



**Montana University System  
Office of the Commissioner of Higher Education**

**Postsecondary  
Methods of Administration Review  
Manual**



**Contact:**

Ciera Franks-Ongoy

Methods of Administration Coordinator | Program Manager, Student Success & Perkins  
Compliance

Montana University System | Office of the Commissioner of Higher Education

506 N Park Ave, Helena, MT 59601

(406) 449-9132, [cfranksongoy@montana.edu](mailto:cfranksongoy@montana.edu)

## FOREWORD

The United States Department of Education Office for Civil Rights permits the Office of the Commissioner of Higher Education (OCHE), as the recipient of federal funds through the Carl D. Perkins Career & Technical Education Act of 2006, to conduct Civil Rights Reviews of institutions that receive Perkins funds for Career & Technical Education (CTE) programs. The reviews help OCHE to identify, prevent, and remedy discrimination and ensure equal access to programs, courses, and other educational resources for postsecondary Montana students. OCHE also provides technical assistance to help institutions achieve voluntary compliance with the federal nondiscrimination regulations.

This manual provides information about the Civil Rights Review process. It serves as a guide to help postsecondary institutions understand and prepare for reviews. The manual describes how the review process works and details the types of materials, data, staff, and scheduling needed to ensure a smooth and successful review. It also highlights the importance of communication between postsecondary institutions and the Methods of Administration (MOA) Coordinator, the primary contact at OCHE for Civil Rights Reviews. The most crucial part of a successful Civil Rights Review is the advance preparation by both postsecondary institutions and the MOA Coordinator at OCHE.

## FEDERAL COMPLIANCE REQUIREMENTS:

- Title VI of the Civil Rights Act of 1964, and its implementing regulation at 34 C.F.R. Part 100 (Title VI), which prohibit discrimination on the basis of race, color, and national origin by recipients of federal financial assistance.
- Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX), which prohibit discrimination on the basis of sex in any educational program or activity receiving federal financial assistance.
- Section 504 of the Rehabilitation Act of 1973, and its implementing regulation of 34 C.F.R. Part 104 (Section 504), which prohibit discrimination on the basis of disability by recipients of federal financial assistance.
- Title II of the Americans with Disabilities Act of 1990, and its implementing regulation at 28 C.F.R. Part 35 (Title II), which prohibit discrimination on the basis of disability by public entities.
- Guidelines for Elimination Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Education Programs, 34 C.F.R. Part 100, Appendix B (Guidelines).

Find a summary of these laws in *Appendix A*. All schools receiving federal funds are required to comply with federal nondiscrimination laws. The United States Department of Education Office for Civil Rights monitors this compliance requirement.

# OVERVIEW OF THE POSTSECONDARY CIVIL RIGHTS REVIEW PROCESS

## 1. Selection of Postsecondary Subrecipients for Civil Rights Review

- Montana's Methods of Administration State Plan calls for OCHE to identify at least two (2) postsecondary subrecipients of Perkins funds for *desk audit civil rights reviews* each year.
- OCHE analyzes civil rights-related postsecondary data annually to develop a ranked list of postsecondary subrecipients to select for review.

## 2. Desk Audit Civil Rights Review

- OCHE contacts the institution to provide notice of the upcoming desk audit review, identify a campus liaison, schedule an orientation meeting, and set a date to start the review.
- OCHE sends copies of the Postsecondary Civil Rights Review Manual, Self-Assessment Checklist, and any other necessary materials to the institution.
- The MOA Coordinator and review team meet with the liaison and appropriate campus staff to discuss the review process, materials needed, and review timeline.
- The institution completes the Self-Assessment Checklist and provides necessary documentation, with the help of the MOA Coordinator and review team.
- The MOA Coordinator visits the campus to determine physical accessibility of facilities.
- The MOA Coordinator and review team review the Self-Assessment Checklist and documentation provided by the institution and request further information, if needed.

## 3. Letter of Findings (Post Desk Audit Review)

- OCHE sends a Letter of Findings (LOF) to the institution detailing whether evidence of a violation was found for the standards reviewed during the desk audit review process.
- The LOF will indicate one of the following:
  - The review did not find any areas of noncompliance.
  - The review did not find noncompliance, but OCHE will conduct an on-site review.
  - The review found minimal areas of noncompliance requiring corrective action.
  - The review found possible noncompliance, and OCHE will conduct an on-site review.

## 4. On-Site Civil Rights Review (if applicable)

- If the institution is selected for a follow-up on-site review, the MOA Coordinator and review team will meet with the campus liaison and appropriate campus staff to set a date for the on-site review, discuss the review process, and set a review schedule.
- The on-site review will include the following:
  - An Entrance Interview to go over the on-site review process and expectations.
  - Campus tours to conduct a comprehensive facilities accessibility review.
  - Interviews of institution administrators, staff, and students.
  - An Exit Interview to explain preliminary findings and the reporting/compliance process.
- OCHE will provide a new LOF to the institution after completion of the on-site review.

## 5. Voluntary Compliance Plans

- If the desk audit review or on-site review find areas of noncompliance, OCHE and the institution prepare a Voluntary Compliance Plan for any corrective actions needed to remedy any violations (to be signed by the institution's President).

## 6. Reporting Review Findings and Voluntary Compliance Plans

- OCHE submits a Final Letter of Findings and signed Voluntary Compliance Plan as part of a Civil Rights Review Report to OCR by December 31 of each even-numbered year.

## **1. SELECTION OF POSTSECONDARY SUBRECIPIENTS FOR CIVIL RIGHTS REVIEW**

Montana's Methods of Administration (MOA) State Plan, approved by the Office for Civil Rights (OCR), Office of the Commissioner of Higher Education (OCHE), and Office of Public Instruction (OPI), calls for OCHE to identify subrecipients of Perkins funds to be targeted for desk audit reviews. OCHE performs desk audit reviews of two (2) postsecondary institution per year and may perform on-site reviews of those institutions based on the findings of the desk audit reviews. OCHE uses selection criteria, including date of last review, enrollment, and civil rights-related student demographic data, to rank institutions for review selection every year.

## **2. DESK AUDIT CIVIL RIGHTS REVIEW**

After OCR develops a ranked list subrecipients to select for review, OCHE will notify the selected postsecondary institutions of upcoming on-site reviews at least thirty (30) days prior to the anticipated start of the desk audit review.

### Identifying a Campus Liaison

The civil rights review is a collaborative process between OCHE and the postsecondary institution. Ongoing communication between campus staff and the MOA Coordinator is essential for a successful review. OCHE encourages institutions to designate a key person as the campus liaison to handle communications with the MOA Coordinator to streamline the process.

### Desk Audit Review Orientation

The MOA Coordinator will contact the institution to schedule an orientation meeting (by phone, online, or in-person) to discuss the review process, schedule a desk audit start date, and discuss the review timeline and expectations. Campuses may include other relevant staff and administrators in the orientation meeting.

At or before the orientation meeting, OCHE will provide copies of the Postsecondary Civil Rights Review Manual, Postsecondary Civil Rights Review Self-Assessment Checklist, and any other necessary materials to the institution. These documents will help guide institutions through the review process.

### Conducting the Virtual Desk Review

The desk audit review consists of compiling documentation and other material demonstrating compliance for all applicable civil rights standards/guidelines. Institutions will use the Self-Assessment Checklist as a guide to collect documentation. The MOA Coordinator and review team will coordinate and guide the process for the campus liaison and other campus staff and help identify and collect documentation that demonstrates civil rights compliance.

To facilitate and organize the collection of documentation, the MOA Coordinator and review team will create a shared folder in One Drive and provide the liaison with access to the shared folder. The shared folder will contain subfolders for each section in the Self-Assessment Checklist. The subfolders/section include:

- Section 01 – Administrative

- Section 02 – Site Location
- Section 03 – Recruitment
- Section 04 – Admission
- Section 05 – Student Financial Assistance
- Section 06 – Advising & Counseling
- Section 07 – Services for Students with Disabilities
- Section 08 – Accessibility
- Section 09 – Comparable Facilities
- Section 10 – Work Study, Cooperative Education, & Job Placement
- Section 11 – Apprenticeship Training Program
- Section 12 – Employment

#### Uploading Self-Assessment Documents for Review

Documents uploaded should be sorted into the appropriate folders (listed above) and must be labeled with the corresponding Section number.

For example, if you are uploading a Position Description showing a nondiscrimination notice for Section 1.1 Continuous Nondiscrimination Notice it should be put in folder **Section 01 – Administrative** and labeled:

#### **1.1 Job Description**

Files should be in a common, readable document format (PDF, DOC, XLS, etc.) or a common image format (JPG, PNG, etc.). If one document or record demonstrates compliance for multiple standards/guidelines, copy that document into the corresponding folder of each standard/guideline and rename with the appropriate section number.

#### Sections 08 and 09

Given the physical requirements for satisfactorily identifying compliance with guidelines under Sections 08 and 09 for physical Accessibility and Comparable Facilities, the MOA coordinator will conduct this portion of the desk review during an abbreviated site visit within the 90 day review period.

#### Review Timeline

The MOA Coordinator and review team may hold additional meetings with the campus liaison to discuss the review process, materials, and timeline. OCHE expects the desk review to take sixty (60) to ninety (90) days. The complete timeline of the compliance review process is available in Appendix D.

### **3. LETTER OF FINDINGS**

OCHE will provide a Letter of Findings (LOF) to the postsecondary institution within thirty (30) days of the completion of the desk audit review. The LOF will discuss the findings of the desk audit review, provide the compliance status of each of the standards/guidelines reviewed, describe the rationale for the compliance status, and identify corrective action (if needed). In addition, the LOF will indicate one of the following:

- The review did not find any areas of noncompliance. There will not be an on-site review for the institution, but the institution must continue to comply with all civil rights requirements.
- The review did not find any areas of noncompliance, but OCHE will conduct an on-site review of the institution. OCHE may choose to conduct an on-site review for the following reasons:
  - Incomplete, or unable to complete, desk audit
  - New to Perkins V
  - New or altered construction or CTE programs
  - Change in leadership or civil right personnel
  - Several years since last on-site review
  - Technical assistance opportunities
  - To align with Perkins V monitoring
  - To provide better monitoring and compliance assistance
- The desk audit found minimal areas of noncompliance. There will not be an on-site compliance review for the institution, but the institution must take corrective action through a Voluntary Compliance Plan (VCP) for the standards identified as needing corrective action.
- The desk audit found possible civil rights violations. OCHE will schedule and conduct an on-site compliance review. Upon completion of the on-site review, the institution may need to take corrective action through a VCP.

For institutions receiving on-site reviews, OCHE will issue a new LOF after completion of the review.

The postsecondary institution will have thirty (30) days to review and respond to any LOF. The institution will correct any inaccuracies or provide additional information to clarify findings. In some instances, institutions may have corrected items identified as needing corrective action. OCHE will change the LOF to reflect the input and further information from the institution and send an updated Letter of Findings to the institution within thirty (30) days of receipt of the institution's response. This final LOF becomes the official findings of the Civil Rights Review.

#### **4. ON-SITE CIVIL RIGHTS REVIEW (ADDITIONAL)**

For postsecondary institutions, with multiple findings of concern across multiple sections during the virtual desk review, a more thorough on-site review is triggered. This additional on-site review requires advanced preparation before the site visit, including preparing documentation, identifying and scheduling administrators, staff, and students for interviews (that occur during the on-site visit), and scheduling staff to provide tours (that occur during the on-site visit).

##### Required Documentation

OCHE requires several different types of materials for the on-site review. The institution will likely collect most of these materials during the desk review process (See *Section 2. Desk Civil Rights Review*). Requested documents, records, and other materials must be compiled in their entirety and submitted to the MOA Coordinator electronically or by mail at least thirty (30) days prior to the on-site visit. OCHE will review all materials provided by the institution prior to the on-site visit.

Required materials should include:

1. Documents
  - College Catalog
  - Student Handbook
  - View Book
  - College Directory
  - College Organizational Chart
  - Other General Information about the College
2. Maps
  - Campus and Building Maps
  - Color-coded college map showing each building's date of construction and the date of any remodeling/alterations
  - Map of all parking lots showing each lot's date of resurfacing or restriping, total number of parking spaces per lot, total number of handicapped parking spaces per lot, and total number of van accessible parking spaces per lot.
3. Postsecondary Civil Rights Review Self-Assessment Checklist
  - Completed self-assessment checklist, including supporting documentation

### Interview Preparation

As part of the on-site visit, the MOA Coordinator and on-site review team will interview a variety of campus staff and students and hold an Entrance Interview and Exit Interview. The campus liaison and MOA Coordinator will work together to set a basic interview schedule with several interview sessions available during the on-site visit.

Each team member will need a private office or conference room to conduct the interviews, and the on-site review team will need a workspace with access to Wi-Fi for the on-site visit.

The on-site review team may conduct both individual and group interviews. For example, during one time slot, all team members may interview a set of staff, and during the next time slot each team member may individually interview a student or group of students

The postsecondary institution is responsible for identifying individuals for interviews and scheduling specific times and locations for individuals' interviews. The institution has the option to schedule interviews during any of the sessions. For example, it may be more convenient to schedule students in one interview session or in three different interview sessions. In addition, it is important to include minorities, individuals with disabilities, and individuals in nontraditional roles in the interviews for employees, as well as students who do not necessarily fall into these categories.

The MOA Coordinator and campus liaison will collaborate to prepare the final interview schedule before the on-site visit. The schedule should include the team member name(s), interviewee name(s), position(s), time, and room and building location of the interview. There may be a need to schedule interviews at off campus locations. Interviewees should be informed of the scheduled time for their interview and where they are to meet an on-site team member. See *Appendix B*, for a sample interview schedule showing the amounts of interviews, types of interviewees, and approximate time required.

### On-Site Civil Rights Review Preparation Checklist

This checklist serves as an aid for campuses to complete the required preparations for the on-site review **prior** to the date of the on-site visit. Campuses may need to make additional preparations not on the checklist. The campus liaison should confirm with the MOA Coordinator that the campus has the all necessary preparations in place ahead of time.

- ☐ Selected a staff person to serve as the campus liaison.
- ☐ Assembled and labeled the required general documents, including:
  - ☐ College Catalog
  - ☐ Student Handbook
  - ☐ View Book
  - ☐ College Directory
  - ☐ College Organizational Chart
  - ☐ Other General Information about the College
- ☐ Prepared maps/layouts of campus buildings, parking lots, and locations.
- ☐ Completed the Postsecondary Civil Rights Review Self-Assessment Checklist, including supporting documentation (see *Section 2. Desk Audit Civil Rights Review*)
- ☐ Scheduled and arranged for campus tours with the Facilities Director or other staff.
- ☐ Reserved a workspace for the on-site review team that includes access to Wi-Fi.
- ☐ Scheduled times, locations, and staff for the Entrance and Exit Interviews.
- ☐ Reserved rooms for interviews by the on-site review team.
- ☐ Scheduled times and locations for on-site review interviews.
- ☐ Notified and scheduled the following individuals for on-site review interviews.
  - ☐ College President/Dean/CEO
  - ☐ Academic Affairs & Student Services Administrator
  - ☐ Title VI Coordinator or Affirmative Action Officer
  - ☐ Human Resource Director
  - ☐ Facilities Director
  - ☐ Counselors (female and male)
  - ☐ Counselors for students with disabilities
  - ☐ Title IX Coordinator
  - ☐ Section 504 Coordinator
  - ☐ Special Needs Coordinator
  - ☐ Financial Aid Officer
  - ☐ Faculty (occupational and general education, female, male, minority, disabled)
  - ☐ Students (female, male, minority, disabled)

### Entrance Interview

The MOA Coordinator and on-site review team will conduct an entrance interview on the first day of the on-site visit. The purpose of this meeting is to introduce the MOA Coordinator and on-site review team members to postsecondary institution staff, to acknowledge appreciation for the effort put into



preparing for the visit, to provide background information concerning the authority and components and procedures of the compliance review, to explain the Office of the Commissioner of Higher Education philosophy regarding the compliance review process, and to provide an overview of on-site activities.

OCHE encourages the institution to invite any staff members the administration feels would be interested or would like more information about the On-Site Civil Rights Review to this meeting. The MOA Coordinator and campus liaison will set the time and location of the entrance interview.

During the entrance interview, the MOA Coordinator will be responsible for calling the entrance interview meeting to order and introducing the on-site review team.

The on-site review team will be responsible for introducing themselves, explaining the overall plans and procedures for the on-site review, and responding to questions about the on-site civil rights compliance review process.

The President/Dean/CEO will provide an orientation to the institution, that may include: the mission and philosophy of the institution, a brief history of the institution, enrollment trends, student demographics, a facility review, a review of the programs and majors offered, and strong points and problem areas for the institutions and its programs.

The entrance interview typically takes no longer than forty-five (45) minutes, depending on the number and type of questions submitted.

#### Interviews: Administrators, Staff, Faculty, and Students

The on-site review team will conduct interviews of administrators, staff, faculty, and students per the interview schedule prepared in advance of the on-site visit. On-Site review team members will be asking a set of predetermined questions. Questions vary depending on the roles of the interviewees. Team members will also be taking notes. Names of interviewees or specific quotes will not appear in any report or findings. For more information on interviews, see *Interview Preparation* on Page 6.

#### Tours

The on-site review team will tour all facilities that the institution owns and leases and conduct a comprehensive facilities accessibility review per the tour schedule prepared in advance of the on-site visit. During the tours, the on-site review team may review the materials provided by the institution prior to the on-site visit. For more information on tours, see *Campus Tour Preparation* on Page 6.

#### Exit interview

An exit interview, not to exceed sixty (60) minutes, will be held on the last day of the on-site visit. The on-site review team will conduct the meeting, and the President/Dean/CEO will select the campus staff who attend the meeting. The exit interview is designed to provide preliminary impressions of on-site findings and highlight positive findings and review areas that will need corrective action. The post on-site review activities and timeline will be reviewed, including the preliminary and final Letter of Findings. In addition, the process to develop a voluntary compliance plan will be reviewed.

#### New Letter of Findings

OCHE will provide a new Letter of Findings (LOF) to the postsecondary institution within thirty (30) days of the completion of the on-site review. The LOF will update the findings of the desk audit

review (if needed), discuss the findings of the on-site review, provide the compliance status of each of the standards/guidelines reviewed, describe the rationale for the compliance status, and identify corrective action (if needed). See *Section 3. Letter of Findings* for more information on the LOF.

## **5. VOLUNTARY COMPLIANCE PLAN**

The postsecondary institution has sixty (60) days following the date of the final Letter of Findings to develop a Voluntary Compliance Plan (VCP). A VCP addresses how the institution will correct or remediate specific non-compliance items in the final LOF. The VCP will define actions needed to be taken, timelines, personnel responsible, technical assistance needs, and monitoring and evaluation results and outcomes. See *Appendix C* for more information on developing a VCP and for a sample of the recommended format.

The institution must submit a draft of the VCP to the MOA Coordinator within the required sixty (60) day period. The MOA Coordinator will review the VCP and may recommend modifications to the plan in consultation with campus staff. The MOA Coordinator will issue a letter of acceptance of the VCP within thirty (30) days of its receipt.

## **6. REPORTING REVIEW FINDINGS AND VOLUNTARY COMPLIANCE PLANS**

OCHE submits the Final LOF and the VCP as part of a Report to the United States Department of Education Office for Civil Rights by December 31 of each even-numbered year.

## **APPENDIX A**

### **SUMMARY OF FEDERAL AND STATE NONDISCRIMINATION LAWS AND REGULATIONS**

#### **Title VI of the Civil Rights Act of 1964**

[Pub.L. 88-352, Title VI, §601, 78 Stat.252, 42 USCA §2000d]

Title VI of the Civil Rights Act prohibits discrimination against students on the grounds of race, color, or national origin in programs receiving federal funds. Title VI and related case law prohibits discrimination on the basis of race in student admissions, access to courses and programs, and student policies and their application. They also require the provision of bi-lingual instruction or some other method of compensating for students of limited English speaking ability. Title VI covers any institution or agency receiving federal funds. Most education activities of the recipient agency or institution are covered, even some activities or programs not in direct receipt of federal funds. Title VI is enforced by the Office for Civil Rights of the U.S. Department of Education.

#### **Title IX of the 1972 Education Amendments**

[Pub.L. 92-318, Title IX, §§901,902, 86 Stat.373, 374, 20 USCA §§1681, 1682]

Title IX prohibits discrimination on the basis of sex against students and employees of education programs and activities receiving federal funds. Nearly all elementary, secondary and postsecondary institutions are covered under this legislation. The Title IX regulations prohibit sex discrimination in the areas of programming and employment. Title IX is enforced by the Office for Civil Rights of the U.S. Department of Education.

#### **Section 504 of the 1973 Rehabilitation Act**

[Pub.L. 93-112, as amended by the Rehab. Act Amendments of 1974, Pub.L. 93-516, 29 USC §794; 20 USCA §1405, 20 USCA §794]

Section 504 prohibits discrimination on the basis of disability in employment and programming by all recipients of federal financial assistance. Section 504 is enforced by the Office for Civil Rights of the U.S. Department of Education.

#### **Americans with Disabilities Act of 1990**

[Pub.L. 101-336, 104 Stat.327, 42 USC §12101 nt]

The ADA's essence rests in its prohibition against the exclusion of people from jobs, services, activities, or benefits based on disability. To that end, the ADA's five sections, or titles, cover employment, state and local governments and transportation, public accommodations, telecommunications, and miscellaneous provisions.

Title I of the ADA covers the employment relationship. Effective July 26, 1992, Title I prohibits employers with 25 or more employees (the threshold dropped to 15 employees on July 26, 1994) from discriminating against otherwise qualified job applicants and workers who have disabilities or become disabled. The job application process, the hiring decision, promotions, training, and wages are all covered by the title.

Title II of the Act, covering "public entities" (state and local governments) and transportation, extends the prohibition of discrimination in programs receiving federal funds established by Section 504 of the Rehabilitation Act (29 USC 794) to all public entities, whether or not they receive federal financial assistance.

Title III of the ADA requires that places of public accommodation and commercial facilities be accessible to people with disabilities. Commercial facilities under Title III are defined as non-residential facilities, including office buildings, factories, and warehouses, whose operations affect commerce.

Title IV of the ADA amends the Communications Act of 1934 (47 USC 151 et seq.) to provide for telecommunications relay services for hearing- and speech-impaired individuals and to provide closed-captioning of public service announcements.

Title V is the catchall title of the ADA. It includes provisions on accessibility standards, as referenced in Title III; enforcement provisions; attorney's fees; insurance issues; relationship to other laws; coverage of Congress; and, among other things, the publication of technical assistance manuals by federal agencies.

## **APPENDIX B**

### **Sample On-Site Review Agenda**

#### **Day 1**

On-Site Review Team Arrives on Campus	8:00 a.m.
Entrance Interview	8:30 a.m.
Interview Set I (Group) Administrators Deans (CTE) Financial Aid Director, Financial Aid Officer	9:15 a.m.
Break	10 a.m.
Interview Set II (Group) Title IX/Section 504 Coordinator ADA Coordinator Human Resources Director	10:15 a.m.
Interview Set III (Group) 5 CTE Students	11:15 a.m.
Lunch	12:15 p.m.
Facility Tour, Part I	1:30 p.m.
Wrap Up	4:30 p.m.

#### **Day 2**

Interview Set IV (Group) Marketing Director Public Relations Staff Webmaster	8:15 a.m.
Interview Set V (Group) Minority CTE Student(s) Disabled CTE Student(s) Non-Trad CTE Student(s)	9:15 a.m.
Break	10 a.m.

Interview Set IV (Group)	10:15 a.m.
Registrar	
Admissions Staff	
Enrollment Services	
Interview Set V (Group)	11:15 a.m.
Advisors	
Career Counselors	
Student Services Staff	
Lunch	12:15 p.m.
Facility Tour, Part II	1:30 p.m.
Wrap Up	4:30 p.m.

### **Day 3**

Exit Interview	9:15 a.m.
Additional Facility Review (If needed)	10:15 a.m.

## **APPENDIX C**

### **Developing a Voluntary Compliance Plan**

#### Definition

A Voluntary Compliance Plan (VCP) is a written plan developed by the postsecondary institution outlining the exact procedures and actions it will take to correct items or issues identified during the on-site monitoring visit. All corrective items to be addressed are included in a Letter of Findings (LOF) produced by the Office of the Commissioner of Higher Education (OCHE) Methods of Administration (MOA) Coordinator.

#### Timeline for Submission

Institutions have a maximum of sixty (60) calendar days following the date on the cover letter for the Letter of Findings to submit a VCP. Technical assistance for the development and implementation of the VCP will be provided by OCHE staff and will be available upon request. Institutions should submit the VCP to the MOA Coordinator.

#### Procedure for Development

An individual or team representing the institution will develop the VCP. If the team approach is used, suggested members include administrators, counselors, CTE/Academic Faculty, and any other pertinent staff. Approval by the local administrative board is recommended.

#### Components of a Voluntary Compliance Plan

The following information must be included in a VCP:

- Name of the postsecondary institution.
- Date of submission of the plan.
- Identification of each non-compliance item identified in the LOF as needing corrective action.
- Statement of OCHE's recommendation(s) for compliance.
- Statement of planned action to be taken in order to comply.
  - Identification of the activities/steps, such as specific tasks that must be accomplished in order to complete the planned corrective action
  - Timeline(s), including the date(s) each activity/step will begin and be completed
  - Person/position responsible for initiating and monitoring the implementation of the tasks or activities.
- Monitoring & Evaluation: Identification of tangible examples, products, or outcomes which can be examined and assessed by OCHE staff to determine whether the institution has made the changes or provisions necessary for complying (pictures, etc.).
- Signature of institution President/CEO.

#### Note:

- Action items identified in VCPs should be completed as soon as possible, with no item taking more than two years to complete.
- Every VCP must include all items listed above.
- If using sample below, a separate page should be used for each non-compliance item.

## VOLUNTARY COMPLIANCE PLAN

### [CAMPUS]

This Volunteer Compliance Plan addresses the findings described in the Letter of Findings from the Office of the Commissioner of Higher Education (OCHE), dated [DATE], which summarized the results of OCHE's compliance review conducted on [DATE].

Section	Specific Corrective Action to be Completed	Responsible Person(s)	Target Completion Date	How Completion of Remedy will be Reported and Verified to OCHE
<b>EXAMPLE</b> 1.3 Annual Public Notification: Expand dissemination of the annual notice of nondiscrimination to the general public in English and Spanish	Publish the annual notice of nondiscrimination in The Sample Times, in the local Spanish language newspaper, and on the website in English and Spanish prior to the first day of the 2021-2022 school year.	President	August 2021	Will provide a copy of the published notice from both newspapers to OCHE.
<b>EXAMPLE</b> 6.2 Career and Technical Education Programs Open to All Students: Eliminate and prevent any steering of students into or away from particular CTE programs on the basis of sex or disability.	Provide training to counselors regarding sex stereotyping, and the prohibition against directing or urging students to enroll in particular career or program or predicting a student's prospects for success in any career or program based upon the student's sex or disability. Provide training to counseling staff, as well as other administrators and faculty on the requirements of Title IX related to pregnancy.	President	September 2021	Will send OCHE an email confirming that the training(s) has occurred, including the date(s) of the training(s), the agenda(s) for the training(s), and the number of counselors and any other college personnel that attended.



Section	Specific Corrective Action to be Completed	Responsible Person(s)	Target Completion Date	How Completion of Remedy will be Reported and Verified to OCHE

\_\_\_\_\_  
President Signature

\_\_\_\_\_  
Date

## APPENDIX D

### Timeline for Montana's Post-Secondary Civil Rights Compliance Review

<b>Duration</b>	<b>Phase of Compliance Review Program</b>
<b>30 days</b>	Notification period ahead of review start date.
<b>60 to 90 days</b>	The campus under review gathers and submits necessary documentation. OCHE schedules visit to collect physical accessibility and comparable facilities documentation.
<b>30 days</b>	OCHE drafts and provides Letter of Findings (LOF). *
<b>30 days</b>	The campus under review responds to LOF with any additional information or explanations.
<b>30 days</b>	OCHE provides an updated LOF based on the campus's response.
<b>60 days</b>	The campus under review completes and submits a Voluntary Compliance Plan (VCP) to OCHE addressing LOF.

\*In the instance a desk audit triggers an on-site review. Campuses will be notified of the visitation date **30 days** prior to allow time to gather required materials and schedule necessary interviews.