

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

CONNIE R. WOMBOLD,)	
)	
Charging Party)	Cause No. 0021010079 and
)	0021010078
)	
vs.)	ORDER AFFIRMING
)	FINAL AGENCY DECISION
)	
CASCADE SCHOOL DISTRICT NO. 3)	
AND DELL VOSS,)	
)	
Respondents.)	

The above-captioned matter came before the Montana Human Rights Commission (Commission) on November 20, 2003. Prior to the Commission's hearing, due to a scheduling conflict, both parties agreed to waive their right to provide oral argument and allow the Commission to consider Respondent's objections on the record.

Respondents submitted objections to the proposed Final Agency Decision issued by the Department of Labor and Industry's Hearings Bureau granting judgment in favor of Charging Party, Connie R. Wombold and against Respondent, Cascade School District No. 3 and Del Voss on the charge that they had discriminated against her on the basis of sex (female) by subjecting her to a sexually hostile and offensive work environment and ended her employment.

On appeal to the Commission, Respondents assert the proposed Final Agency Decision is in error because the hearing officer incorrectly applied a *quid pro quo* standard. Respondents also contend it was error for the hearings officer to conclude Respondents illegally discriminated on the basis of sex. In support of this position, Respondents argue it did not create a hostile work environment, and further, that changes in Charging Party's work environment or its decision regarding re-hire were not based on Charging Party's sex. In response, Charging Party Wombold asserts the proposed Final Agency Decision applied the appropriate legal standard and the resulting conclusion that Respondents discriminated on the basis of sex was correct. Charging Party argues Respondents have failed to support a claim that the changes in Charging Party's work status were related to "poor performance."

When reviewing an appeal of a Final Agency Decision the Commission may reject or modify the conclusions of law and interpretations of administrative rules, but the Commission may not reject or modify findings of fact unless it first reviews the complete record and states with particularity the findings that were not based upon competent substantial evidence or that

the proceedings on which the findings were based did not comply with the essential requirements of the law. *Admin. R. Mont. 24.9.1717* The Commission may accept or reduce any award or penalty, but it may not increase such an award of penalty without reviewing the complete record. *Id.*

After careful and due consideration of the record, the Commission concludes the record contains substantial evidence to support the Final Agency Decision and that the proceedings complied with the essential requirements of the law.

A party may appeal from this order by filing a petition for judicial review with the district court no later than 30 days from the service of this order. *Mont. Code Ann. § 2-4-701 et. seq*

IT IS HEREBY ORDERED, that Charging Party's objection is overruled and notice of dismissal is affirmed.

Dated this _____ day of December 2003

Mr. Gary Hindoien, Chair
Montana Human Rights Commission

CERTIFICATE OF SERVICE

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on December ____, 2003.

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