title IX and DOE Title IX implementing regulations, the OCR evaluated the following: (1) whether the University has designated a Title IX Coordinator; (2) whether the University has taken continuing steps to notify the campus community about its nondiscrimination policies related to Title IX; and (3) whether the University has adopted and published grievance procedures providing for the prompt and equitable resolution of Title IX-related complaints, including sex discrimination and sexual harassment complaints.

II. GRADUATE ENGINEERING PROGRAM

A. Student Enrollment

During the 2015-2016 academic year (AY), 247 graduate students were enrolled in the College of Engineering (COE) program. Of those students, 184 were male and sixty-three were female. The compliance review team interviewed thirty-nine graduate COE students, including twenty-eight male students and eleven female students, during its on-campus visit.

Table 1, below, shows the number and percentage of graduate male and female students enrolled in the graduate COE program for AY 2011-2012 to AY 2015-2016.

Table 1: Graduate Student Enrollment

	Total	Female		Male	
2011-2012	239	61	26%	178	74%
2012-2013	260	50	19%	210	81%
2013-2014	273	57	21%	216	79%
2014-2015	269	58	22%	211	78%
2015-2016	247	63	26%	184	74%

B. Faculty, Staff, and Administrators

The graduate COE has fourteen full-time equivalent faculty members. During the 2015-2016 academic year, faculty members, of whom eight were male and six were female, taught in the MSU COE. The compliance review team interviewed fifteen of those faculty members (ten male faculty and five female faculty).

The OCR team also interviewed eight administrators including: the Provost; Dean of the Graduate School; Dean of COE; Head, Department of Mechanical and Industrial Engineering; Head, Department of Electrical and Computer Engineering; MSU Dean of Students; MSU Associate Dean for Research and Graduate Studies; Title IX Coordinator; and the Interim Title IX Coordinator.

C. Recruitment and Outreach

DOE Title IX implementing regulations prohibit recipients of financial assistance from discriminating on the basis of sex in the recruitment of students. 10 C.F.R. § 1042.310. To determine whether the College of Engineering at MSU was in compliance with this provision, the OCR reviewed the recruitment and outreach activities of the COE Department.

The University reports that in 2014-2015 and 2015-2016, the COE participated in a recruitment event sponsored by the Graduate School. It was the responsibility of each department to contact the students of interest and invite them to the event. The COE Graduate Ambassadors, a group of Ph.D. students selected by the different departments to represent the graduate programs, help host the visit and connect with the students prior to their arrival so they will know what to expect. COE provided resources for student meals and dinner with faculty during the 2-3 day event.

The different discipline offices in the COE approach recruitment in a variety of ways. Most of the departments take advantage of the Graduate School recruitment weekend, which allows students to be with a larger cohort of students who are interested in being at the University. While other departments restrict additional recruitment efforts to emails sent to students from the Graduate Record Exam (GRE) system and an advertisement in the Chemical Engineering Education journal, in 2014-2015 and 2015-2016 the Computer Science (CS) department was a sponsor at the Grace Hopper Celebration of Women in Computing Conference. Email invitations were sent to interested participants, inviting them to the booth for face-to-face interactions to learn more about the CS graduate program.

A majority of the graduate COE students who were interviewed indicated that they were not specifically recruited by the University, with the exception of students who were at MSU for their undergraduate degrees. However, a few of the graduate COE students who were interviewed stated that they had participated in, or were familiar with, the graduate visit days or were themselves Graduate Ambassadors.

There were several outreach events that were targeted specifically for high school students on the MSU campus. Interviewees mentioned Nano Days, First Robotics competition, Shadow an Engineer Day, Engineer-a-thon, Expanding Your Horizons and MSU Fridays. Most students mentioned a specific outreach initiative and a few of the students actively participated in the programs.

Finding

Recruitment and Outreach

The Department has found no evidence of discrimination based on sex in the recruitment and outreach efforts of the COE Graduate School at MSU, as described above. Therefore, the Department finds that the recruitment and outreach efforts outlined above comply with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

Recommendations

Recruitment and Outreach

The Department recommends a self-evaluation by the University for determining compliance with Title IX. While not required, institutional self-evaluation is a highly recommended practice to enable institutions to proactively meet their requirements under Title IX. *See* 10 C.F.R. § 1042.110(c). Recipients of federal funds should evaluate, in terms of the requirements of Title IX, current policies and practices and their effects concerning admission of students, treatment of students, and employment of both academic and nonacademic personnel working in connection with the recipient's education program or activity. Policies and practices should be modified as necessary to ensure full compliance with the requirements of Title IX. The following regulations and guidance are available to institutions as resources for self-evaluation:

- Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 10 C.F.R. Part 1042;
- Business Systems Review Guide, National Science Foundation Office of Budget, Finance and Award Management;
- Department of Justice (DOJ), Coordination of Enforcement of Non-discrimination in Federally Assisted Programs, 28 C.F.R. §§ 42.401 – 42.415;
- DOJ, Questions and Answer regarding Title IX Procedural Requirements; and
- Department of Education (ED) OCR, Title IX Grievance Procedures: An Introductory Manual (Second Edition, 1987)
- National Aeronautics and Space Administration (NASA), Title IX & STEM: A Guide for Conducting Title IX Self-Evaluations in Science, Technology, Engineering, and Mathematics Programs. Accessible online at http://odeo.hq.nasa.gov/documents/TITLE_IX_STEM_Self-Evaluation.pdf (June 2012).

The Department also recommends working through different affinity groups on campus to aid in the recruitment of a diverse graduate cohort.

Promising Practices

Recruitment and Outreach

The Department commends the University for the Engineering Ambassadors Program. This outreach cohort consists of graduate students, half of whom are women, who work to recruit potential students, especially women.

The Department also recognizes the success of the NSF-funded Advance Project TRACS program for increasing the number of women faculty in STEM and Social and Behavioral Sciences (SBS) programs. From 2013-2016, at least 50 percent of new hires in STEM/SBS were women. In 2016, women faculty accounted for 22.6% of the University's STEM departments and 34% of SBS departments.

D. Admissions Process

DOE Title IX implementing regulations prohibit recipients of financial assistance from discriminating on the basis of sex in the admission of applicants. 10 C.F.R. § 1042.300. In determining whether a person satisfies a criterion for admission, or in making any offer of admission, recipients are prohibited from the following: giving preference to one person over another on the basis of sex; applying numerical limitations upon the number or proportion of persons of either sex who may be admitted; or otherwise treating one individual differently from another on the basis of sex. *Id.*

1. Background

Montana State University graduate College of Engineering processes all application materials through the Graduate School. The COE follows MSU processes with specific requirements for the GRE and TOEFL scores. Candidates will be admitted to both the COE and the Graduate School under one of seven options: Applied Mechanics, Civil Engineering, Chemical Engineering, Electrical and Computer Engineering, Environmental Engineering, Industrial Engineering, and Mechanical Engineering.

2. Admissions Process

Applications can be submitted online through MSU's Graduate School (all information below is asked during the online application process and a non-refundable \$60 application fee will be required prior to submitting the application).

Minimum College Requirements for Full Admission:

- At least a 3.0 undergraduate GPA.
- GRE scores of Verbal ≥ 152 (53%), Quantitative ≥ 153 (56%) and Analytical Writing ≥ 3.5 .
- Favorable letters of recommendation from three references.
- Graduate GPA (if applicable) of 3.2 or better.
- International Students: TOEFL scores of 580 (237 for computer test version) or greater or a minimum International English Language Testing System (IELTS) band score of 7.
- A personal statement of up to two pages describing the applicant's research interests, prior research activities (if applicable), and career goals. If the applicant has no direct research experience, they should describe the experiences and activities they have that they believe have prepared them to undertake research.
- A two page CV or résumé describing the applicant's prior background.

The process within Departments begins by submission of the summary admission form to the option coordinator and potential advisers for faculty recommendation. The Department Head

reviews applications in conjunction with faculty recommendation and exercises one of the following options. The Full Admission choice is forwarded to the Graduate School for further action. The Provisional Admission option is used when there are additional conditions under which the candidate will be accepted, with notes of actions to be taken and then forwarded to the Graduate School. There are three different conditions that result in rejection of admission: 1) sub-par academic qualifications; 2) lack of fit with a COE research program; and 3) the lack of a potential adviser.

The Associate Dean responsible for graduate studies in the COE reviews applications and returns them to the Department for submission to the Graduate School. The Graduate School then reviews all of the applications to ensure their standards are met with the options of Accept, Reject, or return to Department Head and Associate Dean with recommendation for further consideration. The applicant is informed with a letter of acceptance or rejection by the Graduate School.

Acceptance into the program is not always a guarantee of funding (tuition or stipend). Students should establish a dialogue with their chosen department to determine the availability of funding. If there are course deficiencies that are identified in the student’s educational background, these must be completed prior to full admission (matriculation).

For those entering without having an adviser/major professor previously identified, students should secure an adviser as early as possible, but no later than the end of the third semester of registration in the Ph.D. program. During the selection process, there should be discussions with the student that include an understanding of funding available to the student and the term of commitment.

3. Admissions Statistics²

Table 2, below, shows the number and percentage of students, by sex, who applied to the graduate COE graduate program from AY 2011-2012 to AY 2015-2016. The table also shows the number and percentage of male and female applicants who were admitted to the COE graduate program, as well as the number and percentage of male and female applicants who enrolled in the program for the same time period.

Table 2: Graduate Program (Masters and Doctoral)—Applicants, Admissions, and New Enrollment per Academic Year

Doctoral Program		Total	Male		Female		Gender Not Identified	
2011-2012	No. of Applicants	239	178	74.5%	61	25.5%	0	0%
	No. Admitted	107	77	72%	30	28%	0	0%
	No. Enrolled	72	53	73.6%	19	26.4%	0	0%

² The statistics provided in this subsection relate to admission and enrollment statistics of applicants to the graduate program of the COE.

2012-2013	No. of Applicants	260	210	80.8%	50	19.2%	0	0%
	No. Admitted	120	100	83.3%	20	16.7%	0	0%
	No. Enrolled	67	58	86.6%	9	13.4%	0	0%
2013-2014	No. of Applicants	273	216	79.1%	57	20.9%	0	0%
	No. Admitted	142	112	78.9%	30	21.1%	0	0%
	No. Enrolled	86	64	74.4%	22	25.6%	0	0%
2014-2015	No. of Applicants	269	211	78.4%	58	21.6%	0	0%
	No. Admitted	107	83	77.6%	24	22.4%	0	0%
	No. Enrolled	70	54	77.1%	16	22.9%	0	0%
2015-2016	No. of Applicants	248	184	74.2%	63	25.4%	1	0.4%
	No. Admitted	91	66	72.5%	25	27.5%	0	0%
	No. Enrolled	72	51	70.8%	21	29.2%	0	0%

During the five-year period under review, the admission rate for male students ranged from a low of 35.9% for AY 2015-2016 to a high of 51.8 % for AY 2013-2014.³ The admission rate for female students during the same period ranged from a low of 39.7% for AY 2015-2016 to a high of 52.6% for AY 2013-2014. The average admission rate for male students over the five-year period was 43.6%, while the average admission rate for female students over the same period was 44.6%, a difference of 1.0%.

Over the same five-year period, the enrollment rate for male students ranged from a low of 57.1% for AY 2013-2014 to a high of 77.3% for AY 2015-2016.⁴ The enrollment rate for female students during the same period ranged from a low of 45% for AY 2012-2013 to a high of 84% for AY 2015-2016. The average enrollment rate for male students over the five-year period was 65.2%, while the average enrollment rate for female students over the same period was 66.5%, a difference of 1.3%.

4. Administrator Evaluation of the Admissions Process

A majority of the MSU administrators interviewed stated that the admissions process was fair. When asked to comment on the lower enrollment rates of females in a specific graduate engineering department, one administrator noted that the reasons for lower enrollment are complicated and noted that the pool for qualified students is small. He also stated that the lack of female faculty impacts the comfort level of the students.

5. Student Evaluation of the Admissions Process

A majority of the graduate COE students who were interviewed described the admissions process for the graduate COE program as a standard process. A majority of the graduate students also stated that they did not believe anything in their admissions experience was unfair.

³ The admission rate of a specific gender is calculated by dividing the number of students of a specific gender who were admitted to the program by the number of students of that specific gender who applied for admission to the program and then converting that number to a percentage.

⁴ The enrollment rate of a specific gender is calculated by dividing the number of students of a specific gender who enrolled in the program by the number of students of that specific gender who were admitted to the program and then converting that number to a percentage.

Finding

Admissions Process

The Department has found no evidence of discrimination based on sex in the admissions process of the graduate program in the MSU COE, as described above. The Department also has found no evidence that the COE, in making admissions decisions related to applicants to the graduate program, gives preference to one person over another based on sex, applies numerical limitations upon the number or proportion of persons of either sex who may be admitted, or otherwise treats one individual differently from another on the basis of sex. Therefore, the Department finds that the admissions process outlined above complies with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

E. Leave of Absence and Re-Enrollment Policies

DOE Title IX implementing regulations state 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 . . . or other education program or activity operated by a recipient” of financial assistance. 10 C.F.R. § 1042.400. The Department evaluated the COE leave of absence and re-enrollment policies to determine whether they comply with this general provision of nondiscrimination on the basis of sex.

1. General Leave of Absence and Re-Enrollment Policies

The University has policies regarding the Continuous Enrollment, Leave of Absence, Re-enrollment, and Re-admission which are followed by the COE.

Graduate students whose enrollment at Montana State University is interrupted for any reason which results in them not being enrolled for three consecutive semesters, including the summer sessions, must apply for readmission via the web at www.reg.msu.edu at least two months prior to the first day of registration for the semester in which the student expects to resume graduate studies. Faculty will evaluate the application to determine if readmission will be granted.

To maintain graduate status, a student must be enrolled in three (3) or more credits (including thesis or dissertation) each term, excluding summer term.

Continuous enrollment status policy is applicable for:

Master’s students

- Either after completion of the required content coursework on an approved Graduate Program of Study content coursework excludes thesis credits), OR
- After passing any portion of the comprehensive examination.

Doctoral students

- After passing any portion of the comprehensive examination.

A leave of absence applies to students who are in continuous enrollment status. Students on a leave of absence:

- Must notify their committee chair of their expected leave of absence.

- May be absent from the university for a maximum of three (3) terms, excluding summer term, while in continuous enrollment status.
- May take a leave of absence in consecutive or individual terms.
- Cannot take any part of their written/oral comprehensive examination. See Comprehensive examination (masters, doctoral).
- Cannot defend their thesis or dissertation.
- Are not entitled to use university facilities.
- Are not required to obtain formal approval from The Graduate School.
- Must fill out an Intent to Register form to re-enroll in courses. See Re-enrollment/Registration.

Failure to maintain continuous enrollment status is evidence that the student is no longer pursuing a degree at MSU. Additional absences may be approved for documented medical reasons or military duty.

Students wishing to register for coursework following one (1) or more terms of absence (excluding summer) cannot register (enroll) in coursework until they first complete an Intent to Register Form (See Returning Student) through the Office of the Registrar. An audit fee will be charged for degree seeking students who have been absent for more than three terms.

Re-admission applies to students who would like to return to complete their degree-requirements, when they have exceeded the number of terms (3) allowed on a leave of absence while in continuous enrollment status. Re-admission also applies if a student has been suspended from a degree program and would like to return to complete their degree requirements.

To be re-admitted a student must:

- Re-apply to the degree program by completing the Application for Graduate Admission. A \$60.00 application fee is required.
- Submit official transcripts of any academic work completed during the absence.
- Submit a revised Graduate Program of Study form to The Graduate School. If the age of the coursework is older than six (6) years for a certificate or master's degree or older than ten (10) years for a doctoral degree the coursework cannot be included in the revised Graduate Program of Study.
- Retake the written/oral comprehensive examination if the examination is no longer valid.
- Maintain continuous enrollment to completion of the degree.

2. Family Leave of Absence Policy

The family leave of absence policy published by MSU and followed by the COE is described below:

- MSU will not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.
- MSU will not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, and termination of pregnancy or

recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity.

- MSU will not require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation unless such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.
- MSU shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery from pregnancy in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which MSU administers, operates, offers, or participates in with respect to students admitted to MSU's educational program or activity.
- MSU shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.

Finding

Leave of Absence and Re-Enrollment Policies

The Department has found no evidence of discrimination on the basis of sex in the administration of the leave of absence/re-enrollment policy for graduate COE students. Therefore, the Department finds that the leave of absence/re-enrollment policy outlined above for graduate COE students complies with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

F. Student Financial Assistance

DOE Title IX implementing regulations state that in providing financial assistance to any of its students, a recipient shall not, on the basis of sex, provide different amounts or types of such assistance, limit eligibility for such assistance, apply different criteria, or otherwise discriminate. 10 C.F.R. § 1042.430. The OCR evaluated the different types of financial assistance made available by the COE to its students to determine compliance with this provision.

1. Teaching Assistantships and Research Assistantships

a. Selection Process

The COE offers financial assistance to its graduate students in the form of graduate teaching assistantship (GTA) positions and graduate research assistantship (GRA) positions. Decisions are made on a case-by-case basis using information from admission applications. GRAs are aligned with their research interest and faculty who have openings in their laboratories as well as sufficient funding to support them. GTAs are selected based upon their academic backgrounds and the level of preparation to assist with specific courses.

b. Faculty and Administrator Evaluation of the GTA/GRA Process

A number of the faculty members who were interviewed stated that gender is not considered

when selecting a graduate COE student for a research fellowship position.

c. Distribution of Teaching Assistantships and Research Assistantships

Table 3 below, shows the distribution of graduate teaching assistantships and graduate research assistantships, among male and female graduate COE students from AY 2011-2012 to AY 2015-2016. Over the five-year period, males comprised 76% of the overall graduate COE student population, while females comprised 24% of the overall graduate COE student population. During the same time period, teaching assistantships and research assistantships were generally awarded to male and female graduate COE students in proportion to their population size. For instance, from AY 2011-2012 to AY 2015-2016, male graduate COE students were awarded 75.3 % of teaching assistantships and female graduate COE students were awarded 24.7 % of teaching assistantships.⁵ Over the same five-year period, male graduate COE students were awarded 76.4% of research assistantships, while female graduate COE students were awarded 23.6% of research assistantships.⁶

Table 3: Teaching Assistantships and Research Assistantships⁷

		GTA		GRA		Total	
2011-2012	M	38	84.4%	38	80.9 %	76	82.6%
	F	7	15.6%	9	19.1%	16	17.4%
2012-2013	M	38.5	74%	44.5	72.9%	83	73.5%
	F	13.5	26%	16.5	27.1%	30	26.5%
2013-2014	M	39	69.6%	53	80.3%	92	75.4%
	F	17	31.4%	13	19.7%	30	24.6%
2014-2015	M	47.5	77.2%	51.5	75.1%	99	76.2%
	F	14	22.8%	17	24.9%	31	23.8%
2015-2016	M	45	71.4%	56	72.7%	101	72.1%
	F	18	28.6%	21	27.3%	39	27.9%

2. Recruitment Incentives

The College of Engineering does not offer incentives/sign-on bonuses. However, there is financial support available in the form of fellowships, scholarships, tuition waivers, and teaching and research assistantships for incoming students.

Finding

Teaching Assistantships and Research Assistantships

Over the five-year period under review, graduate teaching assistantship and graduate research

⁵ These percentages are based on the total number of students who were awarded a graduate teaching assistantship.

⁶ These percentages are based on the total number of students who were awarded a graduate research assistantship.

⁷ In Table 3, graduate teaching assistantships are denoted as “GTA” and graduate research assistantships are denoted as “GRA.” Numbers for Fall Semester of each academic year have been reported; joint GTA/GRA appointments are reflected as 0.50 in each category.

assistantship positions were generally awarded to male and female graduate COE students in proportion to their population size. In addition, the COE compensates male and female graduate COE students equally for comparable graduate assistantships. The Department has found no evidence that the COE, in selecting teaching assistants and research assistants over the five-year period, provided different types of such assistance, limited eligibility for such assistance, applied different criteria for such assistance, or otherwise discriminated on the basis of sex in providing such assistance. Therefore, the Department finds that the COE's graduate teaching assistant and graduate research assistant selection processes described above comply with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

G. Graduate Degrees in Engineering

1. Masters Level: Master of Science (M.S.) and Master in Engineering (M. Eng.)

The COE offers M.S. degrees in Chemical Engineering, Environmental Engineering, Civil Engineering, Computer Science, Optics, Industrial and Management Engineering, and Mechanical Engineering. Masters in Engineering (M.Eng.) degrees are offered in Chemical Engineering, Bioengineering, Electrical Engineering, and Mechanical Engineering.

Ph.D. Degree: Oral Candidacy Examination and Dissertation Requirements

DOE Title IX implementing regulations state 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 a recipient” of financial assistance. 10 C.F.R. § 1042.400. The Department evaluated the COE's administration of the oral candidacy examination, the dissertation defense, and the dissertation approval process to determine whether they comply with this general provision of nondiscrimination on the basis of sex.

2. Ph.D. Degree: Background

The Doctor of Philosophy in Engineering degree is offered through the College of Engineering. Candidates will be admitted to both the College of Engineering and The Graduate School under one of seven options: Applied Mechanics, Civil Engineering, Chemical Engineering, Electrical and Computer Engineering, Environmental Engineering, Industrial Engineering, and Mechanical Engineering. The Doctor of Philosophy in Computer Science is also offered through the COE. If a student enters the Ph.D. program without a prior degree in engineering from an accredited program and is interested in pursuing registration as a professional engineer, they should consult with their department head and major professor to determine what coursework and other experiences may be needed to ensure they are on a pathway to seek licensure. These requirements vary with discipline and the state where licensure is sought.

Ph.D. candidates within the College of Engineering at Montana State University must pass a qualifying examination, a comprehensive examination, and a defense of dissertation. There are general rules that govern these requirements, with some options specified.

3. Ph.D. Degree: Qualifying Examination, Comprehensive Examination, and Dissertation Defense

a. Qualifying Examination

The purpose of the qualifying examination is to determine whether the student has sufficiently mastered the core topics within their chosen area of study. It will be a written examination on undergraduate engineering topics determined by the student's chosen Ph.D. option area and administered by that option's committee.

Each Ph.D. Option Committee will offer a qualifying examination annually to students in that option. The qualifying examination will be completed within three semesters but typically within two semesters of full admission (matriculation) into the Ph.D. program. Failure to take the examination in that time period may result in suspension of Ph.D. candidate status, including stipend. The committee will document the results of the examination in a letter to the student, and in the student's file.

b. Comprehensive Examination

The purpose of the Ph.D. comprehensive examination is to determine whether the student is ready for independent research in her/his chosen area of study. The comprehensive examination is administered by the student's graduate committee (including the Graduate Representative assigned by the Graduate School), and must be completed within two years after passing the qualifying examination. It is also recommended that the student has taken two-thirds of their graduate coursework. In addition, students should have completed ENGR 694 prior to taking the exam; the course is designed to assist the student in preparing their proposal. The Ph.D. comprehensive examination is comprised of a written proposal for the student's Ph.D. dissertation, and an oral presentation of the proposal and oral examination.

The candidate will prepare a written proposal associated with the research topic for the Ph.D. dissertation in a format designated by the Ph.D. option. The successful proposal will include a significant literature review, preliminary research to date, and the research proposed to complete the Ph.D. The written proposal will be presented to the student's graduate committee in advance of the oral presentation, by a date agreed to by the student and graduate committee.

The student will then present the dissertation proposal as a public research seminar that has been advertised to the College of Engineering. This will be followed by a closed-session oral examination by the student's graduate committee on the candidate's current and proposed research, the candidate's graduate level understanding of option specific engineering principles, and additional topics relevant to the proposed research including fundamentals of other disciplines drawn upon in the research.

The student's graduate committee will inform the student of the results of the comprehensive examination immediately following the oral examination and committee deliberation, and will document the results on the appropriate form filed with the Graduate School. A student not passing the comprehensive examination will have one opportunity to retake the comprehensive

examination after a span of six months has passed. Failure to pass the examination on the second attempt is grounds for dismissal from the Ph.D. program.

c. Dissertation Defense

The dissertation defense will consist of two parts: an open seminar of the research results and a closed session with the student’s committee and the graduate representative. Written notification of the results within one week of the defense must be delivered to the Graduate School and the student. Committee members must approve the dissertation, along with the Department Head, and Vice Provost for Graduate Education. Deadline for the dissertation approval is fourteen working days before the end of the term for a given semester.

If failure occurs at the first attempt, a second defense must be held. At least six months must elapse before the second examination takes place, with the time period not to exceed nine months. Failure of the second exam will result in suspension from the program.

Table 4, below, shows the number of COE Ph.D. degree students who submitted their dissertations for approval from AY 2011-2012 to AY 2015-2016⁸, as well as the number and percentage of dissertations that were approved. Table 4 also shows the number of COE Ph.D. degree students who defended their dissertations before the thesis committee, as well as the number and percentage of students who successfully defended their dissertations. As Table 4 illustrates, the dissertation approval rate and dissertation defense passing rate for both male and female students over the five-year period was 100%.

Table 4: Dissertation Defense Success Rates and Dissertation Approval Rates

Academic Year	No. of Defenders/ Submissions			Male Students Passing		Female Students Passing	
	Total	Male	Female	No.	Percent	No.	Percent
2011-2012	1	1	0	1	100%	0	N/A
2012-2013	6	5	1	5	100%	1	100%
2013-2014	16	13	3	11	84.6%	3	100%
2014-2015	13	8	5	8	100%	5	100%
2015-2016	8	5	3	5	100%	3	100%

⁸ The exams and defenses noted in the AY2015-2016 are recorded through March 2016.

Finding

Qualifying Examination, Comprehensive Examination, and Dissertation Defense

The Department has found no evidence of discrimination on the basis of sex in the MSU College of Engineering's administration of the qualifying examination, the comprehensive examination and the dissertation defense process for Ph.D. students, as described above. Therefore, the Department finds that the COE's administration of the qualifying examination, the comprehensive examination and the dissertation defense process for Ph.D. students complies with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

H. The Environment: Academic Climate, Campus Safety, Child Care and Family Services

As noted previously, DOE Title IX implementing regulations state 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 a recipient" of financial assistance. 10 C.F.R. § 1042.400. Consistent with this provision, the Department evaluated the academic climate within the College of Engineering, as well as campus safety, to determine whether either of these environmental aspects had the effect of excluding COE students from participation in COE programs or activities on the basis of their sex.

1. Academic Climate

The OCR review team asked graduate COE students whether they had ever experienced or observed harassment or gender bias in the College of Engineering. The majority of the students answered no, although there were a few students who felt that they had been treated differently because of their gender. There were two female students who mentioned that male students often challenged them when they were performing teaching-assistant duties. One female COE teaching assistant quoted a male student saying, "What makes you qualified to teach us?" Another student mentioned that she was a "front-row sitter" and the males that sat around her engaged in personal conversations that made her uncomfortable. The professor for that course also singled out female students when they asked a question. The student mentioned that girls stopped going to the course and still received an A⁹. A male student also mentioned that he has heard students talking about subjects that are not conducive to inclusion. He didn't feel that the biased comments were directed at anyone in particular, but the open conversations happened in public open space such as the tutoring center.

When graduate COE students were asked whether they had encountered any barriers based on gender, a majority of them said, "no." There were several students who spoke about particular instances that made them feel like gender bias may play a role. One student stated, "Sometimes in the lab it can feel like a male chauvinist environment, particularly in structural engineering. It is easier for females to get pushed to the side." Another student, who was asked to be a part of

⁹ The students did not file a formal complaint regarding this matter. Therefore, the Department cannot conclude that the professor's alleged actions were based on the student's gender.

meetings involving hiring of faculty, mentioned that in the process of hiring faculty that there were females he didn't consider qualified and felt like the University may have been lowering their standards. Two other students made mention of the fact that there are more males than females in the COE something they feel is a pervasive problem in STEM, not something that is specific to MSU. There was a graduate student who noted that MSU COE does everything they can to be inclusive of all.

The OCR team asked COE graduate students if their experiences in the classroom, including perceived differences in treatment of students based on gender, affected any aspect of their study at MSU. Most of the COE students answered "No," with the two exceptions noted in the paragraph above.

The OCR review team asked COE faculty members about the climate for students in the classroom and the laboratories, and whether they had observed any differences in the way male and female students are treated. All faculty members stated that male and female graduate COE students were treated equally and they saw no differences between male and female students in group dynamics, opportunity for advancement, receipt of awards, or other recognition.

When the OCR team asked COE faculty members whether they noticed any differences between male and female students with respect to their participation in the classroom or their learning styles, there were a variety of responses. The majority of the faculty stated, "no," that there were no differences. There were several comments about learning styles that some attributed to a difference between the genders but others noted that it might be learning styles based on individual preferences. There were two additional responses that should be noted. One female faculty member stated, "women don't speak as much," while a male faculty member stated, "women are more organized and make less mistakes." While these comments may seem incidental, they can possibly invoke a stereotype threat and aversion to risk.

2. Campus Safety

The Montana State University Police Department (UPD), established by Montana law¹⁰, has primary responsibility for law enforcement on the MSU campus and its jurisdiction extends one mile beyond the campus for University related activities. UPD police officers have full authority within this jurisdiction and provide a broad range of services to the campus. The UPD, Gallatin County Sheriff's Office, and the Bozeman Police Department provide mutual assistance when needed.

Students' safety services include escorts, blue light phones, and educational programs. The educational programs concerning security awareness, personal safety, and crime prevention are offered by a variety of groups and individuals on campus each year, including the University Police, the Office of Health Advancement (OHA), the Office of Emergency Management (OEM), Safety and Risk Management (SRM), the University Counseling Center, the VOICE Center, Residence Life, and others.

¹⁰ Section 20-25-321 Montana Code Annotated.

The OCR review team asked graduate COE students if they believe the laboratories are safe environments to work in the evenings and weekends and if the University campus felt safe in general. All of the students interviewed stated that they felt safe in the labs and on campus. There are keypads with electronic access to the labs and many of the buildings after hours. One student mentioned that she felt like it was a safe environment but still takes precautionary measures to ensure safety. COE graduate students were aware of the 24-hour option of a police escort to their car or dorm, the blue light emergency phone system, and the email and text alerts as safety initiatives that make them feel safe. There was one student that mentioned a lack of lighting outside of the lab building as something that might need to be remedied.

All COE faculty members who were interviewed stated they felt the campus and surrounding environment were safe. The same sentiment was expressed by all of the COE administrators that were interviewed by the OCR team. One administrator remarked that the laboratory safety is scrutinized by accreditation committees on their required visits.

3. Child Care and Family Services

The University provides access to on-campus child care services to students through the MSU Child Development Center which offers year-round early child development for children ages three to five years old. In addition, Associated Students of Montana State University (ASMSU) Day Care offers MSU students on-campus child care for students two-and-a-half years old to six years old. Over fifty percent of graduate students interviewed by OCR, whether they had children or not, knew that the University provided child care services.

The University has dedicated space for breastfeeding mothers on campus. Other family services provided by MSU include family housing on campus, spousal memberships at the University gym, and flexible hours for students with families.

Finding

Academic Climate

The Department finds that a majority of the graduate COE students who were interviewed believed that their sex had not affected any aspect of their study at the University; that the sex of a student did not affect the dynamics between male and female students in the classroom; and that one's sex did not affect the dynamics between professors and students in the classroom. There was an isolated incident mentioned by one of the students the OCR interviewed, described below in the recommendation section.

Campus Safety

The Department finds that the students, faculty, and administrators interviewed had no safety concerns in the laboratories or on campus therefore, safety concerns did not affect the exclusion from participation in graduate COE programs or activities.

Recommendation

Academic Climate

Given that a graduate COE student allegedly felt “pushed to the side” in structural engineering, which potentially was attributed to gender bias, the Department recommends that the COE require all COE faculty, and staff to participate in Title IX-related training, so that they might be better informed about the requirements and prohibitions of Title IX, as well as the University’s sex discrimination and sexual harassment policies. The Department also recommends that the COE require all graduate COE students to participate in Title IX-related training, so that they might be better informed about their rights and responsibilities under Title IX.

In order to gauge results of training on the reduction of possible gender bias, the Department recommends that the COE conduct course evaluations and/or exit surveys of graduating students that address gender bias and gender issues.

Campus Safety

Although students said they felt safe on the campus, there were some students that stated that they were not aware of campus safety programs. The Department recommends that the University continue to find creative ways for improving campus safety, and that the University regularly remind students, faculty, and staff of the safety programs available to them. Perhaps adding this information to the campus app would enable students to have the information available to them in a user-friendly way.

III. TITLE IX REQUIREMENTS

A. Designation of a Title IX Coordinator and Title IX Notification Requirements

1. Designation of a Title IX Coordinator

DOE Title IX implementing regulations require each recipient of financial assistance to designate at least one employee to coordinate its efforts to comply with and to carry out its responsibilities under Title IX and DOE Title IX implementing regulations. 10 C.F.R. § 1042.135(a).

The Director of the Office of Institutional Equity & Campus Title IX Coordinator¹¹ is responsible for the University's compliance with state and federal civil rights laws which protect employees and students from discrimination and harassment on the basis of race, sex, national origin, religion, age, and other characteristics. The Director also serves as the campus Title IX Coordinator. Their duties and responsibilities¹²include: leading efforts across the University ensuring compliance with statutory and regulatory requirements as they relate to anti-discrimination laws and policies; oversee and coordinate the development and delivery of

¹¹ The College of Engineering does not have a separate Title IX function.

¹² The duties and responsibilities of the Title IX Director are provided through the position description for the Director of Institutional Equity and Title IX Coordinator employment announcement.

university-wide education, training, outreach and programming to faculty, staff, and students; conduct, coordinate, and ensure the timely completion of the University's response to as well as investigation of complaints pursuant to anti-discrimination laws and policies; draft investigation reports, issue findings, determinations and recommendations on cases; and advise and collaborate with other offices and serve as a central resource for all constituencies on issues related to protected class discrimination, harassment, and Title IX.

2. Notification Requirements of Title IX

DOE Title IX implementing regulations require each recipient of financial assistance to notify all of its students and employees of the name, office address, and telephone number of the individual it has designated as the Title IX coordinator. 10 C.F.R. § 1042.135(a). DOE Title IX implementing regulations also require each recipient of financial assistance to implement specific and continuing steps to notify applicants for admission, students, and employees "that it does not discriminate on the basis of sex in the educational programs or activities that it operates, and that it is required by Title IX and [DOE] Title IX regulations not to discriminate in such a manner." 10 C.F.R. § 1042.140(a)(1). In addition, each recipient is required to prominently include a statement of its nondiscrimination policy on the basis of sex in each announcement, bulletin, catalog, or application form that it makes available to applicants for admission, students, and employees, or which is otherwise used in connection with the recruitment of students or employees. 10 C.F.R. § 1042.140(b)(1).

Montana State University states "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."

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.

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 the Title IX coordinators at each of the satellite sites of the University including the Bozeman campus, MSU-Billings, MSU-Great Falls College, and MSU-Northern. Guidance

concerning means and methods of reporting, criminal reporting, confidentiality and anonymous reporting are found in the Discrimination Grievance Procedures.¹³

3. Student and Faculty Awareness of Title IX and the Title IX Coordinator

The majority of graduate COE students who were interviewed stated that they were familiar with Title IX, most of them referred to the Title IX orientation/training that occurred prior to the OCR review visit. Although most students interviewed indicated that they knew the University had a Title IX Coordinator, more than half of the students could not give her name. All of the faculty members and administrators interviewed by the OCR stated they were familiar with Title IX. In the instances where students and faculty could not recall the name of the Title IX Coordinator, they felt confident they could easily access the information needed online.

The Office of Institutional Equity makes the campus community aware of the office's Title IX function primarily through the internet.¹⁴ The office also sends a message to all students and faculty describing the security report findings to conform to the Clery Act.¹⁵ The Title IX coordinator stated that training is provided both in-person and online which reaches 11,000 people, increasing from 6,000 people previously trained. The other means of dissemination of Title IX information includes pamphlets,¹⁶ Clery Act/Title IX pocket guides, bookmarks, refrigerator magnets, and Title IX training offered during new employee orientation.¹⁷

Finding

The Department finds the University in compliance with DOE Title IX implementing regulations that require each recipient of financial assistance to designate at least one employee to coordinate its efforts to comply with and to carry out its responsibilities under Title IX and DOE Title IX implementing regulations.

¹³ The Discrimination Grievance Procedures can be accessed at <http://www.montana.edu/policy/discrimination/procedures/>.

¹⁴ The following websites can be used by the MSU community to access Title IX related information: MSU Office of Institutional Equity <http://www.montana.edu/equity/>; Title IX <http://www.montana.edu/titleix/index.html>; and the University's Annual Security Report <http://www.montana.edu/reports/security.pdf>.

¹⁵ The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a federal statute requiring colleges and universities participating in federal financial aid programs to maintain and disclose campus crime statistics and security information. See <https://studentaid.ed.gov/sa/about/data-center/school/clery-act-reports>.

¹⁶ The pamphlets provide information on sexual assault, domestic/dating violence, and stalking as well as the contact information for the Title IX Coordinator, the VOICE Center, and national hotlines.

¹⁷ The Montana Board of Regents, Policy 507 -- Title IX, requires that all employees be provided training on sexual harassment and the campus policies and procedures for reporting sexual harassment. Employees likely to witness or receive reports of sexual harassment and sexual violence should receive enhanced training which, at a minimum, includes the requirements of Title IX, the proper method for reporting sexual harassment and sexual violence and the university's responsibilities for responding to reports of sexual harassment and sexual violence. MSU has created an on-line training program for this purpose. Current employees should complete the training within 30 days. New employees will be required to complete the training within 45 days. See <http://www.montana.edu/titleix/training.html>.

The Department finds that the University uses appropriate and various means to inform students, faculty, and staff about: (1) the existence of the University’s Title IX Coordinator; (2) the Title IX Coordinator’s name, office address, and telephone number; and (3) Title IX and its prohibition against sex discrimination.

The Department also finds that Title IX training is required of all faculty and staff, including students who work as teaching assistants (TAs) in the laboratory.

Recommendation

The Department recommends that the MSU COE require all COE community members, including students, participate in a Title IX-related training yearly, so that they might be better informed about the requirements and prohibitions of Title IX, as well as the University’s sex discrimination and sexual harassment policies.

B. Title IX Complaint Procedures and Processes

DOE Title IX implementing regulations require recipients of financial assistance to adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints related to Title IX. *See* 10 C.F.R. § 1042.135(b). Since Title IX prohibits sex discrimination and sexual harassment, such grievance procedures must provide for the prompt and equitable resolution of sex discrimination and sexual harassment complaints. *See id.*; *see also* CIVIL RIGHTS DIV., U.S. DEP’T OF JUSTICE, TITLE IX LEGAL MANUAL (2001) (stating that Title IX also prohibits sexual harassment, and that this prohibition is derived from Title IX’s general prohibition against sex discrimination). In April 2015, the U.S Department of Education Office of Civil Rights disseminated a Dear Colleague Letter and Resource Guide that specifically addresses Title IX coordination, and focuses on the authority, responsibilities, and training of Title IX Coordinators.¹⁸

1. Background Information on the University’s Title IX-Related Complaint Procedures

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

¹⁸ The Dear Colleague Letter can be found here: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>. The resource guide can be accessed here: <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>

address reports of retaliation against those who have opposed practices forbidden under the policy, those who have filed complaints or reports under the policy, and those who have testified or otherwise participated in enforcement of the policy.

2. Procedure for Resolving Complaints of Discrimination and Harassment

The MSU method for resolving Title IX-related complaints of discrimination and harassment, described below, provides both a formal and an informal mechanism for the resolution of harassment, discrimination, and/or retaliation complaints. If a Complainant chooses to file a complaint, there are two avenues for resolution of an alleged Policy Violation: formal and informal resolution. The Complainant has the option to proceed informally, except cases involving allegations of sexual misconduct. In cases involving allegations of sexual misconduct, informal resolution is not appropriate, even if both the Complainant and Respondent indicate a preference for informal resolution. The Responsible Official (RO) is available to explain the informal and formal resolution procedures.

Information, Counseling, and Support

Reports of Policy Violations¹⁹, whether by recipients of unwelcome behavior (referred to as “Complainants”) or by third-parties (referred to as “Reporters”), should be made to the Responsible Official on the respective covered campus. The Responsible Officials, their staff members and designees (collectively referred to in this Procedure as “the RO”) are trained to help you find the resources you might need, to explain all reporting options, and to respond appropriately to conduct of concern. All instances of retaliation should be reported and will be addressed in the same manner.

Reports should be made as soon as possible after an incident and there are several avenues available for submitting a report:

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

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

¹⁹ MSU’s policy on Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and Retaliation 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.

The VOICE Center provides 24-hour confidential support, advocacy, counseling, support groups, and referrals to community resources. The VOICE Center emphasizes empowerment of the survivor and peer-based services provided by staff and trained advocates. VOICE Center Advocates can talk about relationships and concerns one may have; reporting options; temporary orders of protection; support groups; counseling, and medical resources available. They can also accompany or assist survivors in accessing medical, legal, or other services. Services are free and confidential.

Informal Mechanisms for Mediation and Resolution

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

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

The informal resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent, and the overall intent of the University to stop, remedy and prevent Policy Violations. Informal actions might include, but are not limited to: providing training to a work unit; having an informal discussion with an individual whose conduct, if not stopped, could rise to the level of discrimination or hostile environment harassment; having a confidential conversation with a supervisor or instructor; or taking appropriate personnel action.

Formal Complaint Process: Initial Consultation, Potential for Mediation/Conciliation

The RO discusses concerns with Complainant, and the Respondent as appropriate, including providing information about the policy and procedures and other helpful resources. RO also considers whether immediate or interim actions or involvement of other University offices is appropriate. The RO determines whether the office has jurisdiction to investigate the matter. The RO's jurisdiction is limited to reports of Policy Violations. Provided however, where non-jurisdictional, interconnected allegations are made, information collected during the investigation concerning the allegations will be referred to appropriate University authorities for consideration.

If the RO determines that there is no jurisdiction, the RO will offer to assist the Complainant and, as appropriate, the Respondent, in finding appropriate campus and off-campus resources for addressing the issue of concern.

If the RO determines that there is jurisdiction, the RO will proceed to the Formal Complaint Process.

Formal Complaint Process: Investigation of Complaint, Findings, Recommended Action

The RO conducts or oversees the conducting of a fair and impartial investigation of the alleged Policy Violation and proceeds to Step 3. Typically an investigation will be completed within forty (40) days of receipt of the complaint unless it is necessary to extend the time because of the complexity of the case, availability of witnesses, or other factors which unavoidably delay the investigation. If the investigation is extended, both parties will be promptly notified of a revised expected resolution timeframe.

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

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

The RO’s decision shall be presented in the form of a written Report of Findings. If the RO finds a Policy Violation did not occur, the investigation is complete; in this case the Complainant may file an appeal of the finding to the President or CEO in accordance with the Appeal Procedure.

If the RO finds that a Policy Violation occurred, the RO’s written Report of Findings will include steps to take to prevent recurrence of any such violation, including, as appropriate, remedial actions. The Respondent may appeal the finding to the President or CEO. If the Respondent does not appeal the Report of Finding within the time period for appeal, the Report will be forwarded to the Discipline Authority for a determination of appropriate sanctions. The Discipline Authority must inform the RO of the ultimate sanctions imposed upon a Respondent. The RO will inform the Complainant of the sanctions to the extent permitted by federal regulations and applicable privacy laws.

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

Appeal Filing

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

The request for hearing must be in writing and must describe the appellant's desired outcome and a statement of grounds for appeal.

Appeal Resolution

Within five (5) days of receipt of the request for appeal, the President, CEO, or Designee shall appoint a Hearings Officer to consider the appeal and submit a decision. Within ten (10) days of receipt of the written request for a hearing, the Hearings Officer will notify, in writing, the Complainant and the Respondent of the time and place of the hearing. The hearing will normally be held within thirty (30) days of receipt of the written appeal, unless it is necessary to extend the time because of the complexity of the case, availability of witnesses, or other factors requiring additional time.

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

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

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

3. MSU Code of Student Conduct

The Montana State University academic community seeks to foster a campus environment conducive to academic inquiry, productive campus life, and thoughtful study and discourse. The student conduct process at MSU is an educational and developmental process that balances the interests of individual students with the interests of the academic community.

Students are essential members of the MSU community and are expected to uphold and abide by certain standards of conduct that form the basis of the Code of Student Conduct. The student conduct process at MSU is not intended to punish students; rather, it exists to challenge those whose behavior is not in accordance with our policies and to foster a better understanding of the expectations that exists for members of our academic community. Sanctions are intended to improve the students' moral and ethical decision-making and to help them learn more about what is expected as members of our community. In cases where students fail to demonstrate an understanding of established conduct standards or pose a threat to the continuing safety of the

academic community, the conduct process may determine that the student should no longer share in the privilege of being a member of this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in the student conduct process are conducted with fairness, but do not include the same protections of due process afforded by the courts in criminal cases. Due process, as defined within these procedures, assures written notice and a hearing before an impartial board or hearing officer. No student will be found in violation of the MSU Code of Student Conduct without a determination that is more likely than not that a policy violation occurred. Any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

Students at Montana State University are responsible for reading and adhering to this Code of Student Conduct. Annually, students are provided a link to this Code of Student Conduct on the University website. Hard copies are available upon request from the Office of the Dean of Students.

Violation of Montana State University's Policy on Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking (Discrimination Policy)²⁰ is a violation of this Code of Student Conduct. The definitions of discrimination, harassment, sexual misconduct, domestic violence, and stalking are contained in the Discrimination Policy. Violations of the Discrimination Policy include retaliation against an individual for taking any of the actions in support of the Discrimination Policy.

4. Title IX-Related Concerns/Complaints

The University did not originally submit data related to the processing time for complaints during the five-year period under review. However, after the DOE shared the draft Title IX Compliance Review Report with MSU, the DOE was provided with complaint information for the five years of this review.

Below are highlights of the sex discrimination complaint data MSU provided for Academic Years 2011-12 through 2015-16:

- MSU provided data on cases that were actually investigated by MSU's Office of Institutional Equity and involved claims of sex discrimination. This office receives many inquiries and notifications of allegations of violations of MSU's Title IX Policy which are not investigated for many reasons, such as: the complainant does not want an investigation or the complaint on its face does not arise to a violation.
- Complaints are grouped into four categories, which MSU described as:
 - “**Gender Discrimination [GD]:** Means sex discrimination which is not sexual harassment or sexual misconduct. For example, discrimination in hiring or admissions decisions would be included in this category.”

²⁰ The policy can be accessed here: <http://www.montana.edu/policy/discrimination/>.

- “**Sexual Harassment [SH]**: Sexual advances, hostile environment harassment – not involving physical acts of sexual assault or sexual intercourse without consent.”
 - “**Sexual Assault [SA]**: Physical sexual touching or physical advances not including sexual intercourse without consent.”
 - “**Sexual Intercourse without consent [SWIC]**: Self-explanatory.”
- During the review period there were 71 total sex discrimination complaints and the average investigation length was 47 days. The table below identifies the number of complaints by category, as well as the investigation length for each of the categories.

	GD Complaints	SH Complaints	SA Complaints	SWIC Complaints
Total # of Complaints	7	38	9	17
Investigation Average in Days	53	53	37	45*

** There were two SWIC complaints still under investigation at the time data was reported. This average number does not include these two complaints.*

5. Student and Faculty Awareness of Title IX-Related Grievance Procedures

The OCR team interviewed the COE graduate students and faculty and asked them if they knew the Title IX coordinator and how to contact her if needed. About half of the faculty and students knew of the Title IX Coordinator and could name her, but all interviewed said they could find the contact information if needed.

The OCR team asked the faculty and staff interviewed if they had ever filed a complaint of discrimination or a sexual harassment complaint. All of those interviewed replied “no.” Those interviewed were asked if they wished to file a sex discrimination complaint or a sexual harassment complaint if they knew what procedures to follow. The majority of the respondents did not know the procedure, but they felt confident that they could “figure it out”, or use online sources to find procedures.

Finding

Title IX-Related Concerns/Complaints

The Department finds the University in compliance with DOE Title IX implementing regulations that require recipients of financial assistance to adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints related to Title IX.

IV. CONCLUSION AND FINAL RECOMMENDATIONS

The Department recognizes that the University has adopted and published Title IX-related grievance procedures. However, the Department recommends the University take additional steps to notify students and employees on a more frequent basis of: (1) Title IX and its

prohibition against sex discrimination; (2) the University's Title IX-related complaint procedures and where such complaints may be filed; and (3) the name, office address, and telephone number of the University's Title IX Coordinator. Also, it is recommended that MSU COE require all COE community members including students, to participate in a Title IX-related training yearly.

Additionally, the Department recommends that the University undertake a Title IX self-evaluation using the self-evaluation model developed by NASA which can be accessed at: https://www.nasa.gov/sites/default/files/atoms/files/title_ix_stem_self-evaluation.pdf.

In conclusion, the Department finds that the MSU has complied with the nondiscrimination provisions of Title IX and the DOE Title IX implementing regulations.