



ADMINISTRATIVE RULES OF MONTANA

24.8.103 DEFINITIONS

The following definitions apply throughout this chapter:

- (1) "Act" means the Human Rights Act, Title 49, chapter 2, MCA.
- (2) "Aggrieved party" means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, and who has been specially and injuriously affected by, or is likely to be a victim of a violation of the act or code, as defined in 49-2-101, MCA.
- (3) "Charging party" means a person who files a discrimination complaint with the Human Rights Bureau or a federal agency with whom the Human Rights Bureau has a work-sharing agreement.
- (4) "Code" means the Governmental Code of Fair Practices,
Title 49, chapter 3, MCA.
- (5) "Commission" means the Human Rights Commission, a quasi-judicial board as established by 2-15-1706, MCA.
- (6) "Commissioner" means the commissioner of the Department of Labor and Industry.
- (7) "Contested case" means proceedings before the Office of Administrative Hearings to determine the legal rights, duties, and privileges of the parties.
- (8) "Department" means the Department of Labor and Industry.
- (9) "Hearing officer" means an administrative law judge appointed by the Office of Administrative Hearings to preside over contested case proceedings.
- (10) "Office of Administrative Hearings" means the organizational unit of the department that conducts contested case proceedings after the Human Rights Bureau has issued a reasonable cause finding on a complaint of discrimination.
- (11) "Human Rights Bureau" means the organizational unit of the department that informally investigates and seeks resolution to complaints of unlawful discrimination.
- (12) "Notice of dismissal and right to sue" means a document provided to the charging party by the Human Rights Bureau indicating that charging party has completed the department's administrative process and can file a discrimination action in district court pursuant to 49-2-511, MCA.
- (13) "Reasonable cause" means that based on an informal investigation a preponderance of the evidence supports a finding of unlawful discrimination.

(14) "Respondent" means any person against whom a complaint is filed.

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.