

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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JOAN FORSETH	)	
Charging Party,	)	
	)	CASE NO. 9809008317
v.	)	
	)	<b>ORDER AFFIRMING AND</b>
BILLINGS SCHOOL DISTRICT,	)	<b>AMENDING FINAL AGENCY</b>
Respondent.	)	<b>DECISION</b>

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The above-captioned matter came before the Montana Human Rights Commission (Commission) on March 19, 2001. The matter was before the Commission for consideration of Respondent's appeal from the Final Agency Decision. Appearing before the Commission were Pierre ("Pete") Bacheller, attorney for the Charging Party, and Laurence Martin, attorney for Respondent.

After consideration of the record and the arguments of the parties, the Commission agrees with the Hearing Examiner's conclusion that Respondent Billings School District did not illegally discriminate against Charging Party in her employment because of her sex. The Commission also agrees with the Hearing Examiner's conclusion that Respondent did illegally retaliate against Charging Party for complaining of sexual harassment when it involuntarily transferred her to a less desirable aide position with a different school. However, the Commission believes that it is appropriate to reduce the monetary relief ordered from \$7,500.00 to \$3,500.00 to reflect what it believes to be the value of Charging Party's emotional distress, and to eliminate the affirmative relief ordered in Conclusion of Law No.5 in its entirety. The Commission finds that Respondent's current anti-discrimination policy is effective and consistent with the terms of labor contracts between Respondent and its employees, and that the Hearing Examiner's Order No. 5 would have interfered with staffing decisions.

IT IS HEREBY ORDERED, that the Final Agency Decision , Order No. 1, finding that Respondent did not unlawfully discriminate against Charging Party on the basis of sex, and Order No. 2, finding that Respondent unlawfully retaliated against Charging Party is affirmed. It is further ordered that the relief ordered in the Final Agency Decision, Order No. 3, is amended to reduce the sum that Respondent must pay Charging Party from \$7,500.00 to \$3,500.00, and Order No. 4 is eliminated in its entirety.

Dated this \_\_\_ day of March, 2001.

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Gloria "Patt" Etchart, Chair  
Montana Human Rights Commission

**CERTIFICATE OF SERVICE**

The undersigned employee of the Human Rights Bureau certifies that a true copy of the foregoing **ORDER AFFIRMING AND AMENDING FINAL AGENCY DECISION** was served on the following persons by U. S. Mail, postage prepaid on the \_\_\_\_\_ day of March, 2001.

LAURENCE MARTIN  
FELT MARTIN FRAZIER  
JACOBS & RAPKOCK  
313 HART ALBIN BLDG  
PO BOX 2558  
BILLINGS, MT 59103-2558

PIERRE BACHELLER  
ATTORNEY AT LAW  
PO BOX 2078  
BILLINGS, MT 59103-2078

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Farah Davidson, Human Rights Bureau