



ADMINISTRATIVE RULES OF MONTANA



2.21.4019 INITIATING AN INTERNAL COMPLAINT

- (1) Agency managers shall encourage employees, applicants, clients, and customers who believe they have been discriminated against or harassed to contact their supervisor, another manager, or the agency's EEO officer, ADA coordinator, or human resources staff.
- (2) Complaints may be oral or in writing; however, complainants are encouraged to use the Department of Administration's complaint form found at <http://hr.mt.gov/hrpp/policies.mcpix>.
- (3) For complaints not submitted on a complaint form, the agency representative receiving the complaint shall obtain and document the following information:
 - (a) name, address, and phone number(s) of the complainant(s);
 - (b) date(s), time(s), and location(s) of the alleged discriminatory behavior or conduct;
 - (c) name(s), if known, of the accused(s);
 - (d) description of the behavior or conduct that resulted in an alleged violation;
 - (e) whether the alleged discrimination was based on a protected class; and
 - (f) names of potential witnesses who may have heard or observed the alleged discriminatory conduct or behavior.
- (4) Agency representatives who receive a complaint or become aware of allegations of discrimination or harassment shall promptly notify the human resource manager, EEO officer, or ADA coordinator, regardless of their perception of the validity of the complaint.
- (5) The human resource manager, EEO officer or ADA coordinator, legal counsel, and appropriate manager shall meet to discuss the appropriate course of action. If the complaint is against any of these individuals, that individual is excluded from the meeting. The discussion must focus on measures to stop the alleged behavior, a review of the investigative process, and management's role in the process.
- (6) If management determines an internal investigation would not be appropriate because of a potential conflict, they may request assistance from the State Human Resources Division or other outside source.
- (7) The human resource manager or human resource staff, as appropriate, shall coordinate with the investigator and advise management throughout the course of the investigation.

Implementing statute(s): 2-18-102, MCA

History: NEW, 2011 MAR p. 1672, Eff. 8/26/11.