



MT Council on Developmental Disabilities

Policy # 2.10

Adopted June 19, 2008

COMPLAINT AND DISPUTE RESOLUTION PROCEDURE

What is a complaint?

It goes without saying that conflicts and disagreements will occur between people. It is the Council's intent that such conflicts be worked out on a one-to-one, individual basis, with the help of a mediator, if necessary.

The Council acknowledges that sometimes such conflicts cannot be worked out, even given the good faith of the parties. A party may still seek resolution if the conflict or disagreement rises to the level of a complaint.

A complaint which comes before the Council must be based on facts which allege a violation of federal law (e.g., the ADA or the DD Act), state law or authority or Council Policy.

For example, a complaint is not simply a disagreement between two parties (i.e., one person thinks another talks too much at a meeting.) A complaint is more serious in nature (i.e., one feels that reasonable accommodation is not provided to allow him/her to participate fully at the meeting.)

Procedure

Any member may make a complaint to the Council offices. The Complaint shall be written or recorded and delivered to the Council offices through the US mail. The complaint shall include information regarding an alternative format for communication if there is such a need. The request for an alternative format will be honored by the Council, unless it constitutes a financial hardship as defined in the Americans with Disabilities Act.

Within ten (10) working days of receipt of the complaint the Executive Director shall acknowledge in writing or alternative format if requested, receipt of the complaint to the person filing the complaint.

The Executive Director shall begin the investigation by consulting with Council Legal Counsel to determine any potential legal issues. The Executive Director shall then outline a proposed "Course of Action" for Council Governance Committee consideration.

At the next scheduled Council Governance Committee meeting the "Course of Action" plan will be presented. The Governance Committee shall accept or modify the "Course of Action". Upon the Governance Committee reaching agreement, the Governance Committee shall present the "Course of Action" to the parties and seek their mutual agreement.

Once agreement is reached, the Governance Committee Chair shall order the "Course of Action" implemented.

The "Course of Action" shall at a minimum, contain a timeline, a date when resolution is expected, who is to be involved, how information is to be collected, due process procedures for the parties and the format to be used to present the final report.

The Governance Committee, when examining the complaint, shall conduct all sessions in Executive Session.

All actions shall be consistent with existing policy, if such exists pertaining to the area in question. In some cases, the Committee may refer the complaint to the properly appointed authority in accordance with state law.

A report shall be presented by the Governance Committee consistent with the timeline in the course of action. If the Committee is called upon to make a determination, the members shall consider the grounds of the complaint and the facts of the case as presented by both parties. Once the committee has rendered its decision, it shall be transmitted to all parties concerned within ten working days after the meeting.