

Alex Rate
ACLU OF MONTANA
P.O. Box 9138
Missoula, MT 59807
406-203-3375

Attorney for Charging Parties Sweetgrass Society, Amy Murdock and Mia LameBull

MONTANA DEPARTMENT OF LABOR & INDUSTRY
Human Rights Bureau
P O Box 1728
Helena MT 59624
406/444-2798 (fax)

Sweetgrass Society of MSU-Northern
P.O. Box 7751
Havre, MT 59501-7751

Charging Party,

HR Case No. _____

vs.

Montana State University-Northern
Greg Kegel – Chancellor
Colin Miller – Student Senate President
Montana State University
P.O. Box 7751
Havre, MT 59501-7751

Respondents.

COMPLAINT OF DISCRIMINATION

The undersigned, Sweetgrass Society (“SGS”), Amy Murdock and Mia LameBull, state as follows:

1. SGS is a student organization whose mission is to “unify and provide for communication among Native American students, to foster a strong sense of cultural identity and to

promote activities that bridge Montana State University-Northern with the community of Havre and its Native American residents.”

2. SGS is an officially chartered student group at MSU-N and is the only Native American student organization on campus.
3. In September, 2016, SGS members noticed that the “Hello-Walk” steps on campus were being painted by other student groups.
4. The “Hello Walk” was originally a student art project done on the steps connecting the lower and upper campus just west of the Student Union Building. The purpose of the project is to greet anyone visiting the MSU-Northern campus.
5. SGS had not received any prior notice that the steps were being painted.
6. SGS members were informed that student groups could paint a step or steps on a first come, first served basis, that very day.
7. SGS members noted that other student organizations had painted multiple steps, so they painted one step with the SGS logo, and another step with the statement, “#NODAPL.” #NODAPL is a call from the Standing Rock Sioux Tribe to all indigenous communities seeking to defend tribal sovereignty and precious water. SGS strongly supports the #NODAPL movement.
8. SGS was unable to complete the painting project because the sun had set. Members intended to complete the painting project in the following days, but inclement weather and use of stairs by MSU-Northern students prevented them from doing so.
9. On or about November 21, 2016, SGS members discovered that the #NODAPL step had been painted over by members of the University’s Inter-Organization Council (“IOC”) and/or the student senate.
10. SGS was accused of vandalizing the “Hello-Walk” steps, even though it had complied with all student-group directives and had done everything it could to complete the painting project on the appointed day and time.
11. Other “Hello-Walk” steps were not destroyed. Chi-Alpha a Christian student group, painted a biblical verse on one of the steps. Chi-Alpha’s religious statement was not destroyed.
12. SGS sent a letter to Student Senate President Randy Roeber, copying various University administrators, denying that the group had vandalized the step and requesting that it be restored to its original condition.

13. On November 28, 2016, Roeber responded: "It was further discussed with Dr. Rugg and Chancellor Kegel that this is a political matter that it cannot be advertised on MSUN campus property. Also according to the IOC minutes there was no naming of who painted the "#NODAPL" on the step of the hello walk... The decision on painting over the step was made between myself, Colin Miller and our senate advisor Tammy Boles as we didn't know who painted this step in the first place."
14. The #NODAPL issue was addressed at the November 28, 2016 IOC meeting. SGS explained that the step was painted during the designated Hello-Walk painting time. Chancellor Kegel and other members expressed concerns that the #NODAPL message was inappropriate, political and distasteful. Chancellor Kegel explained that the public might conclude that #NODAPL was an official position adopted by the University.
15. On November 29, 2016, Dean of Students Steve Wise emailed SGS asking for a meeting to discuss the issues. SGS responded the following day that because of scheduling issues it would be unable to meet with Mr. Wise prior to that evening's Student Senate Town Hall Meeting. That evening, SGS members read a prepared statement regarding the Hello Walk step. SGS was unable to read its complete statement because the student senate abruptly adjourned the meeting citing a "disturbance."
16. Following adjournment of the regular senate meeting, SGS initiated an informal meeting to discuss the issue. SGS members asked Chancellor Kegel if he would like to hear the remainder of its statement, but Chancellor Kegel declined. He then addressed the group and suggested that the #NODAPL statement was overly political. Chancellor Kegel suggested that the #NODAPL message was akin to a #YESABORTION message. Chancellor Kegel concluded by addressing the SGS president, warning her to "be careful."
17. The following day, Chancellor Kegel met with the faculty advisor for SGS, Erica McKeon-Hanson. Chancellor Kegel explained that he walks sponsors and donors up the Hello Walk steps every day and he found the #NODAPL statement distasteful.
18. On the evening of Tuesday April 18th SGS restored the #NODAPL message on their step. The following day at noon SGS held a feed, prayer, and revealing of the step at The 2nd Annual Little River Institute Indigenous Education Conference. A mass email was sent out to the University staff and faculty on April 17th inviting them to join SGS at that time.
19. The Chancellor was well aware of the conference and did not make any attempt to attend. He was able to make an appearance at the reveal of the #NODAPL Step. During the reveal he kept to the background and did not acknowledge any of the members in attendance.
20. Recently there have been other troubling reports of racist conduct targeting Native American students at MSU-Northern. The failure of the MSU-N administration to

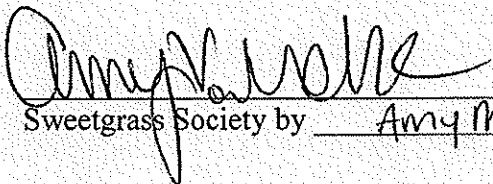
properly address the #NODAPL issue and subsequent events has helped create a hostile learning environment for the Charging Parties.

21. Respondents have discriminated against Charging Parties on the basis of race, creed and political beliefs.
22. Respondents have violated Charging Parties' rights pursuant to the Montana Human Rights Act, specifically Mont. Code Ann. §§ 49-2-304, -307 and -308.
23. Respondents have violated Charging Parties' rights pursuant to the Governmental Code of Fair Practices, Human Rights Act, specifically Mont. Code Ann. §§ 49-3-203 and -205.
24. Respondents have violated Charging Parties' rights pursuant to the Montana Constitution, specifically Article II, Section 7. *See, Griffith v. Butte School Dist. No. 1*, 2010 MT 246, 358 Mont. 193, 244 P.3d 321.
25. Respondents have violated their own free speech policy.
26. By their unlawful conduct, Respondents have caused Charging Parties harm.
27. The circumstances of the unlawful and discriminatory acts of the Respondents requires an order that will prevent them from acting in a similar discriminatory and unlawful manner in the future.

State of Montana)
)ss:
Hill County) VERIFICATION

The undersigned states that the facts alleged in the foregoing Complaint of Discrimination are true and accurate to the best of their knowledge and belief.

Signed this 8 day of May, 2017.

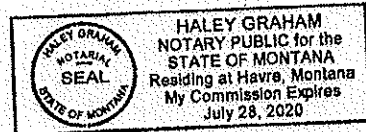

Sweetgrass Society by Amy Murdock

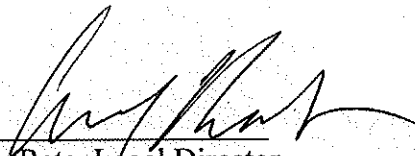
Subscribed and sworn to before me
this 3rd day of May, 2017.

Haley Graham
Notary Public

(SEAL)

Residing at Havre, MT
My commission expires: July 29, 2020





Alex Rate, Legal Director
ACLU of Montana
Attorney for Sweet Grass Society, Amy
Murdock and Mia LaneBull