



ADMINISTRATIVE RULES OF MONTANA

24.8.301 VOLUNTARY RESOLUTION AGREEMENTS

- (1) The Human Rights Bureau may undertake efforts to achieve a voluntary resolution of the case with the parties. Any voluntary resolution of the complaint agreed to by the parties before the Human Rights Bureau begins its informal investigation is referred to as a mediation agreement. Any voluntary resolution of a complaint agreed to by the parties after the investigation has begun and before the Human Rights Bureau issues a finding on the merits of the claim is referred to as a settlement agreement. Any voluntary resolution agreed to after the Human Rights Bureau issues a reasonable cause finding is referred to as a conciliation agreement.
- (2) Any voluntary resolution agreement reached while the complaint is pending in the administrative process, whether mediated by the Human Rights Bureau or agreed to by the parties independently, is subject to the provisions of this rule.
- (3) If the Human Rights Bureau issues a reasonable cause finding, it shall attempt to resolve the case through conciliation. During conciliation, the Human Rights Bureau may require affirmative relief provisions to eliminate the discriminatory practice confirmed in the informal investigation. Such affirmative relief provisions may include any remedy which could be ordered by the Office of Administrative Hearings. If conciliation is not possible, the Human Rights Bureau shall inform the parties in writing that the conciliation period is concluded and certify the case for hearing, pursuant to 49-2-505, MCA.
- (4) No statement made by any party in the course of voluntary resolution discussions will be admissible in any hearing held concerning the complaint except as provided for by Rule 408, M.R.Evid. Agreement to a voluntary resolution of a case does not necessarily constitute an admission of violation of any law by the respondent.
- (5) A voluntary resolution agreement reached by the parties must be in writing, signed by the parties, and approved by the Human Rights Bureau. Dismissal of a case based on a voluntary resolution agreement shall constitute the end of the administrative process.
- (6) A voluntary resolution agreement may include terms for monitoring compliance with the agreement, not to extend beyond one year from the date of the agreement.
- (7) The parties must inform the Human Rights Bureau of all terms of any voluntary resolution agreement entered into while the complaint is pending in the administrative process. In addition, the parties must inform the Human Rights Bureau of all terms of any voluntary resolution entered into after a final agency decision has been issued.
- (8) The Human Rights Bureau may refuse to approve a voluntary resolution agreement which does not resolve all allegations or remedies for all persons or groups affected by the alleged discrimination. Alternatively, the Human Rights Bureau may treat a voluntary resolution

agreement which does not resolve all allegations or remedies for all persons or groups affected by the alleged discrimination as a withdrawal in accordance with ARM 24.8.401, and may initiate the complaint as a commissioner complaint for further proceedings.

- (9) A conciliation agreement may be enforced by the commissioner, the Human Rights Bureau, or by any party in the same manner as a final order of the department by seeking appropriate orders in the district court, pursuant to 49-2-508, MCA.

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

Implementing statute(s): 49-2-504, 49-2-505, 49-2-508, 49-3-315, MCA

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