

# CLIENT GRIEVANCES

## Minnesota Sex Offender Program

Issue Date: 5/3/16      Effective Date: 5/3/16      Policy Number: 215-5021

**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.

**AUTHORITY:** Minn. Stat. §144.651 subd. 20

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

**PURPOSE:** To provide an avenue 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.

### 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.

Client Grievance Record – an electronic file maintained by the grievance coordinator to store all submitted grievances and responses.

Electronic Grievance Log – a running electronic 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).

### PROCEDURES:

- A. Notice of the Grievance Process - all clients will be advised of the MSOP internal grievance and appeal process during orientation to the residential unit. (See MSOP Division Policy 210-5100, "Admission to the MSOP.")
- B. Initiating a Formal Grievance
  1. Prior to filing a written grievance, clients will ensure the grievance does not fall under the listed policies having a separate internal review or appeal process:
    - a) MSOP Division Policy 415-5084, "Administrative Restriction Status;"
    - b) MSOP Division Policy 415-5085, "Protective Isolation Status;"
    - c) MSOP Division Policy 420-5230, "Media Possession by Clients;"
    - d) MSOP Policy 303.010, "Client Behavioral Expectations;"
    - e) DCT Policy 125-1000, "Tort Claims;"
    - f) MSOP Division Policy 135-5160, "Accuracy and Completeness Data Challenges;"
    - g) MSOP Policy 500.060, "Psychiatric Services;" or
    - h) MSOP Division Policy 420-5252, "Allowable Items Committee."

2. Prior to initiating a formal grievance request, clients must attempt formal resolution of their concerns by exhausting the entire chain of communication in accordance with MSOP Division Policy 420-5099, "Client Requests."
3. A client or his/her authorized representative(s) may submit a formal grievance to the facility grievance coordinator by submitting a Grievance Request Form (215-5021a, attached). All grievances must be submitted within the parameters outlined on the Grievance Request Form (215-5021a, attached).
4. Clients are encouraged to follow the maltreatment reporting procedures in MSOP Division Policy 210-5058, "Vulnerable Adults" to report alleged client maltreatment.

C. Processing Formal Grievances

1. The facility grievance coordinator will:
  - a) gather client grievance forms and ensure forms are complete and in compliance with conditions listed on the Grievance Request Form (215-5021a);
  - b) determine the appropriate area (residential, Health Services, clinical, etc.) to investigate and address the grievances;
  - c) log grievances into the Electronic Grievance Log and maintain a copy in the Client Grievance Record. (MSOP Grievance Management SharePoint Site);
  - d) return incomplete or inappropriate grievance forms to the client or his/her authorized representative who may revise and resubmit within 60 days of return;
  - e) send the client or their authorized representative a copy of the completed MSOP Grievance Coordinator Tracking Form (215-5021e, attached) including the date grievance was logged and name of the assigned area supervisor/manager assistant director;
  - f) submit the information to the appropriate area supervisor who will:
    - (1) dismiss the grievance;
    - (2) affirm the grievance; or
    - (3) affirm the grievance with modifications;
  - g) log the grievance response into the Electronic Grievance Log, maintain a copy in the client grievance record, and provide the MSOP Grievance Response Form (215-5021b, attached) 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
  - h) if the assigned area supervisor is unable to make a decision within 15 business days, the grievance coordinator may grant the supervisor/manager/assistant director a one-time 10 business day extension, by sending the client or his/her authorized representative written notification of the extension within the first 15 business days.
2. If a client or his/her authorized representative does not receive a decision or extension notice within 15 business days, the grievance is considered dismissed, and the client or his/her

authorized representative may appeal the grievance dismissal to the appropriate facility director or facility clinical director; and

3. 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 concern directly to the facility director, facility clinical director, or designee via a Grievance Request Form (215-5021a). All decisions made on a grievance processed in this manner are final.
4. If a client has received threats to his/her immediate safety or well-being, and can establish he/she would be in danger if the concern were to be known at the facility, the client may submit a concern directly to the MSOP Deputy Director. The client must outline, with specificity, the threat(s).
  - 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 at the central office or returned to the facility for processing through the formal grievance procedure.
  - c) If the Deputy Director determines a client’s immediate safety or well-being would be in danger if the concern 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.

D. Grievance Appeal Process

1. Clients may submit an appeal within 15 business days of the date on the grievance response. The client or his/her authorized representative will submit an appeal using the Grievance Appeal Form (215-5021c), attached) and attach one copy of the grievance and response(s) to the facility grievance coordinator.
2. When processing grievance appeals, the facility grievance coordinator(s):
  - a) determine the appropriate facility/clinical director to investigate and respond to the grievance appeal;
  - b) log the grievance appeal into the Electronic Grievance Log and file a copy in the client grievance record;
  - c) send the client or his/her authorized representative a copy of Grievance Coordinator Tracking Form (215-5021e), attached) including the date the grievance appeal was logged into the Electronic Grievance Log and the facility/clinical director assigned;
  - d) submit the information to the appropriate facility/clinical director who will:
    - (1) dismiss the grievance;
    - (2) affirm the grievance; or
    - (3) affirm the grievance with modifications;
  - e) log and file in the client grievance record a copy of the facility/clinical director’s response and provide the Grievance Appeal Response (215-5021f), attached) with the decision to the client and his/her authorized representative within 15 business days from the date the grievance appeal was entered into the electronic grievance log;

- f) if the facility/clinical director is unable to make a decision within 15 business days the grievance coordinator may grant the facility/clinical director a one-time 10 business day extension by sending the client or his/her authorized representative written notification 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 MSOP Executive Director.
  4. If a client or his/her authorized representative is unsatisfied with the facility/clinical director's appeal response, the client or his/her authorized representative may submit an appeal of that decision (via Grievance Appeal Form, 215-5021c, attached) to the Executive Director within 15 business 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 on the Grievance Appeal Response – Central Office (215-5021d, attached) is final.

**REVIEW:** Annually

**REFERENCES:** MSOP Division Policy 415-5084, “Administrative Restriction Status”  
MSOP Division Policy 415-5085, “Protective Isolation Status”  
MSOP Division Policy 420-5230, “Media Possession by Clients”  
MSOP Policy 303.010, “Client Behavioral Expectations”  
DCT Policy 125-1000, “Tort Claims”  
MSOP Division Policy 135-5160, “Accuracy and Completeness Data Challenges”  
MSOP Division Policy 420-5099, “Client Requests”  
MSOP Division Policy 210-5058, “Vulnerable Adults”  
MSOP Policy 500.060, “Psychiatric Services”

**ATTACHMENTS:** Grievance Request Form (215-5021a)  
Grievance Response (215-5021b)  
Grievance Appeal Form (215-5021c)  
Grievance Appeal Response – Central Office (215-5021d)  
Grievance Coordinator Tracking Form (215-5021e)  
Grievance Appeal Response – Facilities (215-5021f)

**SUPERSESSON:** DCT Policy 215-1020, “Client Grievance and Complaint Process,” 10/6/15.  
 MSOP Division Policy 215-5021, “Client Grievances” issued 4/5/16 and effective 5/3/16.  
 All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

/s/  
 Shelby R. Richardson, Executive Director  
 Minnesota Sex Offender Program