



TO: NWCCU

FROM: Doug Abbott, Provost and Vice Chancellor for Academic Affairs

DATE: May 26, 2015

RE: Ad Hoc Report, Spring 2015

Please accept this letter and the attached documents as Montana Tech's Ad Hoc Report for Spring, 2015. The intent of this report is to provide NWCCU with documentation that the Montana Tech campus has addressed two of the recommendations contained in our Year Three Peer-Evaluation report, dated March 26-28, 2014.

Specifically, the two recommendations that are addressed in this report are as follows:

- a. *The evaluation team recommends Montana Tech continue its progress in the review, revision, and approval of the policies and procedures related to students, student conduct, and grievance, in compliance with federal and state laws. (Standard 2.D.15) – Montana Tech believes it was the intent of the visitation team to refer to Standard 2.A.15, not Standard 2.D.15*

and

- b. *The evaluation team recommends Montana Tech develop a clear, written agreement defining the separate relationships with the Digger Athletic Association and the Montana Tech Alumni Association. (Standard 2.F.8).*

In regards to recommendation "a", the evaluation team wrote the following in section 2.A.15 of their report:

*"Montana Tech has several established policies and procedures as evidenced in the self-evaluation, through a review of the student handbook, and interviews with staff and students including members of the student judicial board. The student handbook and the College Community Expectations Program handbook articulates students' rights and responsibilities, academic policies, and the student disciplinary appeals and student judicial board procedures. Grievance procedures addressing presidential decisions, matters concerning the Northwest Commission on Colleges and Universities, and distance education reside on the college website.*

*The evaluation team has a concern that a current policy or procedure for students to register complaints or concerns about issues on campus and a clear procedure to log and track these complaints or concerns, including a record of the outcome, in accordance with US Department of Education regulation 602.16 (a) (1) (14) is not clearly published or known by students.*

*The evaluation committee has concerns that the procedures regarding students' rights and responsibilities and due processes requirements are not reflective of the revised Title IX regulations articulated in the 2011 Office of Civil Rights Letter, the Violence Against Women Act (2013 revision) and associated regulations articulating the rights and procedures of the victims and the accused in acts covered by these laws."*

In discussions with Visitation Team Chair Tonya Drake, she identified that her team members had difficulty in finding the Montana Tech complaint process on the Montana Tech website. The campus is currently going through a massive website review and update. One of the first areas of the website revision that the campus focused on was "how can a student file a complaint?" Addendum #1 demonstrates updates to our webpage that will assist students in filing a complaint.

The Montana Tech website has also been revised to include updated Title IX information that is readily available to the Montana Tech community. Addendum #2 identifies the resources available to individuals interested in pursuing Title IX claims.

In regards to recommendation "b", Montana Tech administration met with the leadership of both the Digger Athletic Association and the Montana Tech Alumni Association on a number of occasions to develop written agreements that define the separate relationships between Montana Tech and the two entities. Copies of the operating agreements that resulted from those meetings are enclosed as Addendums #3 and #4.

If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Douglas M. Abbott". The signature is written in a cursive, flowing style.

Douglas M. Abbott

Provost and Vice Chancellor for Academic Affairs

## **ADDENDUM #1 – Student Complaint Process Revisions**

# MontanaTech

## Montana Tech Complaint Process Website Revision

Montana Tech is currently in the process of building a new website, which will greatly improve our navigation, design and content among other features. The new site will be much more user friendly and will make finding specific content much easier and more efficient. This new site is slated to be launched in the summer of 2016.

Making our complaint process easier to find on the new website is a priority. In the meantime, we have made improvements to our existing site so that users can more easily find information about our complaint process. We have also improved the information on our complaint page.

- Information about complaint processes for Montana Tech and the Montana University System can be found at [mtech.edu/onestop/complaints.htm](http://mtech.edu/onestop/complaints.htm). A screenshot of this web page can be seen in page 2 of this PDF.
- Page 3 of this PDF shows the complaint page displayed as the [first indexed search result](#) for “complaints” on mtech.edu.
- Page 4 of this PDF shows a link to the complaint process on [Digger Central](#), a central web resource for Montana Tech students.
- Page 5 of this PDF shows the complaint page linked from our [A to Z index](#), which is found in the upper right hand side of all pages on mtech.edu.
- Page 6 of this PDF shows a link to the complaint page within the left hand navigation on the [Provost web page](#).
- Page 7 of this PDF shows a link to the complaint page within the left hand navigation on [Student Life web pages](#).



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ENROLLING AT MONTANA TECH:

**Step 1 - Apply**

- Apply for Admission
- Apply for Financial Aid
- Apply for Scholarships

**Step 2 - Check your status**

- Log on to OrediggerWeb
- Check your Admission status
- Check your Financial Aid status

**Step 3 - Financial Aid**

- Financial Aid Forms
- Types of Financial Aid Available
- Accept Financial Aid Award
- Complete Loan Counseling
- Sign Master Promissory Note
- Parent Plus Loans/Alternative Loans

**Step 4 - Register**

- Meet with your Advisor
- Register for Classes
- Print your Schedule

**Step 5 - Pay Fees / Finalize**

- Pay Fees/Finalize Registration

Montana University System Complaint Process

REQUEST A TRANSCRIPT

ACADEMICS

Learn about the 60+ degrees and programs we offer. And discover the outstanding enrichment opportunities available to you.

Montana University System Complaint Process

HOW TO FILE A COMPLAINT

Students and prospective students of the Montana University System are encouraged to initially address complaints through the applicable institution's complaint or review procedures. For distance education students and for on-campus students, please refer to the following:

- For concerns about academic performance, contact the Office of the Provost at (406) 496-4127.
- For concerns about safety, contact Montana Tech Campus Security at (406) 496-4357 (HELP).
- For concerns about campus life, contact Dean of Students Paul Beatty at (406) 496-4198.
- For concerns about student conduct and for general assistance, contact Dean Paul Beatty at (406) 496-4198.
- For concerns about discrimination or protected-class harassment, contact Dean John Garic at (406) 496-3714.

Complaints that remain unresolved after engaging in the process above may be further pursued in the following manners:

- An individual adversely affected by the final decision of a university president may appeal the decision to the Commissioner of Higher Education and the Board of Regents pursuant to Board of Regents' Policy 203.5.2.
- Complaints concerning broad institutional academic practices, such as those that raise issues regarding an institution's ability to meet accreditation standards, may be filed with the Northwest Commission on Colleges and Universities.
- Complaints concerning consumer protection violations may be directed to the Montana Department of Justice Office of Consumer Protection.
- Individuals enrolled in an online or distance course with the Montana University System and residing outside of the State of Montana can seek to utilize the complaint processes in their state of residence. The Montana University System website has a list of information regarding the complaint processes of other states.

PROGRAM INTEGRITY

In October 2010, the United States Department of Education released new regulations known as the "Program Integrity" rules, which are intended to address concerns relating to the integrity of academic programs offered by postsecondary educational institutions and authorized under Title IV of the Higher Education Act (HEA), as amended. As part of those new rules, each state must have in place a process for receiving, reviewing, and responding to complaints concerning postsecondary educational institutions delivering educational services in that state, and each institution must inform students how to initiate complaints in the state where the student receives instruction. This notification provides information on the complaint process available to students of the Montana University System.

Pursuant to Mont. Code Ann. § 20-25-201 and Title 20, Chapter 15 Mont. Code Ann., the designated units of the Montana University System and the duly organized community college districts in the State of Montana are legally authorized to provide postsecondary education in the State of Montana. Together, these fourteen entities form the group of public postsecondary educational institutions in the State of Montana, all of which are under the authority and control of the Board of Regents of the Montana University System. These institutions are as follows:

- Montana State University – Bozeman
- Montana State University – Billings
- City College at Montana State University Billings
- Montana State University – Northern
- Great Falls College Montana State University
- The University of Montana
- Missoula College the University of Montana
- Helena College the University of Montana
- Montana Tech
- Highlands College of Montana Tech
- The University of Montana Western
- Dawson Community College
- Flathead Valley Community College
- Miles Community College

These institutions are accredited by the Northwest Commission on Colleges and Universities, 8060 165th Avenue NE, Suite 100, Redmond, Washington 98052, (425)558-4224, www.nwccu.org. Evidence of each institution's accreditation can be found at <http://www.nwccu.org/Directory%20of%20InstitutionsDirectory%20of%20Institutions.htm>.

Contact Information

Provost:  
Montana Tech  
1300 West Park Street  
Butte, MT 59701  
Phone: (406) 496-4127  
dabbott@mttech.edu

IN DEMAND

Montana Tech  
1300 W. Park Street  
Butte, MT 59701  
Phone: 1-800-445-8324  
Contact Enrollment Services  
Contact Webmaster  
Security: 406-496-4357  
Strategic Plan

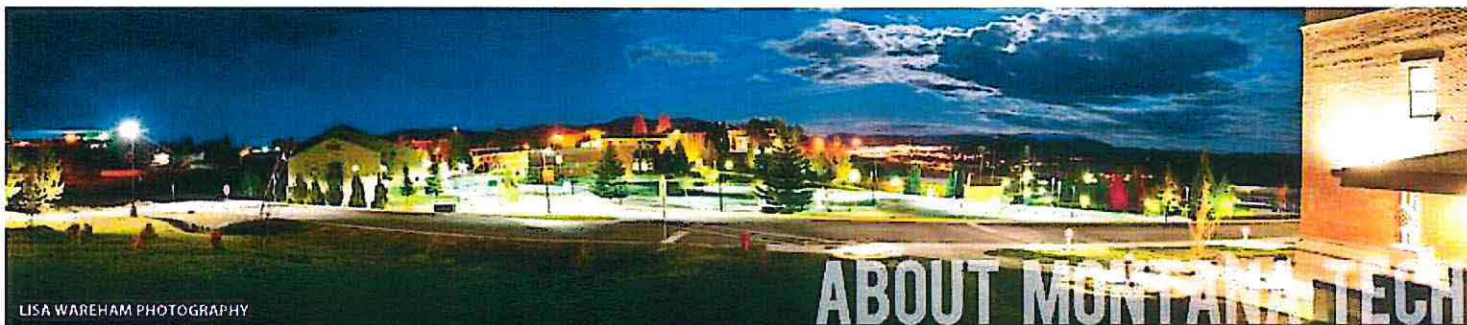
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complaints

complaints

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Montana Minds  
Public Lecture Series

### Documents

Master Plan  
Vision 2025  
Economic Impact Study  
Interdisciplinary Collaboration Network

## ACADEMICS

Learn about the 60+ degrees and programs we offer. And discover the outstanding enrichment opportunities available to you.

WEB IMAGE

About 119 results (0.41 seconds)

### **Montana University System Complaint Process - Enrollment ...**

Students and prospective students of the Montana University System are encouraged to initially address **complaints** through the applicable institution's **complaint** ...  
[www.mtech.edu/onestop/Complaints.htm](http://www.mtech.edu/onestop/Complaints.htm)

### **Discrimination Grievance Procedures**

File Format: PDF/Adobe Acrobat  
these bases may file a **complaint** or report with Montana Tech. ... **complaints** or reports of alleged discrimination or harassment, including conduct that violates.  
[www.mtech.edu/campus.../discrimination-grievance-procedures.pdf](http://www.mtech.edu/campus.../discrimination-grievance-procedures.pdf)

### **DISCRIMINATION COMPLAINT PROCEDURES Any student of ...**

File Format: PDF/Adobe Acrobat  
DISCRIMINATION COMPLAINT PROCEDURES. Any student of Montana Tech of the University of Montana has a right to file a **complaint** if he or she thinks he or ...  
[https://www.mtech.edu/.../student\\_discrimination\\_complaint\\_procedures.pdf](https://www.mtech.edu/.../student_discrimination_complaint_procedures.pdf)

### **Montana Tech's Policy on Discrimination, Harassment, Sexual ...**

File Format: PDF/Adobe Acrobat  
under this policy, for bringing a **complaint** of discrimination or harassment, for ... All **complaints** or any concerns about conduct that may violate this policy and.  
[www.mtech.edu/.../discrimination-sexual-misconduct-policy.pdf](http://www.mtech.edu/.../discrimination-sexual-misconduct-policy.pdf)

### **Student FERPA - Enrollment Services - Montana Tech**

**Complaints** of alleged violations may be addressed to: Family Policy Compliance Office US Department of Education 400 Maryland Avenue, SW Washington ...  
[www.mtech.edu/onestop/Registrar/StudentFERPA.htm](http://www.mtech.edu/onestop/Registrar/StudentFERPA.htm)

### **Discrimination Complaint Form**

File Format: PDF/Adobe Acrobat  
STATEMENT OF FACTS: Concisely state the facts upon which the **complaint** is based including names and addresses of parties involved and times and places

# MontanaTech

# DC DIGGER CENTRAL

A CENTRAL PLACE FOR ALL THINGS DIGGE



Announcements	Events	News	Important Dates	Student Links
<ul style="list-style-type: none"> <li>Academic Calendars</li> <li>Academic Center for Excellence</li> <li>Advising</li> <li>ASMT</li> <li>Athletics</li> <li>Bookstore</li> <li>Business Office</li> <li>Campus Map</li> <li>Career Services</li> <li>Course Catalog</li> </ul>		<ul style="list-style-type: none"> <li>Counseling</li> <li>Digger Card</li> <li>Dining Services</li> <li>Disability Services</li> <li>Distance Learning</li> <li>E-mail</li> <li><b>File a Complaint</b></li> <li>Financial Aid</li> <li>Graduate School</li> <li>Health Center</li> </ul>		<ul style="list-style-type: none"> <li>KMSM College Radio</li> <li>Learning Center</li> <li>Library</li> <li>Mail &amp; Copy Center</li> <li>Parking</li> <li>Pay Fees</li> <li>Print Schedule</li> <li>Registration</li> <li>Request a Transcript</li> <li>Scholarships</li> <li>Security</li> <li>Student Handbook</li> <li>Student Health 101</li> <li>Student Life</li> <li>Student Research</li> <li>The Technocrat</li> <li>Text Alerts</li> <li>Transportation</li> <li>Tutoring</li> <li>Veteran Services</li> </ul>

**Montana Tech Orediggers**
  
 Like 6,175

**Montana Tech Orediggers**
  
 56 mins

Welcome to Montana Tech Jalen!



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[Vision 2025](#)  
[Economic Impact Study](#)  
[Interdisciplinary Collaboration Network](#)

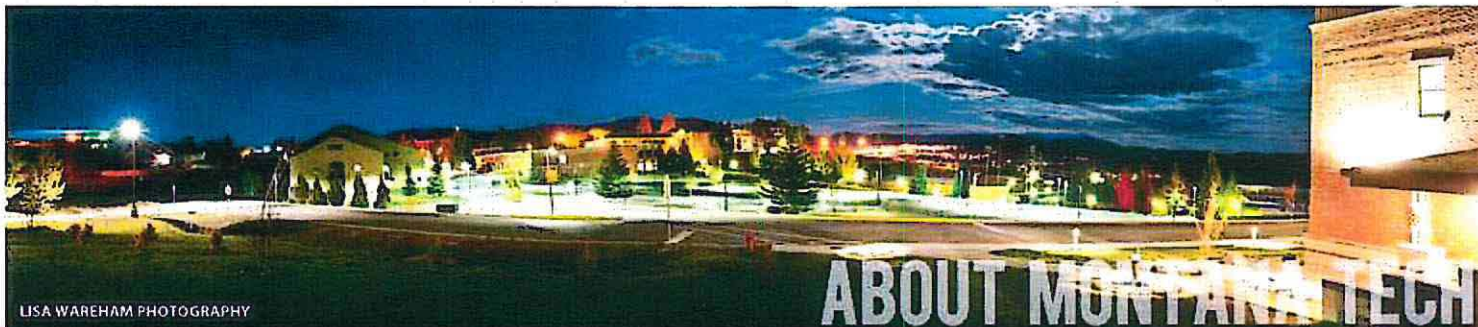
## ACADEMICS

Learn about the 60+ degrees and programs we offer. And discover the outstanding enrichment opportunities available to you.

## A TO Z DIRECTORY

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[Campus Security](#)  
[Campus Security Report](#)  
[Campus Technology Services \(CTS\)](#)  
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### OFFICE OF THE PROVOST

#### Information

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- [Faculty/Staff Handbook](#)
- [Finals Schedule](#)
- [Institutional Research](#)
- [Montana Board of Regents](#)
- [Student Handbook](#)
- [Complaint Process](#)

### Academics

#### THE OFFICE OF THE PROVOST

Doug Abbott  
Vice Chancellor for Academic Affairs/Provost  
MG 301  
(406) 496-4127  
E-mail [Doug Abbott](#)



### ACADEMICS >>

Learn about the 60+ degrees and programs we offer. And discover the outstanding enrichment opportunities available to you.

#### IN DEMAND

**Montana Tech**  
1300 W. Park Street  
Butte, MT 59701  
  
Phone: 1-800-445-8324  
Contact Enrollment Services  
Contact Webmaster

**VISIT**  
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#### KEEP IN TOUCH



**DIGGER CENTRAL**



## STUDENT LIFE

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- [Dining Services](#)
- [Disability Services](#)
- [Enrollment Services](#)
- [First-Year Experience](#)
- [Health Center](#)
- [Health Insurance](#)
- [International Students](#)
- [Residence Life](#)
- [Tobacco Free](#)
- [Tutoring](#)
- [Veterans](#)

### Resources

- [Emergency Procedure Manual](#)
- [Student Handbook](#)
- [Student Conduct Code](#)
- [Security Report](#)
- [Fire Summary](#)
- [Crime Data North](#)
- [Crime Data South](#)
- [Complaint Process](#)



## WELCOME TO STUDENT LIFE AT MONTANA TECH!

The mission of Montana Tech's Student Life Program is to provide support services and quality experiences while creating an environment dedicated to assisting students achieve success in their academic, professional, and individual life goals.

Student Wellness is promoted and encouraged at Montana Tech. At the annual Student Wellness Fair, students will learn about resources in the community to help them maintain their health in all areas in addition to what they are learning in the classroom. Licensed counselors are available to help students deal with any issues related to their academic or personal lives, and health-care professionals in the Student Health Center can treat illnesses and deliver other medical services.



On-campus Activities are provided as a way to participate with other students and grow in areas outside of the classroom. Student-planned programs are offered by the Student Activities Council through the sponsorship of the Associated Students of Montana Tech, and a wide variety of academic and special interest clubs are active on-campus. Movies are shown in the "Reel" Deal Theater in the Library Auditorium, and the Student Union Building hosts weekly activities including casino nights and sports parties.

Montana Tech's First-Year Experience programs are a way for new students to become a part of the campus community. Beginning at Convocation and continuing with Orientation, students are inducted as Montana Tech students and introduced to programs and resources that will be available to help their success during their academic careers. Additionally, they are invited to participate in the Digger Challenge, a semester-long program that promotes attendance at athletic events, academic presentations, career services workshops, and other great opportunities. Students earn points by attending events, and these points are used to bid on prizes during a silent auction at the end of each semester.

Student Life Office  
Engineering Hall, Room 201  
406-496-4477

## **ADDENDUM #2 – Title IX revisions**



## CAMPUS SAFETY

### Information

Sexual Assault & Harassment

EEO-AA & Title IX

Environmental Health & Safety

Safety & Security Reports

Text Alerts

### Policies & Forms

Sexual Assault Reporting Options

Sexual Harassment Policy

Sexual Assault Intake Form

Discrimination Grievance Procedures

Discrimination Grievance Form

## DIGIBERCENTRAL

A comprehensive resource for Montana Tech students.

## Campus Safety

### EQUAL EMPLOYMENT OPPORTUNITY, AFFIRMATIVE ACTION & TITLE IX

Montana Tech is committed to providing a safe and equitable environment for students, faculty, staff, alumni, friends, visitors and the community. Montana Tech takes very seriously its responsibilities under Title IX, the Clery Act (and its SaVE amendments), the Civil Rights Act and the Violence Against Women Act as they relate to sexual assault, sexual misconduct, sexual harassment, discrimination, retaliation and bullying.

To these ends, Montana Tech has developed updated policies, procedures and training which strive to make sure that relevant inappropriate behavior is prevented or otherwise stopped and that those affected are treated both equitably and sensitively.

### MONTANA TECH TITLE IX CONTACTS

#### Maggie Peterson

Title IX Coordinator

406-496-4316

E-mail Maggie Peterson

#### John Garic

Title IX Investigator

406-496-3714

E-mail John Garic

#### Carrie Vath

Title IX Investigator

406-496-4166

ENG Room 102

E-mail Carrie Vath

#### Michele Morley

Title IX Investigator

406-496-3778

Highlands College 115F

E-mail Michelle Morley

### POLICIES & PROCEDURES

- Montana Tech's Policy on Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation
- Montana Tech Discrimination Grievance Procedures

### FORMS

- Montana Tech Discrimination Grievance Intake Form
- Montana Tech Harassment, Hazing, Sexual Assault Intake Form

**ADDENDUM #3 – Montana Tech Alumni Association  
Operating Agreement.**

## OPERATING AGREEMENT

This OPERATING AGREEMENT ("Agreement"), entered into as of the 14 day of October, 2014, is by and between Montana Tech of The University of Montana (Tech), a campus of the Montana University System, and the Montana Tech Alumni Association (Association).

### RECITALS

**WHEREAS**, Tech is a public institution of higher learning and a campus of The Montana University System under the oversight of the Board of Regents; and

**WHEREAS**, the Association was established in 1904 and is a non-profit corporation under the laws of the State of Montana and a corporation described in Section 501 (c) (3) of the U.S. Internal Revenue Code; and

**WHEREAS**, the mission of the Association is to:

1. Serve the needs of alumni and to foster a spirit of loyalty and fraternity;
2. Maintain close relations among Tech, its alumni, and the various constituencies it serves;
3. Promote enrollment and student retention;
4. Advance Tech through financial and professional support; and
5. Assist the administration, faculty, and Board of Regents to fulfill the mission of Tech.

**WHEREAS**, the specific purpose of Association is to:

1. Foster a mutually beneficial relationship between alumni and Tech;
2. Build and foster relationships with constituents that the college serves;
3. Represent donors by ensuring their wishes are followed; and
4. Fund student scholarships and gifts to enhance academic achievement and success.

**WHEREAS**, the parties desire to enter into this Agreement defining the relationship between the parties;

**NOW, THEREFORE**, in consideration of the foregoing recitals and the mutual commitments herein contained, the parties agree as follows:

### **Section 1 – Association Name, Seal, and Logotypes**

Consistent with its mission, the Association is granted the use of the name Montana Tech Alumni Association; however, the Association will operate under its own seal and logotype and shall only use the Tech seal or other identifying marks in the promotion of its business and activities as approved by Tech.

## **Section 2 –Relationships and Responsibilities**

The relationship of the Association to Tech under this Agreement shall be that of an independent entity. Association, as an independent entity, will have the right to control and determine the method and manner of performing its duties hereunder. Nothing herein shall be deemed to create any type of partnership, joint venture, agency or any other relationship between the parties other than independent parties contracting on an arm's length basis.

## **Section 3 – The Association's Relationship and Responsibilities to Tech**

The Association's Board of Directors is responsible for the control and management of all assets of the Association, including the prudent management of all gifts consistent with donor intent.

The Association is responsible for the performance and oversight of all aspects of its operations based on a set of bylaws that addresses the board's responsibilities, including expectations of individual board members based upon ethical guidelines and policies.

The Association's responsibilities as administered by the Board of Directors are to:

- A. Actively participate in Tech events;
- B. Represent the interests of Tech alumni defined as all graduates, former students and current students who have completed a degree and/or certificate program;
- C. Provide scholarships, when funds become available, in accordance with donor intent;
- D. Comply with all applicable state and federal laws;
- E. Maintain financial and accounting records in accordance with generally accepted accounting principles;
- F. Have a conflict-of-interest policy;
- G. Pay for expenses such as postage and copying incurred by the Montana Tech Alumni Affairs Office on behalf of the Association;
- H. Provide a metal building and power to the building for storage and preservation of the Anaconda Rock and Mineral Research Collection as outlined in the agreement executed on September 3, 1997;
- I. Provide a location for the permanent loan of the Raul de la Pena art collection in the Montana Tech Library; and
- J. Assist in Area Chapter programming.

#### **Section 4 – Tech’s Relationship and Responsibilities to the Association**

Tech’s responsibility, as administered by the Chancellor is to employ, the Director of Alumni Affairs who shall function as the Association’s Executive Director. The Director of Alumni Affairs shall do the following:

1. Serve as the principal liaison between the Association and Tech;
2. Be responsible for providing the continuity of records, activities, and programs of the Association;
3. Expedite the mutual interest of the Association and Tech Alumni Affairs;
4. Respond to emails and phone messages received by the Alumni Affairs Office on behalf of the Association;
5. Send notices of board meetings and financial reports to Board members;
6. Take meeting minutes and provide a copy to Board members prior to the next regularly scheduled meeting;
7. Continue the development of individual chapters;
8. Provide outreach services to alumni, including but not limited to alumni visits, publications, news releases, and website management;
9. Relay scholarship amounts approved by the Board for award and allocation;
10. Submit all bills and notices to the Treasurer or President for payment or processing;
11. Administer membership services programs on behalf of the Association; and
12. House all Association documents and files.

Tech recognizes that the Association is a separately incorporated nonprofit tax exempt organization with the authority to keep all records and data confidential consistent with the law.

Tech agrees to provide insurance on the Raul de la Pena art collection and the metal building housing the rock and mineral collection.

#### **Section 5 – Other Matters**

In the performance of this Agreement, the parties shall not discriminate on the basis of gender, race, color, religion, marital status, sexual orientation, creed, age, political belief, physical or mental handicap, or national or ethnic origin.

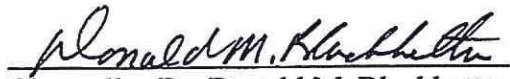
This Agreement shall remain in full force and effect until terminated by either of the parties hereto. Either party may terminate this Agreement by giving the other party notice in writing at least thirty (30) days prior to the date of termination.

Any notice to be given to either party hereunder shall be deemed complete when sent by registered or certified mail, return receipt requested, or when served personally upon an officer of the party to be notified.

The Recitals are incorporated into this Agreement by this reference.

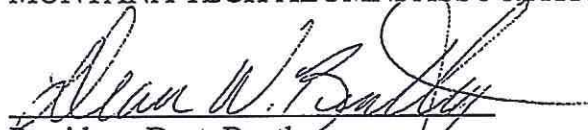
IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective duly authorized officer or officers as of the day and year first above written.

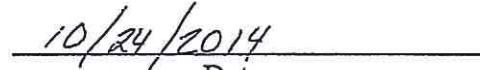
MONTANA TECH OF THE UNIVERSITY OF MONTANA

  
Chancellor Dr. Donald M. Blacketter

  
Date

MONTANA TECH ALUMNI ASSOCIATION

  
President, Dean Bentley

  
Date

# **ADDENDUM #4 – Digger Athletic Association Operating Agreement**

## OPERATING AGREEMENT

This OPERATING AGREEMENT ("Agreement"), entered into as of the 23<sup>rd</sup> day of February, 2015, is by and between Montana Tech of The University of Montana ("Tech"), a campus of the Montana University System, and the Digger Athletic Association (Association).

### RECITALS

**WHEREAS**, Tech is a public institution of higher learning and a campus of The Montana University System under the oversight of the Board of Regents; and

**WHEREAS**, the Association was established in 1969 and is a non-profit corporation under the laws of the State of Montana and a corporation described in Section 501 (c) (3) of the U.S. Internal Revenue Code; and

**WHEREAS**, the Association recognizes the importance of an adequately funded and successful athletic programs; and

**WHEREAS**, the mission of the Association is to provide Montana Tech student-athletes with the opportunity to succeed in the classroom, in competition, and in life; and

**WHEREAS**, the Association is dedicated to assisting Tech in building of the athletic program through philanthropic support; and

**WHEREAS**, the specific purpose of Association is to provide Montana Tech athletics the student-athletes with financial support through the following means:

- A. Champion the mission and vision of Tech.
- B. Build and foster relationships with constituents that the college serves.
- C. Encourage and enable philanthropy.
- D. Represent the donor by ensuring their wishes are followed.
- E. Solicit and accept financial gifts, equipment, real property and professional services.
- F. Raise and fund student scholarships and gifts to enhance academic success.
- G. Manage resources entrusted to the Association.

**WHEREAS**, the parties desire to enter into this Agreement defining the relationship between the parties; and

**NOW, THEREFORE**, in consideration of the foregoing recitals and the mutual commitments herein contained, the parties agree as follows:

## **Section 1 – Association Name, Seal and Logotypes**

Consistent with its mission to help to advance the plans and objectives of Tech, the Association is granted the use of the name “Digger”, “Oredigger”, and other identifying symbols associated with Tech. The Association will operate under its own seal and logotype and shall only use the Tech seal or other identifying marks in the promotion of its business and activities as approved by Tech.

## **Section 2 – Joint Relationships and Responsibilities**

The relationship of the Association to Tech under this Agreement shall be that of an independent entity. Association, as an independent entity, will have the right to control and determine the method and manner of performing its duties hereunder. Tech’s interest is in the results to be achieved.

On occasion, the Chancellor will present to the Association Board of Directors a list of Tech’s athletic fundraising priorities. The Association Board of Directors will assess the fundraising feasibility of the priorities and will work with the Chancellor on establishing mutually agreeable goals and priorities.

## **Section 3 – The Association’s Relationship and Responsibilities to Tech**

The Association’s Board of Directors is responsible for the control and management of all assets of the Association, including the prudent management of all gifts consistent with donor intent.

The Association is responsible for the performance and oversight of all aspects of its operations based on a set of bylaws that address the board’s fiduciary responsibilities, including expectations of individual board members based upon ethical guidelines and policies.

Association’s responsibilities as administered by the President and Board of Directors are to:

- A. Solicit, receive, hold, invest, re-invest, administer and manage funds including both restricted and unrestricted gifts) consistent with the needs and requirements of its donors, and make expenditures to or for the benefit of Tech;
- B. Conduct its fund raising operations in a manner that is consistent with the mission and priorities of Tech athletics;
- C. Comply with all applicable state and federal laws;
- D. Comply with NAIA Policy for non-school supporting organizations or individuals (Booster Clubs) as listed below:

The NAIA recognizes the importance of booster clubs and similar support groups to the institution and to the community, provided such assistance is rendered in an educationally sound manner.

1. The NAIA requires each institution to have complete control over all funds being used to assist the institution's athletics program.
2. The NAIA requires that all scholarship assistance be controlled by the faculty through the regularly constituted committee on student loans and scholarships. The NAIA further requires that all donations to the scholarship fund by an athletic booster club be deposited in the general scholarship fund to be controlled by the above committee. The scholarships may carry the name of the donor, but there can be no requirement or commitment that compromises general financial aid principles of the institution.
3. It is recommended that an institutional representative (athletics director, faculty athletics representative, or business manager) act as a consultant to the booster club in all matters relating to the institution and its programs. Because the athletics department at an NAIA institution is considered a part of the total institutional structure, rather than a separate adjunct, all financial assistance given by a booster club must be administered by the institution, as are all general funds, rather than directly by the athletics department.
4. The key to an effective booster club is to not lose sight of the club's primary purpose of assisting the institution. The institution must remain in control of its athletics program, and is totally responsible for all action taken by organizations associated with it and purporting to represent it. Non-school supporting organizations generate their income through dues, raffles, sales, fundraising programs, and other such activities, and these funds are to be accounted for in a professional manner and are subject to audit by the institution.
5. Non-school supporting organizations or individuals cannot give any financial assistance, in kind or in money, to any prospective or current student-athlete nor to the student's family or relatives.
6. Non-school supporting organizations or individuals may assist an institution in sponsoring a tournament, but the control of the tournament (such as selecting teams, officials, scheduling, etc.) must remain under the control of the institution.

For example, if a booster club undertakes a project to resurface an institution's track, this project must be approved by the institution's chief executive officer and/or the appropriate institutional committee. The monies collected can then be applied to the project. A booster club cannot simply give the monies directly to the athletics department or to the coach for this purpose. Institutional clearance, approval and monitoring is required. The same concept is true for all projects

relating to physical plant improvements, coaching aids, athletic banquets, coaching travel, team travel, or the hosting of tournaments. Institutional approval, not just athletics department approval, is needed before a project is undertaken.

Active booster clubs working closely with college administrators play an important role in the promotion of educationally-sound athletics. Their efforts, when properly channeled, serve the needs of all students and the community.

- E. Accept, account and receipt for all gifts, grants and endowments by preparing and maintaining financial and accounting records in accordance with generally accepted accounting principles or other comprehensive Basis of Accounting, as approved by an independent auditor;
- F. Annually submit financial statements and a list of the Association's officers and directors to Tech's Chancellor;
- G. Have a conflict-of-interest policy;
- H. Seek and obtain input from Tech, through its Chancellor, before defining the priorities for Association fund raising efforts;
- I. Direct pay the cost of Football interns and part-time assistant coaches as mutually agreed to each year.
- J. Provide funds to Tech to cover the cost of mutually agreed to items approved each fiscal year which runs from July 1 through June 30 for Tech.

### **Other Financial Relationships and Considerations**

Any and all restrictions placed on funds and assets, and/or upon income therefrom, shall be strictly observed, in accordance with the expressed intent of the donor. The Association will vet the proposed use of donor provided funds to assure that the use of these funds is in accordance with intent of the donor.

To the extent permitted by applicable law, the records of Association will be kept confidential to protect the privacy interests of its donors. The Association shall establish and enforce policies to protect donor and prospective donor confidentiality and rights.

The Association will establish, adhere to, and periodically assess its gift-management and acceptance policies. It will promptly acknowledge and issue receipts for all gifts on behalf of the Association and provide appropriate recognition and stewardship of such gifts.

The Association will receive, hold, manage, invest, and disperse contributions of cash, securities, and other forms of property, including immediately vesting gifts and deferred gifts that are contributed in the form of planned and deferred-gift instruments.

The Association is responsible for establishing a budget to underwrite the cost of Association programs, operations, and services.

The Association shall maintain, at its own expense, copies of the plans, budgets, and donor and alumni records developed in connection with the performance of its obligations.

The Association will provide access to data and records to Tech. The Association will provide copies of its annual report, and other information that may be publicly released.

The Association will maintain and enforce a conflict-of-interest policy, that is a policy intended to protect the Association's interest when it is entering into a transaction or arrangement that might benefit the private interest of an officer, director, or committee member of the Association.

#### **Section 4 – Tech’s Relationship and Responsibilities to the Association**

The Chancellor is responsible for communicating the university’s priorities and long-term plans to the Association.

Tech recognizes that the Association is a separately incorporated nonprofit tax exempt organization with the authority to keep all records and data confidential consistent with the law with the understanding that Tech has access to all records in accordance with NAIA policy.

Tech shall provide the Association with timely access to alumni data. This access shall include such data as the Association and Tech Alumni Relations find necessary to carry out their missions. The Association shall not release or otherwise use this data for any purpose outside of that expressly outlined in this Agreement.

Tech shall include the Association as an active and prominent participant in fundraising for athletic related issues.

#### **Section 5 – Other Matters**

In the performance of this Agreement, the parties shall not discriminate on the basis of gender, race, color, religion, marital status, sexual orientation, creed, age, political belief, physical or mental handicap, or national or ethnic origin.

This Agreement shall remain in full force and effect until terminated by either of the parties hereto. Either party may terminate this Agreement by giving the other party notice in writing at least thirty (30) days prior to the date of termination.

Any notice to be given to either party hereunder shall be deemed complete when sent by registered or certified mail, return receipt requested, or when served personally upon an officer of the party to be notified.

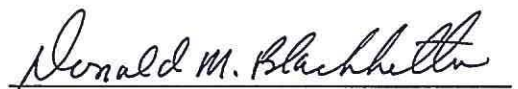
This Agreement is established to contribute to the coordination of the mutual activities of the Association and Tech. To ensure effective achievement of the items of the agreement, Tech and the Association officers and board representatives shall hold periodic meetings to foster and maintain productive relationships and to ensure open and continuing communication and alignment of priorities.

Consistent with provisions appearing in the Association's by-laws and its articles of incorporation, should the Association cease to exist or is no longer a qualified tax exempt organization under Internal Revenue Code 501 (c) (3) organization, the Association will transfer its assets and property to Tech.

The Recitals are incorporated into this Agreement by this reference.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective duly authorized officer or officers as of the day and year first above written.

MONTANA TECH OF THE UNIVERSITY OF MONTANA

  
\_\_\_\_\_  
Dr. Donald M. Blackketter, Chancellor

2/23/15  
\_\_\_\_\_  
Date

DIGGER ATHLETIC ASSOCIATION

  
\_\_\_\_\_  
Josh Vincent, President

2/23/2015  
\_\_\_\_\_  
Date