

GRIEVANCE PROCEDURE

MMLA CLIENT GRIEVANCE PROCEDURE

A. PURPOSE

This client grievance procedure is established to assure that clients and potential clients have full access to the services of the organization. It provides an opportunity for review by senior staff members and, when appropriate, by a member of the Board of Directors of complaints by clients dissatisfied with the legal services provided them by an office of Mid-Minnesota Legal Assistance, and of complaints by persons rejected for representation by an office of Mid-Minnesota Legal Assistance.

In accordance with federal program requirements of the Protection and Advocacy for Individuals with Mental Illness Act (PAIMI Act), 42 U.S.C. § 10801, individuals who have received or are receiving mental health services in the state, family members of such individuals, or representatives of such individuals or family members may use this grievance procedure to assure that the Protection and Advocacy system, (the Legal Aid Society of Minneapolis acting through the Minnesota Disability Law Center) is operating in compliance with the PAIMI Act.

B. GRIEVANCE PROCEDURE

1. Posting and Distribution of Policy

- a) A copy of this policy and/or a statement that a copy of this policy will be given to any person who requests it shall be clearly posted in each office established as part of Mid-Minnesota Legal Assistance.
- b) A copy of this policy shall be provided to any person who requests one.
- c) Staff members shall have the responsibility to inform clients, potential clients and family members or representatives of PAIMI-eligible individuals of the grievance procedures when asked or when those persons' statements indicate the desire to pursue some type of grievance procedure.

2. Complaint Process

- a) Any person denied legal assistance, with complaints about legal assistance, or with concerns about the PAIMI program shall be provided an opportunity to discuss their concerns in person or by phone with the appropriate Supervising Attorney or Deputy Director. The meeting or discussion should take place as soon as possible, but within no more than three (3) business days of the complaining party's request.

- b) In the event that the complaint is not resolved within a maximum of five (5) business days after the discussion or meeting, the complaining party shall be provided with the name of the Executive Director. The complaining party shall, if at all possible, be provided an informal conference with the Executive Director within five (5) business days.
- c) In the event that the complaint is not resolved within three (3) business days of the conference with the Executive Director, the Executive Director shall, if requested to do so by the complaining party, arrange an opportunity for the complaining party to submit a complaint to the President of the member corporation's Board of Directors. The complaint to the Board President must be in writing and must be received by the office involved or by the President of the member corporation's Board within ten (10) business days of the final meeting or discussion with the Executive Director seeking an informal resolution of the issue. If requested, office staff shall transcribe a statement dictated by the complaining party.
- d) Any person requesting a hearing before the Board must execute a form authorizing disclosure to the Board of information from his or her file and waiving the attorney-client privilege for purposes of the grievance proceeding. Client confidentiality will be protected in the grievance proceeding.
- e) A grievance shall be heard by a Board member designated by the President of the Board of Directors of one of the member corporations of Mid-Minnesota Legal Assistance. Where the grievance concerns the Minnesota Disability Law Center (MDLC), the President of the Legal Aid Society of Minneapolis (LASM) Board shall designate a member of the LASM Board MDLC Oversight Committee.
- f) The hearing must be held within ten (10) business days of the receipt of the complaint by the Board President. At the hearing before the Board member, the complaining party may:
 - i) be represented by an attorney or any other person,
 - ii) present witnesses,
 - iii) present written statements and affidavits,
 - iv) cross-examine any witnesses, and
 - v) argue the case orally or submit a written statement after the hearing.

- g) The Board member shall:
 - i) allow the staff persons involved to present information and argument about the issues,
 - ii) record the hearing by tape recorder,
 - iii) conduct closed hearings and determine who may be in attendance in an effort to maintain confidentiality,
 - iv) conduct the hearing in an informal manner but as consistent as possible with procedures followed in disputed matters under the Minnesota Administrative Procedure Act,
 - v) provide the complaining party, the staff person or persons involved, the appropriate Supervising Attorney or Deputy Director, the Executive Director, and the President of the local Board of Directors with written findings with respect to the complaint. These findings shall be issued within five (5) business days after the hearing concludes.
- h) Referral to MAAA
 - i) If after completion of the MMLA Grievance Procedure, any client receiving services through MMLA's grant with the MAAA will be notified of their right to appeal directly to the MAAA.

3. **Records of Complaints**

In each instance in which a complaint is considered pursuant to this policy, copies of all written documents relating to the complaint and copies of summaries of conversations or meetings shall be maintained on file at the office involved and also submitted to the Executive Director.

At least once a year the Board will receive a report describing grievances received and processed and their resolution. The PAIMI Advisory Council will at least annually receive a report describing PAIMI-related grievances.