



ADMINISTRATIVE RULES OF MONTANA



10.102.1161 STANDARD NOTIFICATION, FINAL ARBITER, AND APPEAL PROCESS

- (1) The State Library will notify libraries of any proposed changes to the standards at least six months before requiring libraries to implement standards.
- (2) Any library shall have the right of appeal. The request for the appeal shall be made to the state librarian using the contact methods indicated on the State Library's website. Appeals must be made within 12 days of the receipt of notification denying payment.
 - (a) Upon receiving a notice of appeal, the state librarian, acting on behalf of the commission, shall convene an independent review committee. The committee shall consist of:
 - (i) a member named by the appellant who is not a member of the appellant's library staff, library board, or city or county commission;
 - (ii) a member chosen by the chair of the State Library Commission, who is not a commissioner or a state library staff member; and
 - (iii) a member from the library community who is not affiliated with the appellant's library, the State Library Commission, or state library staff, named by the president-elect of the Montana Library Association.
 - (b) The independent review committee shall hear the appeal based on the following procedures:
 - (i) Both the appellant and the State Library shall have equal opportunity to present testimony, either in writing or orally, and to respond to points raised by the other party.
 - (ii) The independent review committee shall make its findings and recommendations to the Montana State Library Commission, which shall take final action on the appeal.
 - (c) The commission can affirm, deny, or modify the findings and recommendations of the independent review committee.
 - (d) The state librarian, upon final determination of the appeal by the commission, shall notify the appellant in writing. This notice shall conclude the appeals process.
 - (e) Neither the independent review process nor any subsequent review and decision process of the commission is a contested case, and common law and statutory rules of evidence do not apply to these proceedings.
- (3) For any questions arising because of ARM 10.102.1158 through 10.102.1162, the final arbiter is the State Library Commission.

Authorizing statute(s): 22-1-103, MCA

Implementing statute(s): 22-1-103, MCA

History: NEW, 2021 MAR p. 1138, Eff. 7/1/22.