



ADMINISTRATIVE RULES OF MONTANA



24.8.101 PURPOSE AND SCOPE OF RULES -- EFFECT OF PARTIAL INVALIDITY

- (1) The purpose of the rules in this chapter is to describe the procedures followed by the Department of Labor and Industry's Human Rights Bureau and the Office of Administrative Hearings in administering complaints of discrimination filed pursuant to the Montana Human Rights Act (act) and the Governmental Code of Fair Practices (code) contained in Title 49, chapters 2 and 3, MCA.
- (2) The Human Rights Bureau and the Office of Administrative Hearings will construe the provisions of the act, the code, and these rules with a view to effect their objects and to promote justice. A principal objective of the act and code is to assure that there will be no discrimination in certain areas of the lives of Montana citizens, except under the most limited of circumstances.
- (3) In construing the provisions of the act and code, the Human Rights Bureau and the Office of Administrative Hearings will refer to federal civil rights case law where it is both useful and appropriate and does not conflict with the purposes and intentions of state law.
- (4) If a part of these rules is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of these rules is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid application or applications.
- (5) Parties who assign error for the violation of any rule have the burden to demonstrate that a failure to comply with these rules is in fact prejudicial or constitutes prejudice as a matter of law.
- (6) Where strict adherence to these rules would cause undue hardship or create a substantial injustice to a party, the Human Rights Bureau and the Office of Administrative Hearings may modify, waive, or excuse their application unless required by statute or due process of law.
- (7) Parties who choose not to be represented by counsel and who represent themselves must substantially comply with the provisions of these rules, subject to the provisions of (6). The Human Rights Bureau and the Office of Administrative Hearings may modify the strict application of these rules to an unrepresented party to the extent they are not mandatory to assure fundamental fairness.

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

Implementing statute(s): Title 49, ch. 2 and ch. 3, MCA

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