



ADMINISTRATIVE RULES OF MONTANA



24.8.203 FORM OF COMPLAINTS

- (1) A complaint is a written document filed with the Human Rights Bureau. An aggrieved party or a person filing on behalf of an aggrieved party may draft and file a complaint. Except as provided in (2), a complaint must contain, at a minimum, the following information:
 - (a) full name, address and telephone number, if any, of the person making the complaint (hereinafter referred to as charging party);
 - (b) full name, address and telephone number, if any, of the person against whom the complaint is made (hereinafter referred to as respondent);
 - (c) a clear and concise statement of the facts, including pertinent dates, constituting the alleged unlawful discriminatory practice; and
 - (d) the verified signature of the charging party.
- (2) For the purpose of timely filing, any signed written statement received by mail, hand-delivery, or facsimile may be deemed a complaint if it sufficiently identifies parties and describes the actions being complained of. Such complaint may be verified by amendment after initial filing.
- (3) The Human Rights Bureau will notify the charging party of the obligation to submit a verified complaint. If the charging party does not submit a verified complaint, the bureau will dismiss the complaint.
- (4) If the charging party does not allege facts sufficient to constitute a short and plain statement of the claim showing that the charging party is entitled to relief under Title 49, chapters 2 and 3, MCA, the Human Rights Bureau will notify the charging party that the department will not informally investigate the complaint unless the charging party amends the complaint to state a valid claim.
- (5) Any person may file a complaint on behalf of any person claiming to be aggrieved if the person is the aggrieved party's guardian, attorney, or duly authorized representative or an advocacy group, labor organization, or other organization acting as an authorized representative. The person making the complaint must provide the name and address of the person on whose behalf the charge is made. During its investigation, the Human Rights Bureau will verify the authorization of such complaint by the person(s) on whose behalf the complaint is made. If the person on whose behalf the complaint is filed indicates in writing that he or she does not wish the complaint processed, the Human Rights Bureau shall dismiss the complaint.
- (6) A person wishing to file a complaint on behalf of a class must identify a representative for the members of a class. This representative must adequately reflect the interests of the members. As part of the informal investigation, the Human Rights Bureau will notify the respondent or

respondents that the complaint was filed on behalf of a class, but the Human Rights Bureau will not rule on class status.

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

Implementing statute(s): 49-2-205, 49-2-501, 49-2-504, 49-3-315, MCA

History: NEW, 2002 MAR p. 2908, Eff. 10/18/02; AMD, 2008 MAR p. 2636, Eff. 12/25/08; AMD, 2017 MAR p. 91, Eff. 1/7/17.