



ADMINISTRATIVE RULES OF MONTANA



24.9.1004 ADMISSIONS

- (1) Unless an exception is based on reasonable grounds, no person shall, on the basis of sex, be denied admission, or be subjected to discrimination in admission, by an educational institution.
- (2) In determining whether a person has satisfied any policy or criterion for admission, or in making any offer of admission, an educational institution shall not:
 - (a) give preference to one person over another on the basis of sex by ranking applicants separately on such basis, or otherwise;
 - (b) apply numerical limitations upon the number or proportion of persons of either sex who may be admitted; or
 - (c) otherwise treat one individual differently from another on the basis of sex.
- (3) An educational institution shall not administer or require any test or apply any other criterion as the sole basis for admission which has a disproportionately adverse effect on persons on the basis of sex unless the use of such test or criterion is shown to predict validly success in the education program or activity in question. An exception to this rule may exist if it can be shown that alternative tests or criteria which do not have such a disproportionately adverse effect are unavailable.
- (4) In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, an educational institution shall not discriminate against or exclude any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery therefrom, or establish or follow any rule or practice which so discriminates or excludes.
- (5) An educational institution may make pre-admission inquiry as to the sex of an applicant for admission, but only if the inquiry is made equally of applicants of both sexes and if the results of the inquiry are not used in connection with discrimination prohibited by this part. Information relating to the sex of an individual that is obtained by the educational institution for statistical purposes may not be used in any admission determination.

Authorizing statute(s): 49-2-204, 49-3-106, MCA

Implementing statute(s): 49-2-307, 49-3-203, MCA

History: This rule is advisory only but may be a correct interpretation of the law, 2-4-308, MCA, Eff. 10/1/83.

NEW, 1987 MAR p. 312, Eff. 3/27/87.