

Minnesota Sex Offender Program

Policy:	303.100	Title: Grievances
Issue Date:	10/7/14	
Effective Date:	11/4/14	

AUTHORITY: Minn. Stat. §[144.651](#) subd. 20

PURPOSE: To provide a formal process for clients of the Minnesota Sex Offender Program (MSOP) or a client’s authorized representative(s) to express concerns, recommend changes in MSOP policies, and/or address and attempt resolution of their concerns.

APPLICABILITY: Minnesota Sex Offender Program (MSOP), program-wide

POLICY: Clients and their authorized representatives may voice grievances and recommend changes in policies and services to facility staff and others of their choice, free from restraint, interference, coercion, discrimination, or reprisal.

For client grievances regarding psychiatry, refer to MSOP Policy 500.060, “Psychiatric Services” section D.2.

DEFINITIONS:

Authorized representative – a client’s attorney, legal guardian or other individual identified in writing by the client as representing the client’s interests.

Concern – a current problem, issue or complaint identified by, and specific to, a client.

Division Head – a person identified as the final step in the grievance process, prior to the Executive Director’s response.

Electronic Grievance Log – a running document maintained by the grievance coordinator to track the processing of all submitted grievances.

Grievance Coordinator – a designated staff member at each facility, and at the central office, who coordinates the grievance process, including monitoring the policy implementation (e.g., following the process and timelines for routing grievances for response).

Grievance Request Form – the document used to forward a concern to the Grievance Coordinator.

PROCEDURES:

A. Notice of the Grievance Process

1. Within 24 hours of admission, all clients will be advised of the MSOP internal grievance and appeal process by a client rights coordinator. (See MSOP Policy 202.100, “Admission to the MSOP.”)
2. The unit directors post a copy of the grievance policy on each living unit.
3. For MSOP policies having a separate internal review or appeal process, clients or their authorized representatives must exhaust the internal process for the identified policy prior to initiating the grievance process. These policies include, but are not limited to:

- a) MSOP Policy 301.084, “Administrative Restriction Status;”
 - b) MSOP Policy 301.085, “Protective Isolation Status;” and
 - c) MSOP Policy 302.230, “Media Possession by Clients” and MSOP Policy 602.230, “Media Possession by CPS Clients.”
4. MSOP will not process grievances involving:
- a) MSOP Policy 303.010, “Client Behavioral Expectations;”
 - b) MSOP Policy 106.800, “Tort Claims;” or
 - c) MSOP Policy 106.160, “Accuracy and Completeness Data Challenges.”

B. Prior to initiating a formal grievance request, clients must attempt informal resolution of their concerns in accordance with MSOP Policy 303.101, “Client Requests.”

C. Initiating a Formal Grievance

1. A client or his/her authorized representative(s) may submit a formal grievance to the facility grievance coordinator by submitting a Grievance Request Form (303.11A, attached):
 - a) if the client’s issue has not been resolved to his or her satisfaction informally through discussions with staff; and
 - b) if the client has first attempted to resolve the concern through the communication chain and MSOP Policy 303.101, “Client Requests.”
2. The client or his/her authorized representative must:
 - a) complete a Grievance Request Form, stating clearly and legibly the grievance, identifying a single complaint and the specific resolution the client is seeking (see C.5., below); and
 - b) attach all of the client’s Client Request Forms related to the issue to which staff have responded.
3. A client may obtain staff or client assistance in preparing a grievance.
4. A client may not submit grievances for another client’s issue or concern.
5. Grievances must be appropriate (e.g., no threatening or vulgar language) or the facility grievance coordinator returns the grievance to the client for revision and resubmission.
6. MSOP does not process a grievance listing a resolution unavailable to the client (e.g., paying damages, disciplining staff, or discharging the client outside the statutory process).
7. Clients are encouraged to follow the maltreatment reporting procedures contained in MSOP Policy 202.058, “Vulnerable Adults” to report alleged client maltreatment.

D. Processing Formal Grievances

1. The facility grievance coordinator:

- a) returns to the sender a grievance:
 - (1) not having the required client request forms with staff responses attached;
 - (2) involving non-current matters (within 60 days of last request form);
 - (3) handled through a separate review or appeal process;
 - (4) not specific to the client;
 - (5) containing multiple issues;
 - (6) if it is unclear; or
 - (7) deemed inappropriate in content or language;
 - b) logs grievances into the electronic grievance log and maintains a copy in the client grievance record. (Grievance requests returned to the client or his/her authorized representative under subdivision a) may be revised and resubmitted within 60 days from the last grievance request form;
 - c) determines the appropriate area (residential, medical, clinical, etc.) to investigate and address the grievance;
 - d) sends the client or their authorized representative a copy of the completed grievance coordinator tracking form with the date the grievance was logged and the supervisor assigned to respond;
 - e) submits the information to the appropriate area supervisor who either:
 - (1) dismisses the grievance;
 - (2) affirms the grievance; or
 - (3) affirms the grievance with modifications;
 - f) logs and files in the client grievance record a copy of the supervisor's response, and provides the grievance response form with the decision to the client or his/her authorized representative within 15 business days from the date the grievance was logged into the electronic grievance log; and
 - g) if the supervisor is unable to make a decision within 15 business days, may grant the supervisor a one-time 10-business-day extension, and sends the client or his/her authorized representative written notice of the extension within the first 15 business days. If a client or his/her authorized representative does not receive a decision within 15 business days, or 25 business days if an extension is granted, the grievance is considered dismissed, and the client or his/her authorized representative may appeal the grievance dismissal.
2. If a client has received threats to his/her immediate safety or well-being, the client or his/her authorized representative may submit a written complaint directly to the facility

director, facility clinical director, or designee via a Grievance Request Form. All decisions made on grievances processed in this manner are final.

3. If a client has received threats to his/her immediate safety or well-being, and can establish he or she would be in danger if the complaint were to be known at the facility, the client may submit a complaint directly to the Deputy Director.
 - a) The client may mark “privileged mail” on a sealed envelope and address it to the Deputy Director, 444 Lafayette Road, St. Paul, Minnesota 55155-0992.
 - b) The Deputy Director determines whether the grievance is processed in the central office or returned to the facility for processing through the formal grievance procedure.
 - c) If it is determined that a client’s immediate safety or well-being would be in danger if the complaint were to be known at the facility, the Deputy Director responds to the grievance.
 - d) All decisions made on grievances processed in this manner are final.

E. Appeal Process

1. Initiating a Grievance Appeal

- a) If a client or his/her authorized representative is unsatisfied with the supervisor’s response, the client may submit an appeal within 15 business days of the date on the response.
- b) The client or his/her authorized representative must submit the Grievance Appeal Form (303.100C, attached) and one copy of the grievance and response to the facility grievance coordinator, who forwards the appeal to the appropriate division head.

2. Processing Grievance Appeals

- a) The facility grievance coordinator:
 - (1) logs the grievance appeal into the electronic grievance log and files a copy in the client grievance record;
 - (2) sends the client or his/her authorized representative a copy of the grievance coordinator tracking form including the date the grievance appeal was logged into the electronic grievance log and the supervisor assigned;
 - (3) returns grievance appeals combining multiple grievances into one appeal, unclear appeals or appeals not having gone through the formal grievance process;
 - (4) determines the appropriate method of investigating the grievance and submits the investigation results with the recommendation to the appropriate division head;
 - (5) processes the decision of the division head; and

- (6) provides the grievance appeal response form with the decision to the client or his/her authorized representative within 15 business days from the date the grievance was logged into the electronic grievance log. If the division head is unable to make a decision within 15 business days, he or she may receive a one-time, 10-business-day extension. The facility grievance coordinator must provide the client or his/her authorized representative written notice of the extension within the first 15 business days.
3. If a client or his/her authorized representative does not receive a decision within 15 business days, or 25 business days if an extension is granted, the client or his/her authorized representative may consider the grievance dismissed and may appeal the grievance to the Executive Director immediately.
4. If a client or his/her authorized representative is unsatisfied with the facility or clinical director's response, the client or his/her authorized representative may submit an appeal of that decision to the Executive Director within 15 working days of the date on the response. The client or authorized representative must (at their own expense) mail the appeal to: MSOP Executive Director, 444 Lafayette Road, St. Paul, Minnesota 55155-0992.
5. The decision of the Executive Director is final.

REVIEW: Annually

REFERENCES: MSOP Policy 301.084, "Administrative Restriction Status"
MSOP Policy 301.085, "Protective Isolation Status"
MSOP Policy 302.230, "Media Possession by Clients"
MSOP Policy 602.230, "Media Possession by CPS Clients"
MSOP Policy 303.010, "Client Behavioral Expectations"
MSOP Policy 106.800, "Tort Claims"
MSOP Policy 106.160, "Accuracy and Completeness Data Challenges"
MSOP Policy 303.101, "Client Requests"
MSOP Policy 202.058, "Vulnerable Adults"
MSOP Policy 500.060, "Psychiatric Services"

SUPERSESSION: MSOP Policy 303.100, "Grievances" 8/6/13.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Grievance Request Form (303.100A)
Grievance Response (303.100B)
Grievance Appeal Form (303.100C)
Grievance Appeal Response – Central Office (303.100D)
Grievance Coordinator Tracking Form (303.100E)
Grievance Appeal Response – Facilities (303.100F)

/s/

Nancy A. Johnston, Executive Director
Minnesota Sex Offender Program