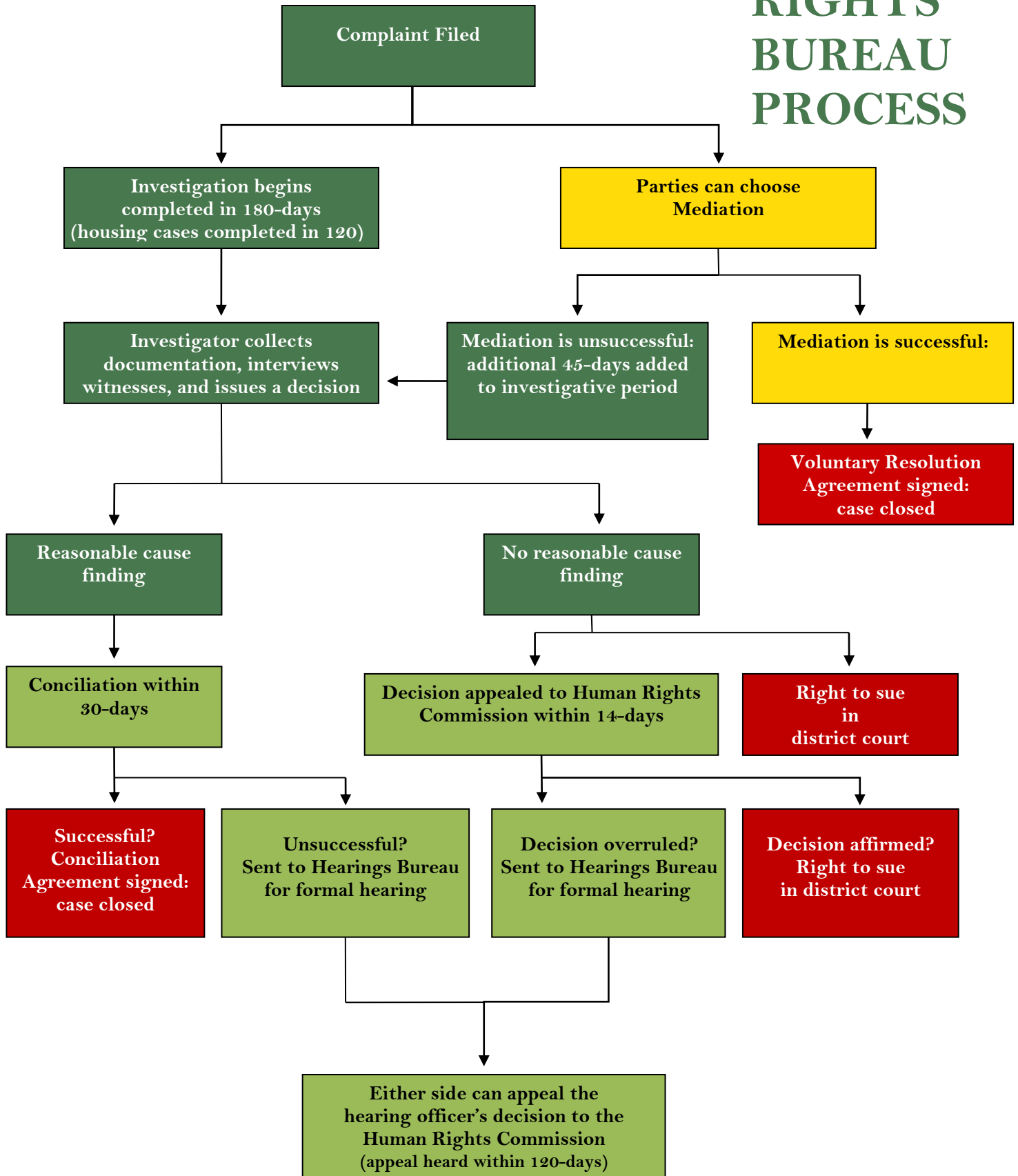


# HUMAN RIGHTS BUREAU PROCESS



*Please note Montana Human Rights Bureau does not award damages.*

**A Guide to the Complaint Process**  
**Montana Human Rights Bureau**  
**P.O. Box 1728, Helena, MT 59624-1728**  
**1-800-542-0807**

The Montana Human Rights Bureau is a neutral administrative agency charged with enforcement of state laws prohibiting employment and other types of discrimination on the basis of sex, race, color, religion, national origin, age, disability, creed, political belief, familial status, or marital status.

**Initial Process**

- Within 10 days of the filing of a complaint, we will send a copy of the complaint and documentation submitted with the complaint to the respondent. Within 10 business days of receipt of the complaint, the respondent must submit an initial answer.
- During this stage of the process, both parties have the right to request copies of any information related to the complaint, which has been filed in our office.
- Within 45 days of filing a complaint, the case is assigned to an investigator.

**Mediation as an Alternative**

- Mediation can expedite your case. It's a faster alternative and the parties retain control. If you are considering mediation or would like more information, please discuss this with your investigator.
- If the parties wish to discuss mediation, the Bureau has the option of adding up to 45 days to conduct its informal investigation.

**Investigation**

- The investigator will complete a neutral, informal investigation based on information provided by both parties. It is in both parties' best interests to provide as much information to the investigation as possible.
- By law, investigations into complaints of discrimination must be completed within 180 days from the filing date. Within that time frame, the investigator will make a finding of *reasonable cause* or *no reasonable cause* based upon the preponderance of evidence.
- A finding of *reasonable cause* simply means that, based on the evidence provided, it appears more likely than not that discrimination occurred.
- A finding of *no reasonable cause* means that, based on the evidence provided, it appears more likely than not that discrimination did not occur. Complaints that receive a finding of *no reasonable cause* are dismissed and the charging party is advised of his/her right to file a civil action in district court or appeal the decision to the Human Rights Commission.

**Conciliation**

- If there has been a finding of reasonable cause, the case will go to conciliation in an attempt to resolve the complaint prior to an administrative hearing. Any settlements reached at this stage must include additional affirmative relief, designed to eliminate discriminatory practices identified in the finding.
- If settlement is not reached within 30 days, the case is certified for an administrative hearing.

**Hearing**

- If there has been a finding of reasonable cause and conciliation is not reached, a Hearing Examiner will conduct a formal hearing, subject to the rules of evidence and civil procedure.
- Each party must present his/her own case through witness testimony and/or documentary evidence.
- The Hearing Examiner will issue a decision as to whether or not discrimination occurred and, if discrimination is found, can award appropriate damages.

**Appeals to the Commission**

- Within 14 days of any decision by the Human Rights Bureau or Hearing Examiner, either party may appeal the order to the Human Rights Commission, a five-member body appointed by the Governor to hear appeals of discrimination cases.
- The Human Rights Commission will hear the appeal and issue the final agency decision.