

## **MSU Billings Personnel Procedures**

---

**POLICY REFERENCE: COMPLAINT RESOLUTION PROCEDURE -  
DISCRIMINATION**

OTHER REFERENCES: Collective Bargaining Agreements; MUS 203.5.2

DATE ADOPTED/REVISED: 10/08/08

---

Montana State University Billings is an equal employment opportunity employer and prohibits discrimination based on race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, sexual orientation or political beliefs unless based on a bona fide occupational qualification (BFOQ). The University also prohibits discrimination in providing services, activities and programs unless providing a reasonable accommodation or reasonable modification would cause an undue hardship.

Montana State University Billings is committed to resolving complaints of discrimination in a fair and timely manner. The complaint resolution procedure is a dispute resolution process used when an individual alleges that discrimination has taken place. Complaints concerning disability discrimination are to be submitted under the ADA policy and procedures. All other complaints are submitted to Director of Human Resources.

Any supervisor who receives a report of discrimination shall immediately notify the Director of Human Resources.

Individuals who believe they have experienced discrimination are encouraged to report the incident(s) or action(s) as soon as possible after the alleged discrimination has occurred. Early reporting is encouraged, because the ability to investigate and act on such reports diminishes with time.

The complainant must within thirty (30) calendars of the alleged incident present in writing a written report to the Director of Human Resources. The report must include the following components:

- a) The specific complaint or action, including policies, procedures, state or federal regulations allegedly violated;
- b) All pertinent facts and supporting documentation;
- c) The requested remedy or relief; and
- d) Names and contact information of potential witnesses.

In the event the complainant is a current employee, the complainant shall not use paid working time to prepare and pursue the grievance. An employee other

than the complainant may, at the University's discretion, be allowed working time to participate in the investigation. At no time shall overtime be allowed.

After review of the complaint, the Director of Human Resources may authorize or conduct an investigation according to the following procedures:

- (1) The Director of Human Resources shall initiate an investigation or select another appropriate management representative to initiate the investigation no later than ten (10) working days after receiving notice of the alleged discrimination. The investigation shall include verification of the alleged discrimination, a recommended course of action, and written documentation of the investigation. If the Director of Human Resources is not the investigator, the investigator shall submit the results of the investigation to the Director of Human Resources. The investigator's report shall remain confidential and may not be disseminated except to individuals having a need or right to know which outweighs the privacy rights of the individuals involved. The investigator's report should be completed within thirty (30) calendar days of receiving the initial complaint.
- (2) If the investigation establishes that there is insufficient evidence to find alleged discrimination occurred, the Director of Human Resources within five (5) working days shall inform the appropriate individuals that no action will be taken. If the investigation establishes that alleged discrimination occurred, the individual shall be subject to discipline commensurate with the nature of the offense. Disciplinary action up to and including discharge may take place. The agency will, in writing, inform the complainant only that an action was taken, not the details of the action. In the case of a student found to be in violation, the student discipline shall be handled through the student disciplinary procedure.
- (3) If extenuating circumstances require an extension of the above timeframes, the complainant and respondent will be notified in writing by the Director of Human Resources.
- (4) A respondent may grieve disciplinary action through the grievance procedures applicable to his or her employment status, status as a student, or status as an applicant. In such a case, only the nature and appropriateness of the disciplinary action may be grieved.
- (5) If the complainant is not satisfied with the decision, the complainant may appeal the matter to the Chancellor within fifteen (15) working days of receipt of the Director of Human Resources' decision.

If the complainant fails to respond within the timeframe established, the complaint is considered in accordance with the last response given by the University. A complainant may not re-file the complaint.

Neither the University nor any employee will retaliate against the individual for filing a discrimination complaint or for participating in any way in a complaint procedure.

**OTHER COMPLAINT FILING OPTION:** An individual may concurrently file a complaint of unlawful discrimination with the Human Rights Bureau (PO Box 1728, Helena, MT 59624-1728, phone 1-800-542-0807.) The complaint must be filed either:

- (a) within 180 days of the alleged incident; or
- (b) if the employee initiates action to resolve the alleged discrimination in accordance with this procedure or contract grievance procedure, within 300 days of the alleged incident.