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March 9, 2017

Skylar Ittner
6100 Lakeview Dr
Helena, MT 59602
Student ID# 5487578

NOTICE OF DECISION

Dear Skylar,

This letter is a notification of the decision made by the Carroll College Student Conduct Board in regard to the Incident documented between January 26th, 2017 and January 30th, 2017, pertaining to the following Carroll College policies:

Carroll Code of Student Conduct:

CHARGE:

Article V.2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises.

FINDING: Responsible

CHARGE:

Article V.3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, or other conduct which threatens or endangers the health or safety of any person.

FINDING: Responsible

CHARGE:

Article V.8. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

FINDING: Responsible

CHARGE:

Article V.10. Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College web site (specifically the Postings and Notices policy, which require postings to be approved by the Director of Student Activities and Leadership and to disclose the name of the sponsoring organization)

Postings and Notices, Pg. 34

Bulletin boards are one of the major means of communication on campus. For this reason, some coordination and regulation is needed. Notices for Carroll related functions may be posted on any college bulletin board. The sponsor must remove notices when they are outdated. They must be confined to public bulletin boards

unless otherwise authorized. No postings are permitted on trees. The Director of Student Activities and Leadership must approve all posters, flyers, newsletters, brochures, notices, and banners, especially those of off-campus and commercial advertising. The name of the sponsoring organization should appear on all advertising.

The Athletics office must approve all PE Center notices. Notices will be posted on bulletin boards located near each entrance for a maximum of 30 days. Notices may not exceed a size of 8 1/2" x 11".

There are no public bulletin boards in the residence halls.

FINDING: Responsible

CHARGE:

Article V.17. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by, the College or members of the College community. Disorderly conduct includes but is not limited to any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without his/her prior knowledge, or without his/her consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, shower or restroom.

FINDING: Responsible

Although you received notice of the following charges, they were not considered by the Student Conduct Board at this time. It is the understanding of the Student Conduct Board that they are being processed through the Equal Opportunity Grievance Procedure:

Harassment (pg. 29)

Harassment is a form of misconduct that can be demeaning to another person, and is strictly prohibited. It is the policy of the college to prohibit harassment of its staff by anyone, including faculty, staff, students, and vendors or other non-employees, on the basis of sex, race, creed, color, national origin, religion, age, marital status, gender identity, sexual orientation, or physical or mental disability.

Sexual harassment means any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

The following are examples of conduct that may constitute sexual harassment:

1. Sexual advances which are unwelcome (this may include situations which began as a reciprocal attraction but later ceased to be reciprocal);
2. Sexual gestures;
3. Graphic verbal comments of a sexual nature, including such comments about a person's body, or sexually degrading words used to describe an individual;
4. Displaying sexually suggestive objects, pictures, cartoons, or posters;
5. Verbal abuse of a sexual nature, sexually oriented jokes, innuendoes, obscenities, or sexually suggestive letters, notes or invitations;

6. Reprisals or threats after a negative response to sexual advances;
7. Employment benefits affected in exchange for sexual favors;
8. Physical conduct such as assault, rape, impeding or blocking movements, or unwelcome touching.

If a student feels as though a fellow student is engaging in harassing behavior, he or she should refer to the Student Conduct Code and Disciplinary Process as outlined in this Student Handbook. If a student feels as though a staff, faculty member, or vendor or other non-employee is engaging in harassing behavior in violation of this policy, he or she should refer to the Equal Opportunity Grievance Procedure for information about how to proceed.

Hate or Bias Incidents (pg. 29)

Carroll College recognizes the uniqueness and dignity of the human person and the religious and moral values implied in one's relationship to God, self and others. In full support of the Carroll College Mission Statement, this policy on hate or bias incidents is designed to help protect the community from actions that undermine the college's mission and to provide assistance and support for those who have been targeted.

Students found in violation of the Carroll Code of Student Conduct for an incident in which hate/bias is a factor can be further sanctioned. The sanctions may be enhanced or increased in severity when it is found that the student has intentionally selected the person or persons against whom the underlying violation was committed, or selected the property which was damaged, or violated other provisions of the Carroll Code because of the person's age, national origin, race, color, sex, physical or mental disability, religion, creed, marital status, gender identity, or sexual orientation. Whether intent is present in the violation shall be determined by consideration of all the relevant circumstances.

Non-Discrimination Policy (pg. 33)

Carroll College admits students of any race, color, national and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.

Carroll College is also committed to compliance with state and federal anti-discrimination laws applicable to educational institutions. Carroll College will not exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student or an individual enrolled as a student in the terms, conditions, or privileges of Carroll College because of race, creed, religion, sex, sexual orientation, gender identity, marital status, color, age, physical or mental disability, or national or ethnic origin, unless based on reasonable grounds. Carroll College will also not discriminate against a qualified individual with a handicap on the basis of the individual's handicap in admissions, recruitment, academic programs, research, occupational training, housing, health insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other postsecondary education aid, benefits, or services to which Section 504 of the Rehabilitation Act of 1973 applies.

In addition, Carroll College complies with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in any educational programs or activities by recipients of federal financial assistance, including Carroll College. This prohibition extends to employment, admission, and the administration of any of its educational programs and activities. Carroll College's policies prohibit discrimination on the basis of sex in accordance with Title IX. Inquiries concerning Title IX or Carroll's policies prohibiting discrimination on the basis of sex may be directed to the U.S. Department of Education, Office of Civil Rights. Carroll College's Title IX Coordinator is the Director of Human Resources, Renee McMahon, 213 O'Connell Hall, 406.447.5501.

Carroll College is also an equal opportunity employer, committed to compliance with state and federal anti-discrimination laws. Carroll College will not refuse employment to a person, bar a person from employment, or discriminate against a person in compensation or in a term, condition, or privilege of employment because of race, color, or national origin or because of age, physical or mental disability, marital status, gender identity, sexual orientation, creed, religion, or sex, except when the reasonable demands of the position require an age, physical or mental disability, marital status, gender identity, sexual orientation, creed, religion, or sex distinction. In the case of religion and creed, such distinctions may be appropriate

under state and federal constitutional provisions due to the religious character and Catholic identity of Carroll College and the nature of the particular employment position at issue.

The Student Conduct Board has imposed the following sanctions. In considering the appropriate sanctions to impose, they also reviewed your conduct from February 1st, 2017 to date, and your previous disciplinary history:

College Expulsion: you are being permanently separated from Carroll College, effective immediately.

No Trespass: you are not allowed to be on the Carroll College campus for a period of five years. As of March 9th, 2022, you may attend public events on the Carroll College campus. Should you be found on the Carroll College campus prior to that date, Helena Police will be called and you will be cited for trespassing.

Per the Carroll Code of Student Conduct, a decision reached by a Student Conduct Board may be appealed to the Vice President for Student Life within five (5) school days of the date on which the decision is sent by the Student Conduct Administrator. Such appeals shall be in writing and shall be received by the Student Conduct Administrator, Maureen Ward, no later than Friday, March 17th, 2017 at 5:00pm. You may send the letter electronically.

Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the Student Conduct Board hearing and supporting documents for one or more of the following purposes:

- 1) To determine whether the student Conduct Board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the Complainant a reasonable opportunity to prepare and present information that the Carroll Code was violated, and giving the Accused Student a reasonable opportunity to prepare and present a response to those allegations. Deviations from designated procedures will not be a basis for upholding an appeal unless significant prejudice results.
- 2) To determine whether the decision reached regarding the Accused Student was based on substantial information, that is, whether there were facts in the case that, if believed, would be sufficient to establish that a violation of the Carroll Code occurred.
- 3) To determine whether the sanction imposed was appropriate for the violation of the Carroll Code which the student was found to have committed.
- 4) To consider new information, sufficient to alter a decision, but only if the new information was not known to the person appealing at the time of the original Student Conduct Board hearing and could not have been discovered.



Maureen Ward, M.Ed.
Director of Community Living
Carroll College Student Life

cc: Dr. Jim Hardwick, Vice President for Student Life