

Board of Trustees Policy Manual

BITTERROOT VALLEY COMMUNITY COLLEGE



**BITTERROOT VALLEY
COMMUNITY COLLEGE**

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Board of Trustees

Bitterroot Valley Community College District
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**BITTERROOT VALLEY
COMMUNITY COLLEGE**

Board of Trustees Policy Manual

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Section 1000. The District

1005. Legal Basis and Authority

Original Adoption: 6/29/2021

Latest Review/Revision: 10/3/2022

Pursuant to 20-15-202, MCA (2019), in February 2020 citizens in Ravalli County filed a petition with the Board of Regents requesting an organizational election to approve the organization of the Bitterroot Valley Community College District.

The petition met the requirements under 20-15-201 and 20-15-202, MCA (2019), that the proposed community college district fall within preexisting, contiguous elementary school boundaries, have a taxable value of at least \$10 million, and have at least 700 pupils regularly enrolled in public and private high schools within the district and met the requirement that the petition be signed by at least 20% of the proposed district's registered voters.

On May 5, 2020, the registered voters of the proposed community college district approved the establishment of the proposed community college district with 59% of the vote and elected seven trustees.

Under 20-15-209, MCA (2019), following an affirmative vote by the registered electors of the proposed community college district and recognizing the authority to ultimately approve a new community college district lies solely with the Montana Legislature, it was resolved in Senate Joint Resolution 15 by the 67th Montana Legislature that the Montana Legislature approve the establishment of the Bitterroot Valley Community College District located in Ravalli County. On April 13, 2021, Senate Joint Resolution 15 was filed with the Montana Secretary of State.

As specified in the petition to organize the district and the ballot to organize the district, the area of the Bitterroot Valley Community College District comprises the School Districts of Corvallis, Darby, Hamilton, Lone Rock Elementary, Stevensville Elementary, and Victor, all in Ravalli County, Montana.

The Constitution of the State of Montana vests the authority to supervise and coordinate community college districts with the board of regents. The authority to manage and control community college districts is vested with their locally elected boards of trustees. Statutes governing community college districts are currently codified at 20-15, MCA.

History: *Reviewed 10/3/2022*

Reference(s):

Mont. Const. art. X, § 9 Boards of Education.

Senate Joint Resolution 15, 67th Legislature of the State of Montana.

MCA 20-15. Community College Districts.

Section 1000. The District

1010. Mission

Original Adoption: 6/29/2021

Latest Review/Revision: 10/3/2022

(Place holder)

History: *Mission text deleted, 10/3/2022*

Reference(s):

Section 2000. Board of Trustees

2001. Definitions

Original Adoption: 6/29/2021

Latest Review/Revision: 10/3/2022

- “Board” means the board of trustees of the district.
- “Chair” means presiding officer of the board.
- “College” means Bitterroot Valley Community College.
- “District” means the Bitterroot Valley Community College District.
- “Executive session” means a legally permitted closed discussion during a meeting.
- “Meeting” means the convening of a quorum of the board whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the board has authority.
- “Member” means a trustee of the community college district unless otherwise specified.
- “President” means chief executive officer of the community college district.
- “Trustee” means a trustee of the community college district unless otherwise specified.
- “Warrant” means an instrument of payment drawn against the county treasury.

History: Revised 9/7/2021; reviewed 10/3/2022

Reference(s): MCA 2-3-202. Meeting defined

Section 2000. Board of Trustees

2005. Authority and Composition

Original Adoption: 6/29/2021

Latest Review/Revision: 10/3/2022

Authority

The board of trustees of Bitterroot Valley Community College derives its authority from the laws concerning boards of trustees of community colleges as found in the Montana Code Annotated. The board exercises those powers conferred by law.

Composition

The board is comprised of seven trustees elected at-large by registered electors who reside within the community college district. Trustees serve three-year terms on a rotating basis and may run for unlimited terms. In the event of a trustee vacancy between elections, the remaining trustees may appoint by majority vote a replacement to serve until the next election.

History: *Reviewed 10/3/2022*

Reference(s):

MCA 20-15-204. Election of trustees -- districts from which elected -- terms of office.

MCA 20-15-221. Election of trustees after organization of community college district.

MCA 20-15-225. Powers and duties of trustees.

MCA 20-15-223. Vacancies.

Section 2000. Board of Trustees

2010. Duties and Responsibilities

Original Adoption: 6/29/2021

Latest Review/Revision: 10/3/2022

- The board must always act as an advocate for the community and college. The board is accountable to the district it serves.
- The board accepts the roles, responsibilities, and duties prescribed for it as found in the Montana Code Annotated.
- The board governs and controls a community college satisfactory to meet the needs of the people of the district.
- The board is responsible for the hiring, supervision, and evaluation of the president. The board delegates authority to the president to lead and administer all college operations and personnel decisions.
- The board drives the college's strategic planning process and approves all college policies.
- Trustees are encouraged to engage in regular and ongoing training and continuous improvement.

Individual trustee violations of duties and responsibilities may result in trustee removal from office as prescribed by law.

History: Revised 8/2/2021; reviewed 10/3/2022

Reference(s):

MCA 20-15-225. Powers and duties of trustees.

MCA 20-15-227. Trustee removal procedure.

MCA 20-15-228. Grounds for removal.

Section 2000. Board of Trustees

2015. Organization and Meetings

Original Adoption: 6/29/2021

Latest Review/Revision: 10/3/2022

Organization

The board of trustees must organize as the governing board of Bitterroot Valley Community College annually as prescribed by law.

Meetings

- Regular meetings of the board are held monthly in a predesignated place within the district on the first Monday of each month at 5:30 PM or at such other day and time as may be designated by the board.
- The chair and secretary of the board or a majority of the board may call special meetings of the board at any time and place within the community college district if in their judgment necessity requires the meeting. The secretary of the board must give each member a 48-hour written notice of all special meetings.
- All board meetings must be open to the public. The chair may close a meeting during the time the discussion relates to a matter of individual privacy and then only if the chair determines the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains, and, in that event, the meeting must be open. A meeting may also be closed to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the public agency. However, a meeting may not be closed to discuss strategy to be followed in litigation in which the only parties are public bodies or public associations.
- All board meetings must be noticed to the public as prescribed by law. All board meetings must have an agenda. The board must not take action except by motion passed on an agenda item at a regular or special meeting.
- The latest edition of *Robert's Rules of Order* governs the board in its deliberations, except where it is inconsistent with applicable law or where board policy provides alternative direction.

Protocols for Meetings Involving Virtual Participation by Board Members

- If any or all board members are participating in a board meeting virtually, all votes must be taken by roll call.
- If a meeting includes virtual participation by one or some board members, public comment made at the meeting's physical location must be audible and visible to the board members participating virtually.

History: Revised 12/6/2021; revised 10/3/2022

Reference(s):

MCA 2-3-103 Public participation -- governor to ensure guidelines adopted.

MCA 2-3-104. Requirements for compliance with notice provisions.

MCA 2-3-203. Meetings of public agencies and certain associations of public agencies to be open to public – exceptions.

MCA 20-15-224. Board of trustees -- organization, meetings, quorum, mileage, and seal.

Section 2000. Board of Trustees

2020. Officers and Committees

Original Adoption: 6/29/2021

Latest Review/Revision: 10/3/2022

Officers

At the annual organization meeting, the trustees must elect by majority a chair, vice chair, and secretary from among its members. The elected chair, vice chair, and secretary hold office until the next annual organization meeting. The board must appoint a clerk of the district who is not among its members.

Duties of the Chair

The chair presides at all meetings of the trustees in accordance with the customary rules of order and as prescribed by law. The chair with the secretary may call special meetings of the board when necessary. The chair signs budget reports, minutes, and warrant lists upon board approval. The chair with the district clerk signs all warrants. The chair serves as the primary board contact for the president and acts as a spokesperson for the board.

Duties of the Vice Chair

The vice chair acts as the chair in the absence or incapacity of the chair with like effect as if the chair were present.

Duties of the Secretary

The secretary with the board chair may call special meetings of the board when necessary. The secretary must give each member a 48-hour written notice of all special meetings. The secretary signs budget reports, minutes, and warrant lists upon board approval.

Duties of the Clerk of the District

The clerk of the district attends all meetings of the board and keeps an accurate and permanent record of all the proceedings of each meeting. If the clerk is not present at the meeting, the trustees must have one of their members or someone they appoint in interim to act as clerk for the meeting. Such person must supply the clerk with a certified copy of the proceedings. The clerk of the district is the custodian of all documents, records, and reports of the board. The clerk of the district distributes all board meeting agendas to the trustees and posts all board meetings agendas to the public as prescribed by law. The clerk of the district publicly notices all board meetings as prescribed by law. The clerk of the district with the chair signs all warrants.

Committees

Standing Committees

The board appoints by majority vote each trustee to at least one of the following standing committees:

- Communications Committee
- Building and Grounds Committee
- Finance and Audit Committee
- Human Resources Committee
- Policy Committee

Each standing committee must include two or three trustees. Each standing committee must select a committee chair. Standing committee assignments begin at the first scheduled committee meeting following the annual organization meeting. Standing committees are assigned tasks by board action. Standing committee meetings may be called by the standing committee chair to complete assigned tasks. A written notice of the standing committee meeting stating the purpose and location of the meeting and including a meeting agenda must be provided to each trustee not less than 48 hours prior to the time of the meeting. Written public notice of all standing committee meetings must also be provided 48 hours prior to the meeting. Standing committee meetings must be open to the public.

Special Committees

The board authorizes special committees as deemed necessary. Each special committee must select a committee chair. A special committee reports recommendations to the board for appropriate action. A special committee is dissolved when its report is accepted by the board. Special committee meetings may be called by the special committee chair to complete the task authorized by the board. Notice of special committee meetings must be given in the same manner as notice of standing committee meetings. Special committee meetings must be open to the public.

Committee Records and Reporting

Committees must keep minutes that comply with Board Policy 2035. A majority of the committee membership constitutes a quorum for approving meeting minutes. Minutes may be approved at a committee meeting or electronically. Approved committee minutes are presented at the next regular board meeting for full board approval. Committee chairs ensure meeting minutes are kept, approved, and forwarded to the board. Committee chairs may provide written or oral reports to the board concerning significant committee actions or discussions.

History: Revised 11/1/2021, reviewed 10/3/2022

Reference(s):

MCA 2-3-103 Public participation -- governor to ensure guidelines adopted.

MCA 2-3-104. Requirements for compliance with notice provisions.

MCA 2-3-203(6). Meetings of public agencies and certain associations of public agencies to be open to public – exceptions.

MCA 20-3-325. Clerk of district.

MCA 20-15-224. Board of trustees -- organization, meetings, quorum, mileage, and seal

Bryan v. Yellowstone (2002), 2002 MT 264

Crofts v. Associated Press (2004), 2004 MT 120

Section 2000. Board of Trustees

2025. Quorum and Voting

Original Adoption: 6/29/2021

Latest Review/Revision: 10/3/2022

A majority of the board is a quorum. An affirmative vote of the majority of a quorum is required to transact business. Exception: a contract may not be let, teacher employed or dismissed, or bill approved unless a majority of the total board membership votes in favor of the action.

History: Reviewed 10/3/2022

Reference(s):

MCA 20-15-224. Board of trustees -- organization, meetings, quorum, mileage, and seal.

Section 2000. Board of Trustees

2030. Agendas

Original Adoption: 6/29/2021

Latest Review/Revision: 10/3/2022

All board meetings must have an agenda. The agenda must include a brief description of each item of business to be transacted or discussed at the meeting. All regular or special meeting agendas must include an item allowing public comment on any public matter that is not on the meeting agenda and that is within the subject matter jurisdiction of the board. However, the board may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter. Agendas must be distributed to trustees and posted for the public at least five calendar days prior to regular meetings and 48-hours prior to special meetings. Agendas are developed by the president in consultation with the board chair.

History: Reviewed 10/3/2022

Reference(s):

MCA 2-3-103 Public participation -- governor to ensure guidelines adopted.

Section 2000. Board of Trustees

2035. Minutes

Original Adoption: 6/29/2021

Latest Review/Revision: 10/3/2022

Minutes of all board meetings must be kept and must be available for inspection by the public.

Minutes must include without limitation:

- The date, time, and place of the meeting.
- A list of the individual members of the public body, agency, or organization who were in attendance.
- The substance of all matters proposed, discussed, or decided.
- A record of votes by individual trustees for any votes taken.

Minutes must be taken and kept for all closed portions of meetings. Minutes from closed portions of meetings may not be made available for inspection except pursuant to a court order.

History: *Reviewed 10/3/2022*

Reference(s):

MCA 2-3-212. Minutes of meetings -- public inspection.

Section 2000. Board of Trustees

2040. Public Participation

Original Adoption: 6/29/2021

Latest Review/Revision: 10/3/2022

Oral Participation

Persons may speak to the board either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the board. Oral presentations relating to a matter on the agenda, including those on the consent agenda, must be heard before a vote is called on the item. Persons wishing to speak to matters not on the agenda will do so at the time designated at the meeting for public comment.

Those wishing to speak to the board are subject to the following:

- No member of the public may speak without being recognized by the board chair.
- The board chair may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the board or if their remarks are unduly repetitive.
- Members of the public must clearly state, and if necessary, spell aloud, their first and last name and organizational affiliation, if any, prior to beginning their remarks.
- Each speaker is allowed a time-limit pre-determined by the chair per topic. Thirty minutes are the maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one board meeting. At the discretion of a majority of the board these time limits may be extended.
- Each speaker coming before the board is limited to one presentation per specific agenda item before the board and to one presentation per meeting on non-agenda matters.

Written Participation

Members of the public may submit written communications electronically or via paper copy to the board on items both on or not on the agenda. Written communication regarding items on the board's agenda should reach the office of the president not later than one calendar day prior to the meeting at which the matter concerned is to be before the board. All such written communications must be dated and signed by the author and must contain the first and last name of the author, residence or business address of the author, and the author's organizational affiliation, if any. Electronic communications for board meetings should be emailed to trustees@bvcommunitycollege.org.

History: *Revised 9/7/2021; reviewed 10/3/2022*

Reference(s):

MCA 2-3-111 Opportunity to submit views -- public hearings.

MCA 2-3-301. Agency to accept public comment electronically.

Section 2000. Board of Trustees

2045. Decorum

Original Adoption: 6/29/2021

Latest Review/Revision: 10/3/2022

The following conduct is ruled out of order by the board chair:

- Profanity, obscenity, and other disruptive language
- Physical violence or threats of physical violence directed towards any person or property
- Intimidation of any person

Speakers who engage in such conduct may be removed from the podium and denied the opportunity to speak to the board for the duration of the meeting.

In the event a meeting is willfully interrupted by the actions of one or more persons so as to render the orderly conduct of the meeting unfeasible, the person(s) may be removed from the meeting room.

History: Reviewed 10/3/2022

Reference(s):

Section 2000. Board of Trustees

2050. Policies

Original Adoption: 6/29/2021

Latest Review/Revision: 11/7/2022

The board may adopt such policies as are authorized by law or determined by the board to be necessary for the efficient operation of the college. Board policies are intended to be statements of intent by the board on a specific issue within its subject matter jurisdiction.

Board policies are written to be consistent with provisions of law but do not encompass all laws relating to the college's activities. All trustees are expected to know and observe all provisions of law pertinent to their duties and responsibilities.

Board policies may be adopted, revised, added to, or amended at any regular or special meeting by a majority vote. Proposed changes or additions must be introduced not less than one regular or special meeting prior to the regular or special meeting at which action is recommended. The board must regularly assess its policies for effectiveness in fulfilling the college's mission.

Copies of all board policies must be readily available through the office of the president and the college website.

History: Reviewed 11/7/2022

Reference(s): MCA 20-15-225. Powers and duties of trustees.

Section 2000. Board of Trustees

2055. Appeals

Original Adoption: 12/15/2022

Latest Review/Revision: n/a

Definitions

- **Working day** means any weekday (Monday through Friday) which is not recognized as a college holiday. In computing any period of time prescribed herein, the date of the act, event, or default for which the designated period of time begins to run is not to be included. Time limits specified herein may be extended by written and signed mutual agreement of the parties involved.

Policy

Any party adversely affected by the decision of a college appeals process may appeal within fifteen (15) working days of the decision to the board of trustees, unless a board of trustees' policy or an employment agreement explicitly provides that the lower decision is the final administrative decision.

Appeals to the board of trustees must be submitted to the college's district clerk. Board of trustees' action on a submitted appeal occurs within thirty (30) working days of the district clerk's receipt of the appeal. Upon receipt of an appeal, the district clerk will notify the appealing party of the procedure to be followed. Upon receipt of an appeal, the district clerk will notify the president of the appeal and will provide the president with a copy of all material sent to the district clerk from the appealing party. In turn, the president will provide the district clerk with all college appeals process documents relating to the college decision being appealed.

Appeals of a college appeals process must be in writing, must be addressed to the board of trustees, and must contain the decision being appealed. Appeals of a college appeals process must also state the basis for the appeal and the relief desired. The district clerk will place the matter on the board's next regular meeting agenda, and the board will determine whether to accept the appeal. If the board accepts the appeal, it may request a full or partial hearing, or no hearing. The appeal will be decided based upon materials submitted by the appealing party and by the president. The parties to the appeal have no right to introduce materials or raise issues that have not been part of the college appeals process record. A full or partial hearing may be conducted if failure to conduct a hearing would violate the appealing party's constitutional due process rights. The board of trustees, through the district clerk, may request that the parties submit additional materials, or may take notice of other relevant matters. The decision of the board affirming, reversing, modifying, or refusing to hear the appeal is the final administrative determination of the college.

No matters subject to this policy will be considered final until the procedures of this policy have been used to present the matter to the board of trustees. When a party fails to exercise the appeal rights provided by this policy, the party accepts the lower level decision as the final decision and waives the right to contest the matter further within the college.

History: n/a

Reference(s): n/a

Section 2000. Board of Trustees

2060. Delegation of Authority to President

Original Adoption: 11/1/2021

Latest Review/Revision: 12/15/2022

The board delegates to the president the executive responsibility for administering the policies adopted by the board and executing all decisions of the board requiring administrative action.

The president may delegate any powers and duties entrusted to him/her by the board but will be specifically responsible to the board for the execution of such delegated powers and duties.

The president is empowered to reasonably interpret board policy. In situations where there is no board policy direction, the president has the power to act, but such decisions are subject to review by the board. It is the duty of the president to inform the board of such action and to recommend written board policy if one is required.

The president is expected to perform the duties delineated in the president's position description and fulfill other responsibilities as may be determined in annual goal setting or evaluation sessions. The position description and goals and objectives for performance are developed by the board in consultation with the president

The president ensures the college complies with all relevant laws and regulations and submits all required reports in a timely fashion.

The president makes available any information or gives any report the board, as a whole, requests. Individual board member requests for information are met if, in the opinion of the president, they are not unduly burdensome or disruptive to college operations. Information provided to any board member must be available to all board members or provided at the discretion of the board chair.

The president acts as the professional advisor to the board in policy formation

History: Reviewed 11/7/2022, renumbered 12/15/2022

Reference(s): MCA 20-15-225. Powers and duties of trustees.

Section 2000. Board of Trustees

2061. Selection of President

Original Adoption: 11/1/2021

Latest Review/Revision: 12/15/2022

In the case of a vacant presidency, the board establishes a search process to fill the vacancy. The process must be fair and open and comply with relevant regulations.

An acting or interim president may be considered as a candidate in a search process for the presidency.

History: Reviewed, 11/7/2022, renumbered 12/15/2022

Reference(s): MCA 20-15-225. Powers and duties of trustees.

Section 2000. Board of Trustees

2062. Acting and Interim Presidents

Original Adoption: 11/1/2021

Latest Review/Revision: 12/15/2022

The board delegates authority to the president to appoint an acting president to serve in his/her absence for short periods of time, not to exceed 60 calendar days at a time. The board appoints an acting president for periods exceeding 60 days.

An interim president may be appointed by the board to temporarily fill a vacant presidency for a term of up to one year with the board retaining the option to extend the interim appointment for additional periods not to exceed one year in total.

History: Reviewed 11/7/2022, renumbered 12/15/2022

Reference(s): n/a

Section 2000. Board of Trustees

2063. Evaluation of President

Original Adoption: 11/1/2021

Latest Review/Revision: 12/15/2022

The board conducts an evaluation of the president at least annually. Such an evaluation must comply with any requirements set forth in the contract of employment with the president as well as this policy. The board must evaluate the president using an evaluation process the board and the president jointly agree to and develop. The criteria for evaluation must be based on board policy, the president's position description, and performance goals/objectives developed in accordance with *Policy 2041. Delegation of Authority to President*.

History: Reviewed 11/7/2022, renumbered 12/15/2022

Reference(s): n/a

Section 2000. Board of Trustees

2065. Code of Ethics and Standards of Practice

Original Adoption: 6/29/2021

Latest Review/Revision: 12/15/2022

The board maintains high standards of ethical conduct for its members. Trustees are expected to:

- Act only in the best interests of the entire community.
- Ensure public input in board deliberations, adhering to the law and to the spirit of open meeting law and regulation.
- Prevent conflicts of interest and the perception of conflicts of interest.
- Exercise authority only as a board.
- Use appropriate channels of communication.
- Respect others; act with civility.
- Be informed about the college, educational issues, and responsibilities of board membership.
- Devote adequate time to board work, including preparing for board deliberations by reviewing the agenda and materials prior to meetings.
- Maintain confidentiality of executive sessions.

Individual trustee violations of code of ethics and standards of practice may result in trustee removal from office as prescribed by law.

History: *Reviewed 11/7/2022, renumbered 12/15/2022*

Reference(s):

MCA 2-2. Standards of Conduct.

MCA 2-3. Public Participation in Governmental Operations.

MCA 20-15-104. Pecuniary interest and letting contracts.

MCA 20-15-227. Trustee removal procedure.

MCA 20-15-228. Grounds for removal.

Section 2000. Board of Trustees

2070. Conflicts of Interest

Original Adoption: 6/29/2021

Latest Review/Revision: 12/15/2022

Members of the board must adhere to state laws relating to financial conflict of interest and government ethics. Members of the board must declare actual and potential conflict of interest on the record prior to taking any action when an actual or potential conflict of interest exists.

History: Reviewed 11/7/2022, renumbered 12/15/2022

Reference(s):

MCA 2-2. Standards of Conduct.

MCA 20-15-104. Pecuniary interest and letting contracts.

Section 2000. Board of Trustees

2075. Communications

Original Adoption: 6/29/2021

Latest Review/Revision: 12/15/2022

The board may take action on matters properly before it only in public at a regular or special meeting, except in those instances where action is permitted by law in executive session. The authority of the board may be exercised only as a board and only at such meetings or closed sessions as are duly and legally constituted. Individual members acting in their individual capacities have no authority to commit the board or the president to any policy determination or course of action.

A quorum of members of the board must not communicate among themselves by the use of any form of communication (e.g., personal intermediaries, e-mail, or other technological device) in order to reach a collective concurrence regarding any item that is within the subject matter jurisdiction of the board. In addition, members of the board may not use a series of communications by any means or through any person to discuss, deliberate, or take action on any item of business within the subject matter jurisdiction of the board.

History: *Reviewed 11/7/2022, renumbered 12/15/2022*

Reference(s):

MCA 2-3-103 Public participation -- governor to ensure guidelines adopted.

MCA 2-3-201. Legislative intent -- liberal construction.

MCA 2-3-202. Meeting defined.

MCA 2-3-203. Meetings of public agencies and certain associations of public agencies to be open to public -- exceptions.

Section 2000. Board of Trustees

2080. Political Activity

Original Adoption: 6/29/2021

Latest Review/Revision: 12/15/2022

Members of the board will not use the college's funds, services, supplies, or equipment to urge the passage or defeat of any ballot measure, initiative petition, or candidate, including, but not limited to, any candidate for election to the board.

The board may, by resolution, express the board position on legislative priorities.

History: *Reviewed 11/7/2022, renumbered 12/15/2022*

Reference(s):

MCA 2-2-121(3). Rules of conduct for public officers and public employees.

Section 2000. Board of Trustees

2085. Compensation

Original Adoption: 6/29/2021

Latest Review/Revision: 12/15/2022

Members of the board will receive no compensation for their services, but they will be allowed the actual and necessary expenses incurred by them in the performance of their duties. Specifically, a member of the board of trustees must receive mileage as prescribed by law for the distance necessarily traveled in going to and returning from the place of the meeting and the member's place of residence each day the trip is actually made. Mileage reimbursement is calculated on a monthly basis and paid out as a lump sum at the end of the fiscal year.

History: *Reviewed 11/7/2022, renumbered 12/15/2022*

Reference(s):

MCA 2-2. Standards of Conduct.

MCA 20-15-104. Pecuniary interest and letting contracts.

MCA 20-15-224. Board of trustees -- organization, meetings, quorum, mileage, and seal.

MCA 2-18-503. Mileage – allowance.

Section 2000. Board of Trustees

2090. Personal Liability and Indemnification

Original Adoption: 6/29/2021

Latest Review/Revision: 12/15/2022

Personal Liability

Members of the board are responsible for the proper administration and utilization of all money of the district. Failure or refusal to do so constitutes grounds for removal from office as prescribed by law.

Trustees consenting to illegal use of money are jointly and individually liable to the district for any losses sustained by the district. The county attorney shall prosecute any proceedings arising pursuant to this section, or a party seeking such action may retain private counsel. The party commencing the action is liable for the costs if the action fails.

Indemnification

The college shall defend and indemnify trustees whenever such trustees are civilly sued for their actions taken within the course and scope of their service to the college.

A trustee will not be defended or indemnified by the college, if it is determined:

- The conduct upon which the claim is based constitutes oppression, fraud, malice, standards of conduct violation, or for any other reason that does not arise out of the course and scope of the trustee's office.
- The conduct of the trustee constitutes a criminal offense.
- The trustee compromised or settled the claim without the consent of the college.
- The trustee failed or refused to cooperate reasonably in the defense of the case.

The college has no obligation to provide a defense to a trustee in a declaratory judgment action or other legal action brought against the trustee by the college under this policy.

History: Reviewed 11/7/2022, renumbered 12/15/2022

Reference(s):

MCA 2-2. Standards of Conduct.

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

MCA 2-2-144. Enforcement for local government.

MCA 20-15-226. Personal liability of trustees.

MCA 20-15-227. Trustee removal procedure.

MCA 20-15-228. Grounds for removal.

Section 3000. General Institution

3001. Definitions

Original Adoption: 10/18/2021

Latest Review/Revision: 12/15/2022

- “Board” means the board of trustees of the district.
- “College” means Bitterroot Valley Community College.
- “District” means the Bitterroot Valley Community College District.
- “Member” means a trustee of the community college district unless otherwise specified.
- “President” means chief executive officer of the community college district.
- “Trustee” means a trustee of the community college district unless otherwise specified.

History: Reviewed 12/15/2022

Reference(s):

Section 3000. General Institution

3005. Organizational Structure

Original Adoption: 10/18/2021

Latest Review/Revision: 12/15/2022

The president or designee(s) must establish organizational charts that delineate the lines of responsibility and fix the general duties of employees within the college.

Organizational charts must be shared with the board at the beginning of each fiscal year.

History: Reviewed 12/15/2022

Reference(s):

Section 3000. General Institution

3010. Accreditation

Original Adoption: 10/18/2021

Latest Review/Revision: 12/15/2022

The president must ensure the college complies with the accreditation process and standards of the Northwest Commission on Colleges and Universities as communicated to the college from the institution with which the college holds an instructional agreement. The president must also ensure the college complies with the accreditation process and standards of individual college programs that seek special accreditation.

The president must keep the board informed of approved accrediting organizations and the status of accreditation. The president must ensure the board is involved in any accreditation process in which board participation is required.

The president must provide the board with a summary of any accreditation reports and any actions taken or to be taken in response to recommendations in an accreditation report.

History: Reviewed 12/15/2022

Reference(s):

Section 3000. General Institution

3015. Compliance

Original Adoption: 10/18/2021

Latest Review/Revision: 12/15/2022

The college adheres to and complies with all applicable policies, procedures, processes, regulations, reporting requirements, and standards of the Northwest Commission on Colleges and Universities (NWCCU), other special accrediting bodies for individual college programs, the Montana Board of Regents, the Montana Office of the Commissioner of Higher Education (OCHE), the Higher Education Act (HEA) as updated, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), and all applicable federal and state laws.

In addition to adherence to the provisions above, the college maintains compliance with all policies, procedures, processes, and regulatory and reporting requirements stipulated by Title IV of HEA, required for Federal Student Aid eligibility.

The president ensures the adherence to and compliance with all applicable policies, procedures, processes, regulations, reporting requirements, and standards of NWCCU, other special accrediting bodies for individual college programs, the Montana Board of Regents, OCHE, HEA as updated, the Clery Act, Title IV of HEA, and all applicable federal and state laws. The president ensures the development and maintenance of all policies, procedures, and processes necessary to comply with said requirements.

History: *Reviewed 12/15/2022*

Reference(s):

Higher Education Act of 1965 as updated and extended

*Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990;
implementing regulations at 34 C.F.R. Part 668.46*

Section 3000. General Institution

3020. Institutional Effectiveness

Original Adoption: 10/18/2021

Latest Review/Revision: 12/15/2022

The board is committed to developing data points that measure the ongoing condition of the college's operational environment. The board regularly assesses the college's institutional effectiveness.

History: Reviewed 12/15/2022

Reference(s):

Section 3000. General Institution

3025. Institutional Planning

Original Adoption: 10/18/2021

Latest Review/Revision: 12/15/2022

The president ensures the college has and implements a comprehensive, methodical, and integrated system of planning that involves the college community and is supported by institutional effectiveness research.

The president ensures the board has an opportunity to assist in developing the general institutional mission and goals for the system of planning.

The president informs the board of the status of planning or of planning implementation. The board may direct the president to request board approval prior to finalizing the system of planning or prior to the finalizing of a plan(s) within the system of planning.

History: Reviewed 12/15/2022

Reference(s):

Section 3000. General Institution

3030. Equal Opportunity

Original Adoption: 10/18/2021

Latest Review/Revision: 12/15/2022

The college provides to all people the equal opportunity for education and employment without regard to age, color, creed, genetic information (including family medical history), marital or family status, national origin, physical or mental disability, political beliefs, race, religion, service in the uniformed services (as defined in state and federal law), sex (including pregnancy, sexual orientation, gender identity, and care giver status), and veteran status except as authorized by law. Responsibility for effecting equal opportunity accrues to all college employees and board members. This responsibility includes assurance employment and admission decisions, personnel actions, and administration of benefits to students and employees rests upon criteria that adhere to the principle of equal opportunity.

The college prohibits retaliation against a person for bringing a complaint of prohibited discrimination, for assisting someone with a complaint of prohibited discrimination, or for participating in any manner in an investigation or resolution of a complaint of prohibited discrimination.

History: *Reviewed 12/15/2022*

Reference(s):

Equal Pay Act of 1963, 29 U.S.C. § 206(d)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d, 2000e

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107

Americans with Disabilities Act of 1990

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630; 28 C.F.R. Part 35

Section 3000. General Institution

3035. Prohibition of Sexual and Other Assaults

Original Adoption: 10/18/2021

Latest Review/Revision: 12/15/2022

Any sexual assault or physical abuse, including, but not limited to rape as defined by state law, whether committed by an employee, student, or member of the public, that occurs on college property, is a violation of college policies and procedures, and is subject to all applicable punishment, including criminal procedures, and employee or student discipline procedures. Students, employees, and campus visitors who may be victims of sexual and other assaults must be treated with dignity and provided comprehensive assistance.

The college's Title IX Coordinator, designated by the president, must establish administrative procedures that ensure students, employees, and campus visitors who are victims of sexual and other assaults receive appropriate information and treatment. The college must make educational information about preventing sexual violence widely available on campus. The procedures must meet the criteria contained in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

History: *Reviewed 12/15/2022*

Reference(s):

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990; implementing regulations at 34 C.F.R. Part 668.46

Section 3000. General Institution

3040. Prohibition of Discrimination, Harassment, and Retaliation

Original Adoption: 8/1/2022

Latest Review/Revision: 12/15/2022

Objective

The college strives to create and maintain a work and learning environment in which people are treated with dignity, decency, and respect. The environment of the college should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. The college will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of members of the college community, the college will seek to prevent, correct, and discipline behavior that violates this policy.

All members of the college community—employees, students, and guests—are covered by and are expected to comply with this policy and to take appropriate measures to ensure prohibited conduct does not occur. This policy applies in all college-sponsored activities, on and off college-controlled property. This policy can apply to off-campus conduct and non-college online conduct that effectively deprives an individual of access to college programming and/or services or affects a substantial interest of the college. Regardless of where the conduct occurred, the college will address all complaints to determine whether the college has jurisdiction and this policy has been violated. Appropriate disciplinary action will be taken against any member of the college community who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, termination of employment, or expulsion.

Managers, supervisors, and instructors who knowingly allow or tolerate discrimination, harassment, or retaliation, including the failure to immediately report such misconduct are in violation of this policy and subject to discipline.

Prohibited Conduct Under this Policy

The college, in compliance with all applicable federal, state, and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

Discrimination

It is a violation of this policy to discriminate in the provision of employment or education opportunities, benefits, or privileges; to create discriminatory work or education conditions; or to use discriminatory evaluative standards in employment or education if the basis of that discriminatory treatment is, in whole or in part, the person's age, color, creed, genetic information (including family medical history), marital or family status, national origin, physical or mental disability, political beliefs, race, religion, service in the uniformed services (as defined in state and federal law), sex (including pregnancy, sexual orientation, gender identity, and care giver status), veteran status, or other protected status..

Discrimination of this kind may also be strictly prohibited by a variety of federal, state, and local laws, including the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination or expulsion.

Harassment

The college prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate, or coerce any member of the college community.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's age, color, creed, genetic information (including family medical history), marital or family status, national origin, physical or mental disability, political beliefs, race, religion, service in the uniformed services (as defined in state and federal law), sex (including pregnancy, sexual orientation, gender identity, and care giver status), veteran status, or other protected status, including epithets, slurs, and negative stereotyping.
- Nonverbal harassment includes distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility, aversion, or disrespect toward an individual or group because of age, color, creed, genetic information (including family medical history), marital or family status, national origin, physical or mental disability, political beliefs, race, religion, service in the uniformed services (as defined in state and federal law), sex (including pregnancy, sexual orientation, gender identity, and care giver status), veteran status, or other protected status.

Sexual Harassment

Sexual harassment is a form of unlawful discrimination under Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 and is prohibited under this policy.

According to the Equal Employment Opportunity Commission, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

According to the U.S. Department of Education Office for Civil Rights, the following types of conduct constitute sexual harassment in education:

- **Quid Pro Quo Sexual Harassment**
 - A school employee explicitly or implicitly conditions a student's participation in an education program or activity or bases an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid pro quo harassment is equally

unlawful whether the student resists and suffers the threatened harm or submits and thus avoids the threatened harm.

- **Hostile Environment Sexual Harassment**

- Sexually harassing conduct (which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another student, or by a third party that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an education program or activity, or to create a hostile or abusive educational environment.

Generally, for this policy, sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Are made explicitly or implicitly a term or condition of employment or education.
- Are used as a basis for an employment or education decision.
- Unreasonably interfere with an employee's work or student's learning performance or creates an intimidating, hostile, or otherwise offensive work or learning environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- **Verbal sexual harassment** includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- **Nonverbal sexual harassment** includes the distribution, display, or discussion of any written or graphic material, including calendars, posters, and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets, social media postings, and Internet postings; or other forms of communication that are sexual in nature and offensive.
- **Physical sexual harassment** includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, noncoercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Sexual Harassment Also Includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking

For the purposes of this policy, sexual harassment also includes the offenses of sexual assault, domestic violence, dating violence, stalking, and sexual exploitation as defined below.

Sexual Assault

- **Sex Offenses, Forcible:** Any sexual act directed against another person, without the consent of the complainant, including instances in which the complainant is incapable of giving consent.

- **Forcible Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.
- **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object:** The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Forcible Fondling:** The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Sex Offenses, Non-forcible:**
 - **Incest:** Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Montana law.
 - **Statutory Rape:** Non-forcible sexual intercourse, with a person who is under the statutory age of consent of sixteen.

Dating Violence

Violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship must be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence

Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Montana or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Montana.

- To categorize an incident as domestic violence, the relationship between the respondent and the complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

Stalking

Engaging in a course of conduct, on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress.

- For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Sexual Exploitation

Any instance in which a person takes non-consensual or abusive sexual advantage of another for any person's benefit other than the person being exploited. Sexual exploitation is conduct that falls within other categories of sexual harassment but is identified separately for clarity. Examples of behavior that could rise to the level 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);
- Inducing incapacitation for sexual purposes;
- Engaging in non-consensual voyeurism;
- Knowingly transmitting a sexually transmitted infection (STI), such as HIV (human immunodeficiency virus), to another person without disclosing your STI status;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose their genitals; or
- Possessing, distributing, viewing, or forcing others to view illegal pornography.

Sexual Harassment Definitions Relating to Force, Coercion, Consent, and Incapacitation

As used in the offenses above as well as in the general Sexual Harassment section, the following definitions and understandings apply:

- **Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you;" "Okay, don't hit me, I'll do what you want").
 - Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
- **Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual

activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

- **Consent:** Consent is knowing, and voluntary, and clear permission by word or action to engage in sexual activity.
 - Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.
 - For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.
 - Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.
- **Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent. It is a defense to a sexual assault policy violation that the respondent neither knew nor should have known the complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.
 - Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).
 - Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.
 - This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

Retaliation

No hardship, loss, benefit, or penalty may be imposed on an employee or student in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.
- Lodging a bona fide complaint will in no way be used against the employee or student or have an adverse impact on the individual's employment status or student's educational status.

False Reporting

Filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation. Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment or expulsion.

Additional Policy Considerations

Consensual Romantic or Sexual Relationships

The college strongly discourages romantic or sexual relationships between a manager or other supervisory employee and an employee who reports directly or indirectly to that person and between instructors and students, because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment or education decisions affecting the employee or student. Moreover, given the uneven balance of power within such relationships, consent by the employee or student is suspect and may be viewed by others, or at a later date by the employee or student, as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion, or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy employment and educational environment. If there is such a relationship, the parties need to be aware such could result in the removal of the employee or student from the supervisory or evaluative responsibilities of their romantic partner. An employee's failure to promptly disclose such a conflict of interest may result in discipline.

Amnesty for Drug or Alcohol Possession or Consumption

The college strongly encourages students to report instances of sex-based discrimination and sexual harassment involving students or employees. Therefore, students who provide information in good faith about sex-based discrimination or sexual harassment involving students or employees will not be disciplined by the college for any violation of the college's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

Confidentiality

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the college will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files.

Mandatory Reporting

To enable the college to respond effectively and to stop instances of sexual harassment involving students proactively, all employees are trained and identified as mandatory reporters with regard to this policy and must promptly (normally within 24 hours) report information they have about alleged or possible sexual harassment involving students. Employees, such as licensed healthcare professionals and victim advocates, who have a statutory privilege under Montana law, are exempt from these reporting requirements.

Free Speech and Academic Freedom

This policy will not be construed or applied to restrict academic freedom at the college, nor will 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 college will take all permissible actions to ensure the safety of students and employees while complying with free speech requirements for students and employees.

Supportive and Protective Measures

Supportive and protective measures are non-disciplinary, non-punitive individualized services and tools offered as appropriate, as reasonably available, and without fee or charge to a complainant or respondent before, during, or after the filing of a formal complaint or where no formal complaint has been filed. Supportive and protective measures are designed to restore or preserve equal access to the college's programs and activities without unreasonably burdening the other party, and include measures designed to protect the safety of all parties or the college's campus environment or prevent or deter potential prohibited conduct. The Equal Opportunity/Title IX Coordinator has broad jurisdiction to coordinate and implement supportive and protective measures to members of the college community adversely affected by protected-class harm.

Supportive and protective measures may include:

- Mutual restrictions: no contact directives and area restrictions
- Referrals and resources: academic/program office, administrative office, and student services office
- Accommodations: academic, scheduling, and physical
- Safety: safety planning and safety escort

Discrimination and Harassment Prevention Training

To educate employees on the importance of achieving discrimination and harassment (including sexual harassment) free work and educational environments, the college requires all employees to:

- Complete discrimination and harassment prevention training at least every two years
- Complete sexual harassment (Title IX) training at least every two years
- Complete mandatory reporter training at least every two years

New employees must complete their first training within 45 days of employment. Training for temporary employees and student employees may be waived at the discretion of the president or designee(s). Employees will be provided with a reasonable amount of work time to complete the training programs. Training programs can be selected from resources such as online programs, presentations, or self-study options as determined and approved by the president or designee(s).

The college also requires discrimination and harassment (including sexual harassment) prevention training programs are completed by all college credit students. The president or designee(s) will ensure the development and/or selection and delivery of such training programs.

The president or designee(s) will ensure that an annual notice regarding discrimination and harassment (including sexual harassment) prevention policies, reporting mechanisms (including name and contact information for the college's Equal Opportunity/Title IX Coordinator), and grievance procedures be provided electronically to every employee and college credit student and every applicant for employment and applicant for college credit admission.

Violations of this Policy

Reporting

The college has established the following procedure for lodging a complaint of discrimination, harassment (including sexual harassment), or retaliation. The college will treat all aspects of the procedure confidentially to the extent reasonably possible.

Complaints should be submitted to the district clerk, acting as the college's Equal Opportunity/Title IX Coordinator, as soon as possible after an incident has occurred, preferably in writing. The district clerk may assist the complainant in completing a written statement or, in the event an individual is unwilling to provide information in writing, the district clerk will write out the verbal complaint. Information suggested to be included in the complaint can be found in the college's *Discrimination Grievance Procedures* (see below section on Resolution).

Equal Opportunity/Title IX Coordinator Information:

Candace Erisman, District Clerk, district.clerk@bvcommunitycollege.org

Resolution

The president or designee(s) will develop, maintain, and publicize *Discrimination Grievance Procedures* to provide prompt and equitable resolution of discrimination, harassment (including sexual harassment), and retaliation complaints identified in this policy.

Alternative Legal Remedies

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies.

External Complaints

As an employee or student, if you filed a complaint and believe the college's response was inadequate, or otherwise believe you have been discriminated against by the college on the basis of race, color, national origin, age, religion, disability status, sex (including sexual harassment), sexual orientation, gender identity or expression, genetic information, marital status, or retaliation, you may file a complaint with the U.S. Department of Education Office for Civil Rights.

As an employee or student, if you filed a complaint and believe the college's response was inadequate, or you otherwise believe you have been discriminated against by the college on the basis of age, marital status, physical or mental disability, race, national origin, color, religion, creed, sex (including pregnancy, maternity, sexual harassment, sexual orientation), familial status (housing only), political ideas (only in the provisions of governmental services or governmental employment), or retaliation (when directly related to a protected class or protected activity), you may file a complaint with the Montana Human Rights Bureau.

History: Reviewed 12/15/2022

Reference(s):

Civil Rights Act of 1964

Age Discrimination in Employment Act of 1967

Title IX of the Education Amendments of 1972

Section 504 of the Rehabilitation Act of 1973

Age Discrimination Act of 1975

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990;

implementing regulations at 34 C.F.R. Part 668.46

Americans with Disabilities Act of 1990

Montana Human Rights Act (MCA Title 49)

Section 3000. General Institution

3045. Campus Safety, Security, and Access

Original Adoption: 10/18/2021

Latest Review/Revision: 12/15/2022

The college is committed to a safe and secure learning and work environment.

The president or designee(s) must establish and implement procedures for campus security and hours of access to the college.

Emergency Response Plan

The president must ensure the development and maintenance of an Emergency Response Plan specifying procedures to be used in emergencies including, but not limited to, building fire, hazardous material incident, medical incident, natural disaster, utility outage, or violence. The president must ensure community and county agencies are consulted in developing the Emergency Response Plan. Safety information must be widely available to students and other members of the campus community.

Timely Warning and Emergency Notification

The president must ensure the development and implementation of a timely warning and emergency notification system. When a crime is committed on or near campus, college leadership must evaluate if there is a serious or ongoing threat to the campus community to determine if a timely warning needs to be issued to all students and employees. In the event of an immediate, significant danger to the health or safety of the campus community, college leadership must issue an emergency notification. This notification can include the entire campus or be limited to a specific area deemed to be at risk.

History: *Reviewed 12/15/2022*

Reference(s): *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990; implementing regulations at 34 C.F.R. Part 668.46*

Section 3000. General Institution

3050. Reporting of Crimes

Original Adoption: 10/18/2021

Latest Review/Revision: 12/15/2022

The president must ensure an annual security report (ASR) as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is prepared of applicable crimes. The ASR must include applicable crimes committed on campus, on public property within or immediately adjacent to campus, and in or on non-campus buildings or property owned or controlled by the college or by a student organization officially recognized by the college.

The Clery Act crimes to be reported include:

- Criminal Offenses
 - Criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson
- Hate Crimes
- Violence against Women Act Offenses
 - Incidents of domestic violence, dating violence, and stalking
- Arrests and Referrals for Disciplinary Action
 - Weapon law violations, drug abuse violations, and liquor law violations

Annual security reports must be publicly available as required by the Clery Act.

History: *Reviewed 12/15/2022*

Reference(s):

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990; implementing regulations at 34 C.F.R. Part 668.46

Section 3000. General Institution

3055. Communicable Diseases

Original Adoption: 9/6/2022

Latest Review/Revision: 12/15/2022

It is the college's intent to safeguard the welfare of students and employees while maintaining the operations of the college in an effective and efficient manner in the event of a confirmed communicable disease outbreak, as far as it is reasonably possible. The college recognizes that communicable diseases that may afflict students and employees range from common illnesses, acute and short-term in nature, such as influenza, to chronic, life-threatening diseases. The college must rely on advice of public health and medical communities in assessing the risk of transmission of various communicable diseases to determine how best to protect the health of students and employees.

Students or employees should contact the office of the president or the office designated by the president if there is concern about the possible contagious nature of any student or employee's illness. The college must manage common communicable diseases in accordance with Montana Department of Health and Human Services guidelines and communicable disease control rules.

The college will not discriminate against any student or employee on the basis of vaccination status. The college reserves the right to exclude a person with a communicable disease from college facilities, programs, and functions if the college finds that, based on a medical determination, such restriction is necessary for the welfare of the person who has the communicable disease and/or the welfare of others within the college. In case of a public health emergency, the college will adhere to any communicable disease orders of state or local public health agencies to prevent transmission of a communicable disease.

The college will comply with all applicable statutes and regulations that protect the privacy of persons who have a communicable disease. However, the college may notify other students or employees that have been exposed to a communicable disease without identifying the particular individual who has the disease. The college will make every effort to ensure procedurally sufficient safeguards to maintain the personal confidence about persons who have communicable diseases.

History: Reviewed 12/15/2022

Reference(s):

Section 3000. General Institution

3060. Alcohol, Drugs, Marijuana, Nicotine, and Tobacco on Campus

Original Adoption: 6/6/2022

Latest Review/Revision: 1/11/2023

The college is an alcohol, drug, marijuana, nicotine, and tobacco-free campus.

Alcohol

The manufacture, distribution, dispensing, possession, or use of any alcoholic beverages by employees or students on campus or while engaged in college-sponsored activities is prohibited except as provided in the Exceptions paragraph to this policy.

Drugs

The manufacture, distribution, dispensing, possession, or use of any non-medically prescribed controlled substance or possession of any non-medically prescribed controlled substance paraphernalia by employees or students on campus or while engaged in college-sponsored activities is prohibited.

The president or designee(s) will distribute annually to all students and employees the information required by the Drug-Free Schools and Communities Act and will ensure compliance with all other requirements of the Act.

Marijuana, Nicotine, and Tobacco

The manufacture, distribution, dispensing, possession, or use of marijuana, nicotine, or tobacco in any form, unless medically prescribed, by employees or students on campus or while engaged in college-sponsored activities is prohibited.

Exceptions

The provisions of this policy regarding dispensing, possession, or use of alcoholic beverages may be suspended temporarily for specific events as approved by the president or designee(s). The provisions of this policy regarding the manufacture, distribution, possession, or use of alcoholic beverages may be suspended temporarily for instructional or research purposes as approved by the president or designee(s). The president or designee(s) must establish procedures compliant with state law for approving the exceptions to this policy.

Policy Violations

Any employee or student who violates this policy will be subject to disciplinary action (consistent with local, state, and federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion, or dismissal.

The college reserves the right to report any illegal activity to law enforcement authorities. The college may pursue enforcement of its rules whether or not criminal proceedings are in process and may use information from third party sources, such as law enforcement agencies and the courts, to determine whether college policies and procedures have been violated and the discipline it will impose.

History: Reviewed 1/11/2023

Reference(s)

Drug-Free Schools and Communities Act of 1986.

Drug-Free Schools and Communities Act Amendments of 1989.

Drug-Free Workplace Act of 1988.

Montana Clear Air Act of 1979, MCA 50-40-104. Smoking in enclosed public places prohibited -- notice to public -- places where prohibition inapplicable.

MCA Title 16 Alcohol, Tobacco, and Marijuana.

MCA 50-32. Controlled Substances.

Section 3000. General Institution

3065. Weapons on Campus

Original Adoption: 8/1/2022

Latest Review/Revision: 1/11/2023

No person, including students, employees, college patrons, visitors, and vendors may bring, possess, conceal, brandish, or use a weapon, or give the appearance of being in possession of a weapon, on college owned, leased, or controlled property or at activities under the jurisdiction or sponsorship of the college.

A weapon is defined as an instrument, article, or substance that is designed, used, or likely to be used to commit a criminal offense, cause bodily harm, or cause property damage, including, but not limited to, any type of firearm, a knife with a blade four (4) or more inches in length, a sword, a straight razor, a throwing star, nun-chucks, brass or other metal knuckles, or other potentially dangerous items or substances.

Allowable exceptions include:

- Possession by on-duty local, state, or federal law enforcement officers.
- Possession in conjunction with an instructional program with prior presidential approval and in accordance with state and federal law.
- Possession due to a temporary exemption to this policy on the showing of good cause or necessity with prior presidential approval and in accordance with state and federal law.

Violation of this policy will result in discipline, up to and including employee dismissal, student expulsion, or any other remedy provided by law. Violation by third parties may result in exclusion from campus, events, and any other remedy provided by law.

History: *Reviewed 1/11/2023*

Reference(s):

MCA 45-8-361. Possession or allowing possession of weapon in school building -- exceptions -- penalties - seizure and forfeiture or return authorized -- definitions.

MCA 7-32-3. Qualifications of Law Enforcement Officers.

Section 3000. General Institution

3068. Speech on Campus

Original Adoption: 8/1/2022

Latest Review/Revision: 1/11/2023

The college recognizes every individual's right to freedom of expression. The college also recognizes that freedom of expression is integral to the purpose and process of education, the primary goal of the college.

The constitutional right to freedom of expression includes exercising it responsibly. The right to free expression must not unreasonably interfere with the right of the college to conduct its business or maintain its property.

History: *Reviewed 1/11/2023*

Reference(s):

U.S. Const. amend 1.

Mont. Const. art. II, pt. II, sect. 7. Freedom of speech, expression, and press.

Section 3000. General Institution

3070. Vehicles on Campus

Original Adoption: n/a

Latest Review/Revision: n/a

(Place holder)

History: n/a

Reference(s):

Section 3000. General Institution

3073. Animals on Campus

Original Adoption: 4/4/2022

Latest Review/Revision: 1/11/2023

To protect public health and safety, animals, other than service animals, service animals in training, and animals present for instruction or research, are not permitted in any college buildings or on college grounds. Exceptions may be made at the discretion of the president or designee(s).

Animals permitted on campus under this policy must be under the control of their handler at all times. Individuals handling animals permitted on campus under this policy must comply with all applicable laws and regulations.

The college may impose charges for damages caused by animals permitted on campus under this policy in the same manner the college imposes charges for damages to property.

For the purposes of this policy, services animals are as defined by the Code of Federal Regulations.

History: *Reviewed 1/11/2023*

Reference(s):

Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.

Americans with Disabilities Amendments Act of 2008, 42 U.S.C. § 12101 et seq.

28 C.F.R. Part 35.136 - Service animals.

MCA 49-4-214. Right to be accompanied by service animal -- identification for service animals in training.

Section 3000. General Institution

3080. Computer and Network Use

Original Adoption: 4/4/2022

Latest Review/Revision: 1/11/2023

Students, employees, and visitors who use college computers and networks, the information they contain, and related resources have a responsibility not to abuse those resources and to respect the rights of others. The president or designee(s) will establish procedures that provide guidelines to students, employees, and visitors for the appropriate use of information technologies. The procedures will include that users must respect software copyrights and licenses, respect the integrity of computer-based information resources, refrain from seeking to gain unauthorized access, and respect the rights of other computer users.

History: Reviewed 1/11/2023

Reference(s): 17 U.S.C. § 101 et seq.

Section 3000. General Institution

3085. Facilities and Property Use

Original Adoption: 4/4/2022

Latest Review/Revision: 1/11/2023

Facilities

College facilities are intended for college-related purposes. When facilities are not in use for college-related purposes, the facilities are available to the public as long as such use is appropriate to the purpose and mission of the college and conforms with all board policy. The president or designee(s) will establish reservation and rental procedures for public use of college facilities.

Property

College property may not be removed from the campus for personal use or for use by individuals or organizations outside the college unless written permission has first been obtained from the president or designee(s).

History: Reviewed 1/11/2023

Reference(s):

Section 3000. General Institution

3090. Copyright and Intellectual Property

Original Adoption: 4/4/2022

Latest Review/Revision: 1/11/2023

Copyright

The college will comply with all pertinent statutes and regulations governing copyright and fair use. The president or designee(s) will establish procedures for compliance with copyright and fair use matters.

The president or designee(s) will also establish procedures regarding the securing of copyright protection for works, including but not limited to registering copyrights and policing infringements, on behalf of the college.

Intellectual Property

The president or designee(s) will establish procedures that define the rights, interests, protection, and transfer of intellectual property created by college students and employees.

History: *Reviewed 1/11/2023*

Reference(s):

17 U.S.C. § 101 et seq.

17 U.S.C. § 201

35 U.S.C. § 101 et seq.

37 C.F.R. Parts 1.1 et seq.

Section 3000. General Institution

3095. Records Security, Retention, and Destruction

Original Adoption: 4/4/2022

Latest Review/Revision: 1/11/2023

The president or designee(s) will establish procedures to ensure the security of all records, physical and electronic, that are created or maintained in the course of the college's business.

The president or designee(s) will establish a uniform set of schedules for the retention and disposal of records that will adhere to state law on retention and disposal of local government records as well as be informed by the Montana University System General Record Retention Schedule.

The president or designee(s) will establish procedures to ensure all records, physical and electronic, when scheduled to be disposed are destroyed in a permanent and secure manner.

History: Revised 8/1/2022; Reviewed 1/11/2023

Reference(s):

MCA 2-6-12. Local Government Records.

Montana University System General Record Retention Schedule found at

www.mus.edu/che/directives/GeneralRecordRetentionSchedule.pdf

Section 3000. General Institution

3098. Public Records Requests

Original Adoption: 8/1/2022

Latest Review/Revision: 1/11/2023

All college records, except those restricted by state and federal law, are available to the public for inspection. The president or designee(s) will establish procedures for public access to unrestricted college records.

History: *Originally adopted as 2085.Public Records on 6/29/2021; revised and recategorized as 3098. Public Records Requests 8/1/2022; Reviewed 1/11/2023*

Reference(s):

Mont. Const art. II, sect. 9. Right to know.

Mont. Const art. II, sect. 10. Right to privacy.

MCA 2-6. Public Records.

Section 3000. General Institution

3100. Public Communications

Original Adoption: 4/4/2022

Latest Review/Revision: 1/11/2023

To protect the interests of the college and to ensure public statements are consistent with the college's established position, only the president or designee(s) may issue public statements concerning the college.

All college materials, printed and electronic, will portray the college professionally, build a clear consistent identity, and utilize approved standards in all branding components.

History: Reviewed 1/11/2023

Reference(s):

Section 3000. General Institution

3105. Claims against the College

Original Adoption: 4/4/2022

Latest Review/Revision: 1/11/2023

Claims must be presented according to applicable law and this policy as a prerequisite to filing a claim against college.

The designated place for service of claims, lawsuits, or other types of legal process upon the college is the office of the district clerk.

History: Reviewed 1/11/2023

Reference(s):

Section 4000. Instructional Services

4001. Definitions

Original Adoption: 8/1/2022

Latest Review/Revision: 2/6/2023

- “Board” means the board of trustees of the district.
- “College” means Bitterroot Valley Community College.
- “Curriculum” means the content of a program and the methodologies used to convey the content.
- “District” means the Bitterroot Valley Community College District.
- “Member” means a trustee of the community college district unless otherwise specified.
- “President” means chief executive officer of the community college district.
- “Program” means a college degree, college certificate, or non-college credit, industry-recognized credential.
- “Trustee” means a trustee of the community college district unless otherwise specified.

History: Review 2/6/2023

Reference(s):

Section 4000. Instructional Services

4005. Academic Freedom

Original Adoption: 8/1/2022

Latest Review/Revision: 2/6/2023

The college supports the principles of academic freedom, built upon the free expression and exchange of ideas that are inherent in the search for scholarly truth and upon which a free and democratic society depends. The college affirms the use of a variety of teaching methodologies to fulfill its obligation to raise difficult and meaningful questions in the educational development of students. Faculty members are entitled to freely discuss issues germane to their subject matter. This freedom involves the right to introduce controversial topics, as long as the manner of presentation involves objective reasoning and rational discussion.

Academic freedom must be balanced with the obligation of the college to protect the right of students to learn in an environment characterized by civility, open inquiry, and freedom from unlawful discrimination. While faculty have the right to present ideas and conclusions which they believe to be in accord with available evidence, they also have the responsibility to acknowledge the existence of different opinions and to respect the right of others to hold those views. Faculty and students have a responsibility to engage in teaching and learning that honors and respects divergent viewpoints that are grounded in cultures of reason, logic, evidence, and responsible scholarship.

When a faculty member or any college employee speaks or writes as a citizen, care should be taken to avoid the representation of any personal view as that of the college.

History: Review 2/6/2023

Reference(s):

Section 4000. Instructional Services

4010. Academic Calendar

Original Adoption: 8/1/2022

Latest Review/Revision: 2/6/2023

The president annually submits an academic calendar to the board for approval. The current academic calendar is published on the college website.

History: Review 2/6/2023

Reference(s):

Section 4000. Instructional Services

4015. Academic Policies

Original Adoption: 8/1/2022

Latest Review/Revision: 2/6/2023

The president or designee(s) develops and implements academic policies and procedures to maintain the academic integrity of its programs. Such policies and procedures will be guided by the Academic Affairs section of the Montana Board of Regents Policy and Procedures Manual.

History: Review 2/6/2023

Reference(s): Montana Board of Regents Policy & Procedures Manual 300. Academic Affairs

Section 4000. Instructional Services

4020. Programs and Curricula

Original Adoption: 8/1/2022

Latest Review/Revision: 2/6/2023

The college's programs and curricula must be of high quality, relevant to community and student needs, and evaluated regularly to ensure quality and relevancy. To that end, the president or designee(s) establishes administrative procedures and regulations for the development and review of all programs and curricula, including their establishment, modification, and discontinuance.

The college follows all state, national, Northwest Commission on Colleges and Universities, and other related accrediting bodies' guidelines and requirements in establishing college degree and certificate programs. The college follows all related licensing and certification-awarding bodies' guidelines and requirements in establishing non-college credit, industry-recognized credential programs.

History: Review 2/6/2023

Reference(s):

Section 4000. Instructional Services

4025. Degrees and Certificates

Original Adoption: 8/1/2022

Latest Review/Revision: 2/6/2023

Once authorized by the board and accredited by the Northwest Commission on Colleges and Universities, the college may confer the following degrees and certificates upon students who have completed all general and specific requirements for graduation:

- Associate of Arts
- Associate of Science
- Associate of Applied Science
- Certificate of Applied Science
- Certificate of Technical Studies

Curricula fulfilling the requirements for these degrees and certificates will meet applicable state regulations and regional accreditation guidelines.

History: Review 2/6/2023

Reference(s):

Section 4000. Instructional Services

4030. Non-College Credit, Industry-Recognized Credential Programs

Original Adoption: 8/1/2022

Latest Review/Revision: 2/6/2023

The college delivers non-college credit, industry-recognized credential programs. The college may charge a fee for these programs. These programs are subject to the administrative procedures and regulations developed in accordance with board policy Section 4020.

History: *Review 2/6/2023*

Reference(s):

Section 4000. Instructional Services

4035. Courses for College Credit

Original Adoption: 8/1/2022

Latest Review/Revision: 2/6/2023

Course Hours

The college complies with the federal definition of a credit hour as appropriate to the college's and program's eligibility per federal code.

Grading

The president or designee(s) will develop and implement procedures to assure the accuracy, fairness, and integrity of all grades awarded by faculty.

Attendance Records

Instructors will maintain accurate records of attendance for all students in all courses for college credit.

Auditing

The president or designee(s) will develop and implement procedures that permit the auditing of courses. The cost of auditing a course may be equivalent to the tuition and fee rate for a course taken for credit.

History: Review 2/6/2023

Reference(s): 34 C.F.R. Part 668. Student Assistance General Provisions.

Section 4000. Instructional Services

4040. College Credit by Examination or Prior Learning Assessment

Original Adoption: 8/1/2022

Latest Review/Revision: 2/6/2023

Examination

The college may grant college credit to students who successfully complete Advanced Placement (AP) examinations or College-Level Examination Program (CLEP) tests. The college's Academic Policies (see board policy Section 4015) detail the rules and processes surrounding college credit by examination. All college course credit granted by examination complies with state regulation and accreditation standards.

Prior Learning Assessment

The college may grant college credit for prior learning acquired outside the traditional college setting. Such prior learning may be evaluated for college credit upon the student's request. The college's Academic Policies (see board policy Section 4015) detail the rules and processes surrounding prior learning assessment (PLA) for college credit. All college course credit granted via PLA complies with state regulation and accreditation standards.

History: Review 2/6/2023

Reference(s):

Section 4000. Instructional Services

4045. Articulation

Original Adoption: 8/1/2022

Latest Review/Revision: 2/6/2023

The president or designee(s) may establish procedures that assure the appropriate articulation of the college's educational programs with proximate baccalaureate-level institutions. The procedures may also support articulation with additional institutions, including other two-year colleges and those that are not geographically proximate but are appropriate and advantageous for partnerships with the college.

History: Review 2/6/2023

Reference(s):

Section 4000. Instructional Services

4050. Dual Credit

Original Adoption: 8/1/2022

Latest Review/Revision: 2/6/2023

The college delivers dual credit courses, wherein high school students earn both college credit and high school credit for a particular course, in partnership with regional high schools for qualified high school juniors and seniors.

History: *Review 2/6/2023*

Reference(s):

Section 4000. Instructional Services

4055. Community Outreach

Original Adoption: 8/1/2022

Latest Review/Revision: 2/6/2023

The college delivers community development, personal enrichment, and short-term workforce and customized training services (e.g., activities, classes, forums). The college may charge a fee for community outreach services.

History: *Review 2/6/2023*

Reference(s):

Section 4000. Instructional Services

4060. Faculty Qualifications

Original Adoption: 8/1/2022

Latest Review/Revision: 2/6/2023

The college strives to hire the most qualified individuals available to teach on a full-time or part-time basis. The college will meet or exceed Montana Board of Regents Policy regarding qualifications for faculty at two-year institutions.

History: Review 2/6/2023

Reference(s): Montana Board of Regents Policy & Procedures Manual 730. Minimum Qualifications for Faculty in Two-Year Degree Programs

Section 4000. Instructional Services

4065. Advisory Committees for Career and Technical Education Programs

Original Adoption: 8/1/2022

Latest Review/Revision: 2/6/2023

The president or designee(s) will establish advisory committees for career and technical education programs to advise on program development, curriculum, operations, and evaluation. Members of such committees will be familiar with the requirements for entry-level employment and career advancement in the occupations they represent. The committees will meet as necessary to provide substantive program advice.

History: Review 2/6/2023

Reference(s):

Section 4000. Instructional Services

4070. Library and Learning Support Services

Original Adoption: 8/1/2022

Latest Review/Revision: 2/6/2023

The college will have a library and learning support services that are an integral part of the institution's educational program.

History: Review 2/6/2023

Reference(s):

Section 5000. Student Services

5001. Definitions

Original Adoption: 8/1/2022

Latest Review/Revision: 3/6/2023

- “Board” means the board of trustees of the district.
- “Budget” means operating or current fund budget unless otherwise specified.
- “College” means Bitterroot Valley Community College.
- “District” means the Bitterroot Valley Community College District.
- “President” means chief executive officer of the community college district.
- “Warrant” means an instrument of payment drawn against the county treasury.

History: Review 3/6/2023

Reference(s):

Section 5000. Student Services

5005. Admissions

Original Adoption: 8/1/2022

Latest Review/Revision: 3/6/2023

The college president or designee(s) will establish and publish admission procedures in compliance with state and accreditation regulations.

History: Review 3/6/2023

Reference(s): Montana Board of Regents Policy & Procedures Manual 301.6. Admissions; Community Colleges.

Section 5000. Student Services

5010. Tuition and Fees

Original Adoption: 8/1/2022

Latest Review/Revision: 3/6/2023

For college credit coursework, the board of trustees will establish and annually review tuition rates and a fee schedule based on the recommendation of the president as formulated by the college administration. Tuition and fees will be determined in compliance with state law and Montana Board of Regent policy.

History: *Review 3/6/2023*

Reference(s):

Montana Board of Regents Policy & Procedures Manual 940.1. Residency Policy.

MCA 20-25-501. Definitions

MCA20-25-503. Presumptions and rules as to domicile

MCA 20-25-504. Evidence as to domiciliary intent -- changes in status

Section 5000. Student Services

5015. Financial Aid

Original Adoption: 8/1/2022

Latest Review/Revision: 3/6/2023

For students enrolled in college credit programs, financial aid opportunities will be available. Such financial aid may include, but is not limited to, scholarships, grants, loans, and employment opportunities.

All financial aid programs will adhere to guidelines, procedures, and standards issued by the funding agency and will incorporate federal, state, and other applicable regulatory requirements.

The president or designee(s) will establish, publicize, and apply satisfactory academic progress standards for participants of Title IV (Higher Education Act of 1965) student assistance programs.

History: Review 3/6/2023

Reference(s): Higher Education Act of 1965, Title IV. Student Assistance

Section 5000. Student Services

5020. Student Records

Original Adoption: 8/1/2022

Latest Review/Revision: 3/6/2023

The college will manage student records according to all requirements set forth by the Family Educational Rights and Privacy Act (FERPA). The president or designee(s) will establish procedures to assure that student records are maintained in compliance with FERPA and any other federal, state, or accreditation regulation relating to the privacy of student records.

History: Review 3/6/2023

Reference(s): Family Educational Rights and Privacy Act of 1974: 20 U.S.C. § 1232g; 34 C.F.R. Part 99.

Section 5000. Student Services

5025. Student Code of Conduct

Original Adoption: 8/1/2022

Latest Review/Revision: 3/6/2023

The president will ensure the college has in place administrative rules, practices, and procedures regarding student rights, responsibilities, and expectations of behaviors. These standards are developed as fair and reasonable guidelines to support the success of the teaching/learning experience as well as to ensure the safe and efficient operation of the college. By choosing to join the college community, students are agreeing to abide by these rules, practices, and procedures regarding their conduct.

Student policies, rights, and responsibilities will include those policies and procedures required by state or federal law. Information about student rights, responsibilities, and expectation of behaviors will be easily accessible to students and include disciplinary consequences as well as a student grievance process. The president will ensure a clear and accessible process for reporting and resolving concerns related to conduct in a timely manner.

For the purposes of this policy, a “student” means any person who is engaged in a college-sponsored activity.

In addition to compliance with this policy, students remain responsible for compliance with state and federal law and may be disciplined by the college for violation of the law.

Jurisdiction

Generally, the college’s jurisdiction is limited to conduct occurring at college-sponsored activities. However, the college’s jurisdiction extends to any situation in which off-campus conduct disrupts the college environment, interferes with student learning, and/or threatens the health and safety of any member of the college community. Application of this policy to off-campus offenses is subject to procedures adopted by the college administration in accordance with this policy. The college may pursue enforcement of its rules whether or not criminal proceedings are in process and may use information from third party sources, such as law enforcement agencies and the courts, to determine whether college rules have been broken and discipline that should be imposed.

History: *Review 3/6/2023*

Reference(s):

Section 5000. Student Services

5030. Student Support Services

Original Adoption: 8/1/2022

Latest Review/Revision: 3/6/2023

The college will provide student support services in the following areas:

- Admissions
- Financial Aid
- Registration and Transcripts
- Advising
- Academic Support
- Transfer
- Disability Services
- Veteran Services
- Career Planning Services

History: Review 3/6/2023

Reference(s):

Section 5000. Student Services

5035. Student Activities and Organizations

Original Adoption: 8/1/2022

Latest Review/Revision: 3/6/2023

The president or designee(s) will establish guidelines, procedures, and rules for the conduct of student activities and the formation, continuance, and dissolution of student organizations. Student activities and organizations will comply with state and federal law, board policies, and college administrative procedures.

History: *Review 3/6/2023*

Reference(s):

Section 5000. Student Services

5040. Student Email

Original Adoption: 8/1/2022

Latest Review/Revision: 3/6/2023

A college-assigned student email account will be the college's official means of communication with all students admitted for college credit programming. The college reserves the right to send official communications to college credit students by college-assigned student email with the full expectation that students receive and read emails in a timely fashion. College-assigned student email may not be used for unlawful activities or in violation of college policy. College-assigned student email may not be used to publicly represent the college to any entity or appear to speak on behalf of the college.

History: Review 3/6/2023

Reference(s):

Section 6000. Business and Fiscal Services

6001. Definitions

Original Adoption: 6/29/2021

Latest Review/Revision: 4/3/2023

- “Board” means the board of trustees of the district.
- “Budget” means operating or current fund budget unless otherwise specified.
- “College” means Bitterroot Valley Community College.
- “District” means the Bitterroot Valley Community College District.
- “President” means chief executive officer of the community college district.
- “Warrant” means an instrument of payment drawn against the county treasury.

History: Revised 8/2/2021, Reviewed 4/3/2023

Reference(s):

MCA 20-15-311. Funding sources.

MCA 20-15-312. Review and approval of annual operating budget.

Section 6000. Business and Fiscal Services

6005. Delegation of Authority, Business and Fiscal Services

Original Adoption: 6/29/2021

Latest Review/Revision: 4/3/2023

The board delegates to the president the authority to supervise the general business and fiscal procedures of the college to assure the proper administration of:

- Property and contracts.
- The budget, audit, and accounting of funds.
- The acquisition of supplies, equipment, and property.
- The protection of assets and persons.

History: Reviewed 4/3/2023

Reference(s):

Section 6000. Business and Fiscal Services

6010. Payment of Bills

Original Adoption: 6/29/2021

Latest Review/Revision: 4/3/2023

The board issues all warrants. Each warrant must identify the fund from which the warrant is drawn.

All warrants issued must be signed by the board chair and the district clerk before the warrants are negotiable. Facsimile signatures may be used in accordance with statute. Facsimile signatures must be secured and segregated in accordance with statute.

The president must submit to the board at its regular monthly meeting a list of all warrants issued since the previous regular monthly board meeting. The warrant list includes explanations as deemed necessary by the board. The board must approve the warrant list at its regular monthly meetings unless otherwise specifically provided for. The board chair and board secretary must sign the warrant list following board approval.

No warrant may be submitted for board approval until the materials or services purchased have been received in the quality and quantity required.

History: *Revised 8/2/2021, Reviewed 4/3/2023*

Reference(s):

MCA 2-16-114. Facsimile signatures and seals.

MCA 20-9-221. Procedure for issuance of warrants.

Section 6000. Business and Fiscal Services

6015. Accounting System

Original Adoption: 6/29/2021

Latest Review/Revision: 4/3/2023

The accounts of the college must be maintained according to generally accepted accounting principles and the Governmental Accounting Standards Board and must conform to Montana Code Annotated and Montana Board of Regents policy.

History: Reviewed 4/3/2023

Reference(s):

Section 6000. Business and Fiscal Services

6020. Budget System

Original Adoption: 6/29/2021

Latest Review/Revision: 4/3/2023

Fiscal Year

The fiscal year for the college begins on the first day of July in each calendar year and ends on the thirtieth day of June of the following calendar year.

Budget Preparation

Annually, the president must prepare or cause to be prepared a budget which is an estimate of the revenue available and expenditures to be made in the forthcoming fiscal year. The budget must align with board goals and priorities, be fiscally responsible, and be realistic in projections of income and expenses.

Budget Submission

The president must submit to the board the budget and other documents as required by Montana Code Annotated and Montana Board of Regents policy. At least two public budget hearings must be held prior to board adoption of the budget.

Budget Adoption

The board must adopt a budget in the manner provided by Montana Code Annotated and Montana Board of Regents policy.

Budget Execution and Control

The president is responsible for the execution and control of the adopted budget, although day-to-day operational responsibility may be delegated. Execution and control procedures must comply with generally accepted accounting principles and the Governmental Accounting Standards Board and must conform to Montana Code Annotated and Montana Board of Regents policy.

Budget Performance Reporting

The president must prepare or cause to be prepared for the board a periodic reporting of the college's performance in executing the adopted budget. The president must alert the board in a timely manner of any significant financial circumstances that arise during the fiscal year.

History: Reviewed 4/3/2023

Reference(s):

MCA 20-9-115. Notice of final budget meeting.

MCA 20-9-131. Final budget meeting.

MCA 20-9-134. Completion, filing, and delivery of final budgets.

MCA 20-15-309. Biennial budgeting.

MCA 20-15-311. Funding sources.

MCA 20-15-312. Review and approval of annual operating budget.

Montana Board of Regents Policy & Procedures Manual 910.1. Budgeting; community colleges.

Section 6000. Business and Fiscal Services

6025. Investments

Original Adoption: 6/29/2021

Latest Review/Revision: 4/3/2023

The president ensures college funds not required for immediate needs are invested in compliance with Montana Code Annotated.

Investments are based on the following criteria:

- The preservation of principal is of primary importance; safety of funds is paramount.
- Investments must remain sufficiently liquid to meet the college's cash requirements.
- Investments should not impair public confidence.

The investment goal, after adherence to Montana Code Annotated and board policy criteria, is to maximize the rate of return.

History: Reviewed 4/3/2023

Reference(s):

Section 6000. Business and Fiscal Services

6030. Purchasing

Original Adoption: 6/29/2021

Latest Review/Revision: 4/3/2023

The board delegates to the president or designee(s) the right to purchase equipment, supplies, and services used by the college as long as such purchases are in accordance with the budget approved by the board. All purchases must be made via a purchase order, requisition, check request, or credit card, pursuant to administrative procedure established by the president and conforming to generally accepted accounting principles and the Governmental Accounting Standards Board and in compliance with Montana Code Annotated.

History: Reviewed 4/3/2023

Reference(s):

Section 6000. Business and Fiscal Services

6035. Bids and Contracts

Original Adoption: 6/29/2021

Latest Review/Revision: 4/3/2023

The board authorizes the president to solicit bids for contracts and enter into contracts when funds have been previously identified, approved, and budgeted and when the dollar amount is less than \$25,000 and the contract term is one year or less.

The board must approve bid solicitations and contracts which equal or exceed \$25,000 or have a contract term exceeding one year.

The president or designee(s) must establish administrative procedures for bid solicitation and contract award and management, subject to the following:

- Bid solicitations or contracts for work to be done, services to be performed, or for goods, equipment, or supplies to be furnished or sold that exceed \$80,000 must comply with statutory advertisement and bidding requirements.
- Bid solicitation and contract procedures must provide for the fair and equitable treatment of all persons involved in public purchasing by the college.
- Bid solicitation and contract procedures must maximize the purchasing value of public funds for procurement (e.g., vendor's ability to respond, reputation of bidding firm, quality of both materials and services).
- Bid solicitation and contract procedures must provide safeguards for maintaining a system of quality and integrity.
- Bid solicitation and contract award and management must at all times respect the public trust, avoiding any real or perceived favoritism in contractual matters.

Board policy and administrative procedures for bids and contracts must be strictly adhered to by all agents of the college. The college is not obligated to any contracts made without proper approval. The cost of unauthorized contracts will be charged to the individual entering into such contracts.

The president may request board review and approval of a proposed bid solicitation or contract that is not otherwise subject to board review.

The board delegates to the president or designee(s) the authority to enter into contracts which do not require the payment or commitment of college funds but which are necessary for conducting the normal business operations and day-to-day activities of the college.

History: *Revised 5/2/2022, Reviewed 4/3/2023*

Reference(s): *MCA 20-15-104. Pecuniary interest and letting contracts.*

Section 6000. Business and Fiscal Services

6040. Financial Audits

Original Adoption: 6/29/2021

Latest Review/Revision: 4/3/2023

The college is subject to an annual audit by the legislative auditor. The college may contract for an audit with a private accounting firm, subject to approval of the legislative auditor. The president is responsible for compliance with the legislative auditor.

History: Reviewed 4/3/2023

Reference(s): MCA 20-15-229. Audit of district.

Section 6000. Business and Fiscal Services

6041. Financial Records

Original Adoption: 8/2/2021

Latest Review/Revision: 4/3/2023

The president or designee(s) is responsible for the accurate, detailed accounting of all receipts and expenditures of college money for each fund maintained by the college in accordance with generally accepted accounting principles and the Governmental Accounting Standards Board and in compliance with Montana Code Annotated.

The president or designee(s) ensures all transactions are recorded in the appropriate fund before the accounts are closed at the end of the fiscal year in order to properly report the receipt, use, and disposition of all money and property for which the college is accountable.

Destruction

Any claim, warrant, voucher, bond, or treasurer's general receipt may be destroyed by the president or designee(s) after a period of seven (7) years. All other financial records will be retained or destroyed according to schedules established pursuant to Board Policy 3095. Records Security, Retention, and Destruction.

History: Revised 8/2/2022, Reviewed 4/3/2023

Reference(s):

MCA 2-6-12. Local Government Records.

MCA 20-15-229. Audit of district.

MCA 20-9-207. Documentation of expenditures.

MCA 20-9-215. Destruction of certain financial records.

Section 6000. Business and Fiscal Services

6045. Assets

Original Adoption: 6/29/2021

Latest Review/Revision: 4/3/2023

The board delegates to the president the authority to manage, control, and protect all college assets, real and intangible. The board delegates to the president the authority to negotiate on all asset management matters necessary for the benefit of the college.

The president or designee(s) must establish administrative procedures complying with Montana Code Annotated and conforming to generally acceptable accounting principles and the Governmental Accounting Standards Board for the accounting, control, management, and protection of all college assets. Administrative procedures must, at minimum:

- Ensure sufficient security to protect all assets (real and intangible; physical and digital) from theft, loss, or significant damage.
- Ensure the college's public image or credibility, guiding against actions that would hinder the accomplishment of its mission.
- Ensure the college, its board, and its employees are not unnecessarily exposed to claims of liability.
- Ensure mechanical systems and equipment are not subjected to improper wear and tear or insufficient maintenance.

The board delegates to the president authority to declare as surplus such property that is no longer useful for college purposes. The president or designee(s) must establish administrative procedures to dispose of surplus property according to Montana Code Annotated. All sales of surplus property must be reported to the board on a periodic basis. This policy does not authorize any representative of the college to dispose of surplus property at any time.

History: *Reviewed 4/3/2023*

Reference(s):

Section 6000. Business and Fiscal Services

6050. Insurance and Risk

Original Adoption: 6/29/2021

Latest Review/Revision: 4/3/2023

The president is responsible for securing insurance for the college sufficient to:

- Manage its property and liability risks.
- Provide for the health and well-being of its employees.
- Protect the college, its board, and its employees while performing assigned duties.
- Protect students while participating in college sponsored activities.

History: Reviewed 4/3/2023

Reference(s):

Section 6000. Business and Fiscal Services

6055. Independent Foundations

Original Adoption: 6/29/2021

Latest Review/Revision: 4/3/2023

Any independent, not-for-profit foundation organized for the purpose of raising private funds and working to enhance the programs and services of the college will seek recognition as a fundraising organization of the college and must adhere to board policy.

History: Reviewed 4/3/2023

Reference(s):

Section 6000. Business and Fiscal Services

6060. Contributions and Gifts

Original Adoption: 6/29/2021

Latest Review/Revision: 4/3/2023

The president or designee(s) is authorized to accept contributions and gifts on behalf of the college. In the event acceptance of a contribution or gift requires college resources not budgeted for that use, acceptance of the contribution or gift must be approved by the board.

The president or designee(s) must approve any solicitation of funds or donations and any fundraising activities on behalf of the college, including those undertaken by independent foundations recognized as college fundraising organizations.

History: Reviewed 4/3/2023

Reference(s):

Section 6000. Business and Fiscal Services

6065. Grants

Original Adoption: 6/29/2021

Latest Review/Revision: 4/3/2023

The board embraces the pursuit of external funding to support the mission, goals, and initiatives of the college. Grants are pursued and accepted at the discretion of the president or designee(s). The president must establish administrative procedures to inform the board of grant activity and to govern the application and receipt of grants.

History: Reviewed 4/3/2023

Reference(s): MCA

Section 7000. Human Resources

7001. Definitions

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

- “Board” means the board of trustees of the district.
- “Break in service” means a period of time in excess of five working days when the person is not employed and that severs continuous employment.
- “College” means Bitterroot Valley Community College.
- “District” means the Bitterroot Valley Community College District.
- “Eligible employee” means an employee who is regularly scheduled to work 20 or more hours a week for a continuous duration of at least six months. “Exempt/Non-Classified” means an employee excluded from the provisions of federal and state wage and hour laws
- “Full-time employee” means an employee who is regularly scheduled to work 40 hours per week.
- “Non-Exempt/Classified” means an employee entitled to minimum wage, maximum hours, and overtime pay under specific provisions of federal and state wage and hour laws
- “Permanent employee” means an employee who is designated by the college as permanent, who was hired through a competitive selection process unless excepted from the competitive process by law, and who has attained or is eligible to attain permanent status.
- “Permanent status” means the state an employee attains after satisfactorily completing the probationary period.
- “President” means chief executive officer of the community college district.
- “Qualified employee” for **annual leave** means an employee who has worked continuously for the college for at least six months without a break in service. Time on approved leave without pay is not considered a break in service.
- “Qualified employee” for **sick leave** means an employee who has worked continuously for the college for at least a 90 calendar-day period without a break in service. Time on approved leave without pay is not considered a break in service.
- "Temporary employee" means an employee who:
 - Is designated as temporary by the college for a definite period of time not to exceed 12 months.
 - Performs duties on a temporary basis.
 - Is not eligible for permanent status.
 - Is terminated at the end of the employment period.
 - Is not eligible to become a permanent employee without a competitive selection process.

The same temporary employee cannot be rehired for the same or similar temporary position for more than two consecutive years.

History: Revised 6/5/2023

Reference(s):

Fair Labor Standards Act

MCA 2-18. State Employee Classification, Compensation, and Benefits.

Section 7000. Human Resources

7002. Responsibilities

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

Human Resources Policy is administered by the president or designee(s).

The president, or designee(s), is responsible for the creation, update, and dissemination of a college employee handbook that details college human resources board policy and administrative procedures.

Upon employment, all college employees must sign a statement confirming they have read and understood the college employee handbook.

History: Reviewed 6/5/2023

Reference(s):

Section 7000. Human Resources

7005. Equal Employment Opportunity

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

Equal employment opportunity and treatment are practiced by the college regardless of race, color, national origin, religion, sex, sexual orientation, age, marital status, veteran status, or any other conditions protected by law, if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The president or designee(s) ensures the college is in compliance with the board's equal employment opportunity policy.

History: *Reviewed 6/5/2023*

Reference(s):

Equal Pay Act of 1963, 29 U.S.C. § 206(d)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d, 2000e

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107

Americans with Disabilities Act of 1990

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630; 28 C.F.R. Part 35

Section 7000. Human Resources

7010. Recruitment, Selection, and Employment

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

Recruitment and Selection

All vacancies (excluding temporary positions) must be posted and filled by a competitive selection process.

Nepotism

The college must adhere to state law regarding nepotism.

Criminal Background Investigations

All offers of employment must be made based on the successful completion of a criminal background investigation. The cost of a criminal background investigation for a college employee is borne by the college.

Verification of Applicant's Information

All information submitted by an applicant is subject to verification. Submission of false or misleading information is grounds for rejection of the applicant or termination of employment. All application materials submitted by an employee become a part of the employee's personnel file.

Offers of Employment

All offers of employment are approved by the president or designee(s).

Probationary Period

All non-exempt/classified new hires serve a six-month probationary period. If such a hire takes leave without pay during the first six months of employment, the probationary period ending date is adjusted to compensate for the leave taken. The purpose of the probationary period is to allow the supervisor to orient an employee to the requirements and expectations associated with the position to determine whether the employee demonstrates satisfactory knowledge, skills, and abilities to perform the assigned duties; and to assess the employee's suitability for continued employment.

The probationary period does not represent a guarantee of continuing employment. During the probationary period, an employee may be terminated for any lawful reason without a showing of cause based upon the recommendation of the supervisor and subject to review and approval of the president or designee(s). Such terminations are not subject to due process or the grievance procedure.

Employment Contracts

The college enters into individual, written, employment contracts with exempt/unclassified employees. Such contracts carry the signature of the president and the employee. Contracts for employees, excluding the president, are for a maximum of twelve months. If the contract is not signed by the employee and/or returned within the designated time period, the contract is considered null and void.

Additional Compensation

In accordance with state law, a public employee may not receive earning from two separate public employment positions that overlap for the hours being compensated unless: the employee reimburses the college for the salary paid for performing the function from which the employee is absent; or the employee's salary from the college is reduced by the amount of salary received from the other public employer in order to avoid duplicate compensation for the overlapping hours.

History: Revised 6/5/2023

Reference(s):

Fair Labor Standards Act.

MCA 2-2-104(3). Rules of conduct for public officers, legislators, and public employees.

MCA 2-3. Nepotism.

MCA 39-2-904. Elements of wrongful discharge -- presumptive probationary period.

Section 7000. Human Resources

7015. College's Management, Discipline, and Discharge Rights

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

Management Rights

College employees must recognize the prerogatives of the college as employer to operate and manage college affairs in such areas as, but not limited to:

- Directing employees.
- Hiring, promoting, transferring, assigning, and retaining employees.
- Relieving employees from duties because of lack of work or funds, programmatic changes, or under conditions where continuation of such work would be inefficient and nonproductive.
- Maintaining the efficiency of college operations.
- Determining the methods, means, job classifications, and personnel by which college operations are to be conducted.
- Taking whatever actions may be necessary to carry out the missions of the college in situations of emergency.
- Establishing the methods and processes by which work is performed.

Discipline Rights

The college administers disciplinary action, including discharge from employment, in accordance with law and the principles of due process and **progressive discipline**. Progressive discipline is a method of dealing with unsatisfactory performance or misconduct of employees and is designed to provide the employee with an opportunity to become aware of and correct the misconduct or substandard performance and restore the employee as a productive member of the workforce. The college recognizes there may be instances when progressive discipline is inappropriate, and immediate discipline or discharge from employment is necessary.

Discharge for Probationary Employees

Probationary employees may be terminated any time prior to completion of the six (6) month probationary period. During a probationary period of employment, the employment may be terminated for any lawful reason without a showing of cause based upon the recommendation of the supervisor and subject to review and approval of the president or designee(s). Such terminations are not subject to due process or the grievance procedure.

Release from Duty

The president may relieve an employee from duty for reasons identified in state law and board policy.

Written Statements on Reasons for Discharge

In accordance with state law, the college must, upon demand, provide a discharged employee with a written statement of reasons for the discharge.

References

Only the president or designee(s) is authorized to respond on behalf of the college to requests for information regarding the job performance of a current or former employee.

Garnishment of Wages

In accordance with state law, the college shall not discharge or lay off any employee because of attachment or garnishment served on the employer against the wages of the employee.

History: Reviewed 6/5/2023

Reference(s):

MCA 39-2-302. Discharge or layoff of employee because of attachment or garnishment prohibited.

MCA 39-2-501. Termination of employment generally.

MCA 39-2-801. Employee to be furnished on demand with reason for discharge.

MCA 39-2-802. Protection of discharged employees.

MCA 39-3-9. Wrongful Discharge from Employment.

Section 7000. Human Resources

7020. Separation from Employment

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

Upon separation of service from the college, the president or designee(s) writes a report explaining the reasons for the employee's termination. A final accounting is made of any unused annual leave and/or sick leave. A final computation is made of any compensation due the employee. An employee history card is made showing dates of employment, position, classification, and salary at the time of separation. The termination report, final accounting, final computation, and employee history card are all retained in the employee's personnel file.

All unpaid wages due to the employee must be issued on the next regular payday for the pay period from which the employee was separated from employment, either voluntarily or involuntarily, or within 15 days of the separation, whichever occurs first. Payment of unused accrued annual leave and sick leave must be included with the employee's final paycheck.

History: *Reviewed 6/5/2023*

Reference(s):

MCA 39-3-205. Payment of wages when employee separated from employment prior to payday -- exceptions.

Section 7000. Human Resources

7025. Insurance Coverage

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

Insurance benefits such as medical, dental, vision, life, and long-term disability are available to eligible employees through the college's participation in a group benefits plan. The college contributes the employer contribution as established by the contract with the group benefits plan. Any additional cost is borne by the employee and paid through payroll deduction.

Legally mandated insurance coverage such as medical, unemployment, and workers' compensation are provided in accordance with state and federal law.

History: Revised 6/5/2023

Reference(s):

Patient Protection and Affordable Care Act (2010), 42 U.S.C. §18001, et seq.

MCA 39-51. Unemployment Insurance.

MCA 39-71. Workers' Compensation.

Section 7000. Human Resources

7030. Retirement Plan

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

In accordance with state law, the college participates in the Montana Public Employees' Retirement System (MPERS) and the Montana Teachers' Retirement System (MTRS). As permitted by state law, the college does not participate in the purchase of retroactive employer contributions or interest and applies this policy indiscriminately to all employees and former employees.

All employees are covered by the benefits of Social Security.

Retirement plan and Social Security deductions are made from the wages of all employees according to state and federal law.

History: Reviewed 6/5/2023

Reference(s):

MCA 19-1. Social Security.

MCA 19-2. Public Employees' Retirement General Provisions.

MCA 19-3. Public Employees' Retirement System.

MCA 19-3-505(1)(d). Purchase of previous employment with employer.

MCA 19-20. Teachers' Retirement.

MCA 20-15-106. Retirement systems for employees, teachers, and administrators.

MCA 20-15-225(1)(k). Powers and duties of trustees.

Section 7000. Human Resources

7035. Tuition Waivers

Original Adoption: 6/29/2021

Latest Review/Revision: n/a

(Place holder)

History: n/a

Reference(s):

Section 7000. Human Resources

7040. Holidays

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

Holidays are a day during the normal work week, Monday through Friday, on which the college offices are closed. Full-time employees receive regular pay for all holidays listed in this policy. Part-time employees receive pay on a prorated basis for all holidays listed in this policy. No employee is entitled to pay for any holiday listed in this policy which occurs when the employee is not regularly employed, e.g., not scheduled to work, seasonal layoffs, or leaves without pay. Holidays are not eligible for termination payout.

Compensation

All employees receive paid holiday leave if they are in an active pay status on either the last scheduled working day immediately preceding a holiday or on the first scheduled working day immediately after the holiday. If an employee fails to work either day without advance approval of the supervisor, the employee will forfeit holiday pay. A newly hired employee who begins work on the day after a holiday is not entitled to holiday pay. Employees may not designate a holiday as their final workday when terminating.

Observation

The following State of Montana legal holidays are observed:

- New Year's Day, January 1
- Martin Luther King Jr. Day, the third Monday in January
- Lincoln's and Washington's Birthdays, the third Monday in February
- Memorial Day, the last Monday in May
- Independence Day, July 4
- Labor Day, the first Monday in September
- Columbus Day, the second Monday in October
- Veterans' Day, November 11
- Thanksgiving Day, the fourth Thursday in November
- Christmas Day, December 25
- State general election day

When any of the listed holidays falls on a Sunday, the Monday following is a holiday. When any of the listed holidays falls on a Saturday, the Friday preceding is the observed holiday.

History: Reviewed 6/5/2023

Reference(s):

MCA 1-1-216. Legal holidays and business days.

MCA 2-18-603. Holidays -- observance when falling on employee's day off.

Section 7000. Human Resources

7045. Leaves

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

Annual Leave

Annual leave is defined as leave of absence with pay for the purpose of rest, relaxation, or personal business at the request of the employee and with concurrence of the employer.

- Annual leave is earned and used by qualified employees in accordance with state law.
- The college may not terminate or separate an employee from employment or engage in any other act for purposes of circumventing the employee's rights with regard to annual leave.
- An employee who terminates employment for a reason not reflecting discredit on the employee is entitled upon the date of termination to 100 percent cash compensation for unused annual leave, assuming the employee has worked the qualifying period.

Sick Leave

Sick leave is defined as a leave of absence with pay for a sickness suffered by the employee or an immediate family member of the employee. Sick leave is used for conditions such as illness, injury, medical disability, maternity/paternity-related absence, quarantine resulting from exposure to a contagious disease, medical/dental/visual examination or treatment, care of or attendance to an immediate family member (or at the president's or designee's[s'] discretion for another person), death or funeral attendance for an immediate family member (or at the president's, or designee's[s'] discretion for another person).

- Sick leave is earned and used by qualified employees in accordance with state law.
- An employee who terminates employment for a reason not reflecting discredit on the employee is entitled upon the date of termination to 25 percent cash compensation for unused sick leave, assuming the employee has worked the qualifying period.

Abuse of sick leave is cause for dismissal and forfeiture of the 25 percent cash compensation for unused sick leave otherwise provided for in state law.

Sick Leave Bank

Qualified employees may donate a yearly maximum of 40 hours of their accrued sick leave credits to another employee for a qualified catastrophic medical event. An employee may receive a fiscal year maximum of 240 hours of donated sick leave credits. The donating employee must maintain a minimum balance of 40 hours of sick leave. Sick leave is donated on an hour-for-hour basis.

Family and Medical Leave

The college grants employees unpaid leave for up to 12 work weeks during a 12-month period, for any of the following reasons:

- The birth or adoption of a child, or the foster care placement of a child.
- To care for the spouse, child, or parent of the employee if that individual has a serious health condition requiring the employee's attendance.
- A serious health condition of the employee that renders the employee unable to perform his or her job functions.

Flexible Schedule

A flexible schedule may be granted with approval of the president or designee(s).

Jury and Witness Leave

In accordance with state law, paid leave is granted to an employee who is under proper summons as a juror or subpoenaed as a witness if all juror or subpoenaed witness fees and allowances are submitted to the college within the pay period. However, if an employee elects to use annual leave to serve on a jury, the employee may retain the juror fees. An employee is not required to remit any expense or mileage allowance paid by the court. Employees are required to provide court documentation to the college and inform their supervisor as soon as feasible when requesting jury duty/witness subpoena leave.

Military Leave

Military leave is administered in accordance with state law.

Public Service Leave

Employees are granted leave without pay for public service in accordance with state law. For employees elected or appointed to public office in the city, county, or state, the leave must not exceed 180 days per year while performing public service. Employees must be restored to their prior position. An employee granted such leave must return to work within ten (10) days of completion of the public service unless they are unable to do so because of illness or disabling injury certified by a licensed physician.

Unapproved Leave

Unapproved leaves constitute unauthorized absence from assigned duties. The college must be reimbursed for an unauthorized absence by deducting the appropriate amount from the employee's pay. An unapproved absence is grounds for disciplinary action up to and including termination of employment.

Work Related Injury or Illness

Returning to work after a job-related injury or illness requires a medical release form from the attending health care provider. If the provider recommends that the employee return to work with job-activity restrictions, the return must be approved by the president or designee(s).

History: Revised 6/5/2023

Reference(s):

MCA 2-18-601. Definitions.

MCA 2-18-606. Parental leave for state employees.

MCA 2-18-611. Annual vacation leave.

MCA 2-18-612. Rate earned.

MCA 2-18-614. Military leave considered service.

MCA 2-18-616. Determination of vacation dates.

MCA 2-18-617. Accumulation of leave -- cash for unused -- transfer -- death benefit.

MCA 2-18-618. Sick leave -- death benefit payout.

MCA 2-18-619. Jury duty -- service as witness.

MCA 10-1-10. Montana Military Service Employment Rights.

MCA 39-2-104. Mandatory leave of absence for employees holding public office.

Section 7000. Human Resources

7050. Overtime & Compensatory Time

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

Non-exempt employees are individuals covered by the federal Fair Labor Standards Act and are entitled to overtime pay or compensatory time in specified situations. Non-exempt status is based on assigned duties and responsibilities and is determined in accordance with the Fair Labor Standards Act and state and federal law. Compensatory time is leave with pay approved for time worked beyond the standard 40-hour workweek.

Overtime is time worked by a non-exempt employee in excess of 40 hours per week. A work week is seven (7) consecutive 24-hour periods beginning Sunday at 12:01 AM through the following Saturday at 12:00 midnight. Hours not physically worked, i.e., holidays, annual leave, sick leave, or jury duty, do not count as time worked for purposes of calculating overtime or compensatory time.

- Non-exempt employees are eligible to receive overtime pay at a rate of one and one-half times the regular rate of pay for time worked over 40 hours per week. Time to be worked in excess of 40 hours per week must have prior supervisor approval. Employees may elect, with supervisor approval, to receive compensatory time off at a rate of one and one-half times each additional hour worked over 40 hours per week in lieu of overtime pay. Compensatory time may be accumulated to a maximum of 240 hours (160 hours of overtime) and must be cashed out, upon termination, at the employee's final regular rate. Compensatory leave time must have prior supervisory approval.
- Exempt employees, due to the nature of their jobs, are not entitled to payment for overtime. If employees are working a large number of hours, the president or designee(s) may allow the exempt employees flexible time off. Flexible time off is not accrued on an hour for hour basis and it cannot be cashed out.

History: *Reviewed 6/5/2023*

Reference(s):

Fair Labor Standards Act

MCA 39-3-405. Overtime compensation.

Section 7000. Human Resources

7055. Expense Reimbursement

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

The college reimburses employees and board members for business-related travel expenses. The college is supportive of professional development that requires travel, subject to best use of available resources. The president or designee(s) establishes and maintains administrative procedures to ensure effective and appropriate use of college resources relating to business-related travel expenses and employee/board member expense reimbursement.

History: Reviewed 6/5/2023

Reference(s):

Section 7000. Human Resources

7060. Personnel File

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

The college must maintain official personnel files. An employee's position title(s), duration of employment, and salary are public information and must be released on request. Other records are confidential and access to them is limited.

Personnel files contain copies of pay documents, contracts, performance evaluations, documentation of disciplinary action, documentation pertaining to employment or working conditions, and personal data such as address, phone number, tax exemptions, and insurance and annuity information.

Medical Condition Information

All records containing employee medical condition information are kept confidential in a separate file from personnel records. Such medical records are released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

Adverse Material

No information reflecting critically upon an employee may be placed in the employee's personnel file unless the employee has received a copy of such information. An employee may file a written response to performance evaluations and disciplinary action letters contained in the employee's personnel file.

Access

Access to employee personnel files is permitted for job-related purposes. Individuals who have access to an employee's personnel file include the employee, the employee's supervisor(s) in the direct line of managerial authority, legal counsel representing the college, and human resources staff for the purpose of preparing or maintaining those files.

Others with limited access to employee personnel files are internal and independent auditors and various federal and state agencies.

Other persons or agencies may obtain access to an employee's personnel file only with the employee's written permission or with a valid legal order.

History: Reviewed 6/5/2023

Reference(s):

Americans with Disabilities Act, 42 U.S.C. §12110, et seq.
Fair Labor Standards Act

Section 7000. Human Resources

7065. Conflict of Interest

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

This policy complements state statutes on standards of conduct for public employees and is not intended to supersede or conflict with those standards.

College employees must endeavor to avoid actual or apparent conflicts of interest between their college duties and obligations and their personal and professional activities outside of the college. Any violation of this policy may result in disciplinary action up to and including termination. A conflict of interest exists:

- When an employee has a personal interest in a matter that may be inconsistent or incompatible with the employee's obligation to exercise the employee's best judgment in pursuit of the interest of the college.
- When a non-college activity unreasonably encroaches on the time an employee should devote to the affairs of the college.
- When an employee's non-college activities impinge on or compromise the allegiance, commitment, or performance that the college has the right to expect from the employee.

An employee may not:

- Disclose or use confidential information acquired in the course of official duties in order to further substantially the employee's personal economic interests.
- Accept a gift of substantial value or a substantial economic benefit tantamount to a gift that:
 - Would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties.
 - The employee knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the employee for official action taken.
- Acquire an interest in any business or undertaking that may directly and substantially affect its economic benefit by official action taken by the college.
- Use public time, facilities, equipment, supplies, personnel, or funds for the employee's private business purposes.
- Engage in a substantial financial transaction for the employee's private business purposes with a person whom the employee inspects or supervises in the course of official duties.
- Assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the college.
- Assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from the college.
- Perform an official act directly and substantially affecting the economic benefit of a business or other undertaking in which the employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent.
- Solicit or accept employment, or engage in negotiations or meetings to consider employment, with a person whom the employee regulates in the course of official duties without first giving written notification to the president.
- Engage in any activity, including lobbying, on behalf of an organization of which the employee is a member while performing the employee's job duties.

Disclosure

In the event it is necessary for an employee to recommend or approve an expenditure of college funds to any individual or business in which the employee has a significant financial interest, the employee must make this fact known to the president in writing prior to acting. This requirement includes personnel actions, but excludes textbook adoption, if the employee is identified as the author or editor.

Grants

No college employee may participate in the selection, award, and administration of a contract supported by a grant award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties listed above, has a financial or other interest in or a tangible personal benefit from the contract. College employees may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

History: Reviewed 6/5/2023

Reference(s):

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

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

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

Section 7000. Human Resources

7070. Standards of Conduct

Original Adoption: 8/1/2022

Latest Review/Revision: 6/5/2023

This policy complements state statutes on standards of conduct for public employees and is not intended to supersede or conflict with those standards.

The college is committed to an employment environment that fosters respect, integrity, professional behavior, and fair and impartial treatment of all persons providing or receiving services from the college.

The following standards offer guidance to employees on how to conduct themselves when working for the college:

- Respect for all persons.
- Integrity in all actions and speech.
- Mindful openness in all communication.
- Fairness and justice in the treatment of all persons.
- Follow-through in all responsibilities and obligations.
- Commitment to:
 - Empathy
 - Quality
 - Professional development
 - Individual empowerment

History: Reviewed 6/5/2023

Reference(s):

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

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

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

Section 7000. Human Resources

7075. Political Activities

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

No college employee may use public time, facilities, equipment, supplies, personnel, or funds for any campaign activity persuading or affecting a political decision unless the use is:

- Authorized by law.
- Properly incidental to another activity required or authorized by law, such as the function of an elected public official, the official's staff, or the legislative staff in the normal course of duties.

The college may not include in the pay due to any employee, the name of any candidate or any political mottoes, devices, or arguments containing threats or promises, express or implied, calculated or intended to influence the political opinions or actions of college employees. Nor shall the college exhibit any handbill or placard containing any threat, promise, notice, or information that, in case any particular ticket or political party, organization, or candidate is elected, work will cease, in whole or in part, or will be continued or increased; the college will be closed; the salaries or wages of employees will be reduced or increased; or other threats or promises, express or implied, intended or calculated to influence the political opinions or actions of employees. No college employee may attempt to coerce, command, or require any other college employee to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue. No college employee may solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue while on the job or at the place of employment.

History: *Reviewed 6/5/2023*

Reference(s):

MCA 2-2-1. Code of Ethics.

MCA 13-35-226. Unlawful acts of employers and employees.

Section 7000. Human Resources

7080. Employee Development

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

Within reasonable limits, and contingent upon available financial resources and administrative approval, the college may pay for professional development.

History: Reviewed 6/5/2023

Reference(s):

Section 7000. Human Resources

7085. Alcohol, Drugs, Marijuana, Nicotine, and Tobacco Free Workplace

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

The manufacture, distribution, dispensing, possession, or use of alcoholic beverages, marijuana products, nicotine products, tobacco products, intoxicants, or controlled substances not medically prescribed, being under the influence of these to any degree, or the possession of any non-medically prescribed controlled substance paraphernalia by employees on campus or while engaged in college-sponsored activities is prohibited and may be cause for suspension or dismissal. If the employee is not dismissed, suspension may be imposed in combination with a requirement to complete a substance abuse treatment and rehabilitation program.

In compliance with the Drug-Free Workplace Act, the president or designee(s) must establish a drug-free awareness program to inform employees about a) the dangers of drug abuse in the workplace; b) the college's policy of maintaining a drug-free workplace; c) available drug counseling, rehabilitation, and employee assistance programs; and d) the penalties that may be imposed on employees for drug abuse violations. Employees will be encouraged to seek assistance in dealing with substance abuse issues. Conscientious efforts to seek help for substance dependency will not jeopardize an employee's job status. The president or designee(s) will also ensure compliance with all other requirements of the Drug-Free Workplace Act.

The provisions of this policy regarding dispensing, possession, or use of alcoholic beverages may be suspended temporarily for specific events as approved by the president or designee(s) in accordance with Board Policy 3060. The provisions of this policy regarding the manufacture, distribution, possession, or use of alcoholic beverages may be suspended temporarily for instructional or research purposes as approved by the president or designee(s) in accordance with Board Policy 3060.

History: Revised 6/6/2022, Reviewed 6/5/2023

Reference(s):

Drug-Free Workplace Act of 1988.

Montana Clear Air Act of 1979, MCA 50-40-104. Smoking in enclosed public places prohibited -- notice to public -- places where prohibition inapplicable.

Section 7000. Human Resources

7090. Conflict Resolution

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

The college secures, at the lowest possible level, equitable solutions to individual grievances through a conflict resolution process. If an employee seeks formal resolution of a grievance matter in any forum or by any set of procedures other than those established in this policy, whether administrative or judicial, the college has no obligation to proceed further with the matter. The conflict resolution process is provided in the employee handbook.

History: Revised 6/5/2023

Reference(s):

Section 7000. Human Resources

7095. Whistleblower Protections

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

The general purpose of this policy is to provide guidelines for reporting suspected improper or wrongful conduct within the college, as well as protect from retaliation any college employee or other member of the college community who makes a good faith report of suspected improper or wrongful conduct. This policy applies to all employees as well as students and volunteers.

The college encourages all employees, students, and volunteers, acting in good faith, to report suspected or actual improper or wrongful conduct. A good faith report means an allegation made with the honest belief that misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation. This policy provides for confidentiality and confirms that any person who makes a good faith report of suspected improper or wrongful conduct is protected from retaliation by the college or anyone within its control.

No individual who in good faith reports a violation or suspected violation shall suffer harassment, retaliation, or adverse employment, academic, or educational consequence because of reporting such incidents. The president must address all reported concerns or complaints either personally or through an appropriate designee as quickly as possible.

History: *Reviewed 6/5/2023*

Reference(s): *MCA 39-2-9. Wrongful Discharge from Employment.*

Section 7000. Human Resources

7100. Volunteer Workers

Original Adoption: 6/29/2021

Latest Review/Revision: 6/5/2023

Individuals may volunteer time as a public service to the college. Volunteers serve on a part-time basis and do not displace employed workers or perform work that would otherwise be performed by employed workers. Employed workers cannot volunteer to provide the same type of services to the college that they are employed to provide.

An individual who volunteers for the college on an on-going basis must successfully complete a criminal background investigation. The cost of a criminal background investigation for a college volunteer is borne by the college.

History: Reviewed 6/5/2023

Reference(s): Fair Labor Standards Act