
Policy Number: 303.100
Title: Grievance Procedure
Effective Date: 9/3/19

PURPOSE: To provide an administrative process through which offenders can seek formal review by management level staff of issues related to their own confinement and to ensure department policies are correctly interpreted and applied to them in an effort to resolve problems and issues at the facility level.

APPLICABILITY: All staff in DOC adult facilities; all adult offenders in facilities operated by, or under contract for, the Minnesota Department of Corrections (DOC)

DEFINITIONS:

Behavioral Health Services Grievance Authority – associate directors of behavioral health

Department Grievance Appeal Authority – the deputy commissioner of the facilities services division or designee, or the health services director

Executive level staff – for the purposes of this policy, warden, associate warden, or captain

Facility Chain of Command – a list of facility staff to whom offenders must address their concerns prior to filing a facility grievance. The chain of command for any particular issue must not exceed three levels.

Facility Grievance Authority – the warden or associate warden assigned responsibility for investigation of, and response to, offender grievances

Facility Grievance Coordinator – a staff person assigned responsibility for processing and retaining documentation relating to offender grievances

Health Service Grievance Authority – director and associate directors of nursing

Kite – form used by offenders to make requests or communicate with facility staff. (See Policy 303.101, “Kites/Communication”)

PROCEDURES:

A. General Requirements

For all steps in this facility grievance procedure, an offender:

1. Must use forms provided by the department and, if necessary, one side of one additional 8½ x 11 inch page, to describe a single issue or complaint and propose a specific resolution, and must attach all kites following the chain of command and responses and any other relevant documents;
2. May not file facility grievances about issues for which there is a separate review or appeal process that is identified as the “final decision,” including such examples as:
 - a) Policy 303.090, “Offender Property and Assigned-Duty Injury Claims;”
 - b) Policy 202.100, “Classification System;”
 - c) Division Directive 204.010, “Offender Assignment and Compensation Plan;”
 - d) Policy 303.010, “Offender Discipline” (except the procedure outlined in Offender Discipline Regulation #510, “Mandated Treatment Failure/Refusal”);

- e) Policy 106.114, “Hearings for Adult Offenders;”
- f) Policy 303.015, “Informal Sanctions;”
- g) Policy 302.020, “Mail” (Procedure K “appeal of unallowable offender mail and O-mail” and Procedure N “centralized review of subscribed magazines and periodicals”);
- h) Division Directive 302.022, “Offender/Resident Kiosk Services;”
- i) Policy 302.100, “Visiting;”
- j) Division Directive 500.308, “Chemical Dependency Assessment and Programming;”
- k) Policy 203.013, “Sex Offender and Chemical Dependency Treatment Directives – Adult Facilities;”
- l) Policy 204.060, “Challenge Incarceration Program – Phase I;”
- m) Policy 301.088, “Restrictive Housing Step-Down Management Program;”
- n) Policy 301.085, “Administrative Segregation;” and
- o) Policy 202.057, “Sexual Abuse/Harassment Prevention, Reporting, and Response.”

3. May obtain assistance from another offender or facility staff in preparing a grievance. However, no person other than the offender may submit a facility grievance or grievance appeal on an offender’s behalf.

B. Informal Resolution

The first steps offenders must take to resolve issues related to their confinement is to send kites to the staff person(s) responsible for whatever program, service, or condition is involved, as indicated on the Facility Chain of Command. Staff must respond to offender kites in accordance with Policy 303.101, “Kites/ Communication.”

C. Facility Grievances

The next step offenders must take to resolve issues related to their confinement is to submit a facility grievance.

1. Responsibilities

- a) The warden at each facility is responsible for implementation of the grievance procedure and for processing and tracking all facility grievances.
- b) The warden, or an associate warden designated by the warden, is the facility grievance authority for all facility grievances that do not involve health services issues.
- c) The director and associate directors of nursing are the facility grievance authorities for grievances that involve medical, dental or nursing care issues and the associate directors of behavioral health services are the grievance authorities for any behavioral health care issues. The director and associate directors of nursing or associate directors of behavioral health must consult with appropriate practitioners on matters that are outside the scope of their licenses.
- d) The warden may also designate a facility grievance coordinator to assist with processing and tracking all facility grievances.
- e) To ensure offenders are aware of, and can comply with, this policy, information about this policy is included in the DOC Offender Handbook, and in reception orientations at MCF-St. Cloud and MCF-Shakopee. Facility grievance authorities must ensure the following is provided to offenders:

- (1) Information about this policy in the facility-specific Offender Handbook and at facility orientation;
- (2) Forms with instructions for all steps in this grievance procedure and a current Facility Chain of Command in every living unit; and
- (3) Information communicated orally and in writing and conveyed in a language easily understood by an offender.

2. Filing Facility Grievances

Offenders who, in good faith, are unable to informally resolve an issue or complaint, for which there is no review or appeal procedure provided in another department policy, may submit a facility grievance.

- a) Offenders must submit a facility grievance to the facility grievance coordinator within 30 calendar days of when the issue most recently occurred and no sooner than seven calendar days of when they sent a kite trying to resolve the issue. If the response has been received from the last staff person identified on the Facility Chain of Command, the offender can proceed with filing the grievance.
- b) Offenders who have received threats to their physical safety or well-being, or who can establish that they would be in danger if their complaint were to be known at the facility, may submit their facility grievance on the Facility Grievance form directly to the department grievance appeal authority at central office in a sealed envelope marked "Special Mail."

3. Responding to Facility Grievances

a) Acceptance and Tracking

The facility grievance coordinator must date stamp each facility grievance and:

- (1) If it is not complete as submitted, must return it and any attachments to the offender with instructions about how to properly complete the form or what additional documentation is required.
- (2) If the grievance does not appear to meet the filing requirements of this policy, prior to rejecting the grievance, consult with the facility grievance authority to determine if the grievance should be accepted or returned to the offender with an explanation of the correct process for addressing the issue or instructions that the offender has already received a final decision on the issue.
- (3) If the grievance is returned to the offender, must retain a copy of the documents submitted by the offender and any other relevant information.
- (4) If the grievance is complete and accepted for filing, must:
 - (a) Refer it to the appropriate grievance authority and notify the offender that the facility grievance has been accepted and the response will be sent within 21 calendar days, or that an extension is required and the response will be ready within 42 calendar days;
 - (b) Enter it in the COMS grievance database, including a summary of the grievance and relief requested; and
 - (c) Retain a copy of the documents submitted by the offender and any other relevant information.

- b) Investigating
 - (1) The facility grievance authority may either:
 - (a) Investigate the facility grievance; or
 - (b) Assign an executive level staff person to investigate, as long as a facility grievance is not investigated by the staff person alleged to be involved. Nor can a staff person be assigned to investigate their own supervisor.
 - (2) Facility grievances must be investigated thoroughly and supported by documents or notes that are sufficiently detailed, including the name and title of anyone interviewed and the date on which the information was provided.
- c) Preparing responses
 - (1) The staff person who investigates a facility grievance must submit a draft response to the appropriate facility grievance authority in a timely manner.
 - (2) Responses must:
 - (a) State the decision and the reasons for the decision;
 - (b) Respond completely to the concerns raised in the facility grievance;
 - (c) Be accurate and factual, and contain no extraneous information; and
 - (d) Be written to demonstrate the facility grievance was given due consideration.
 - (3) Within 21 calendar days (or within 42 calendar days if the offender was given notice of an extension) of the date the facility grievance was logged into the facility grievance database, the facility grievance coordinator must:
 - (a) Send the offender a copy of the decision and the offender's original supporting documents;
 - (b) Return the facility grievance and all documents that were submitted with the facility grievance; and
 - (c) Log the decision into the COMS grievance database and retain all related documents manually or electronically in accordance with the retention schedule.
- 4. If the offender is not notified of the decision within 21 calendar days of the date the facility grievance was logged into the database as accepted, or within 42 calendar days, if the offender received notice of an extension, the offender may consider the facility grievance denied and the offender may submit a grievance appeal immediately.
- 5. If the offender has been released during this process, the facility grievance coordinator must send the response to the offender's address, if known.

D. Grievance Appeals

The final step in the offender grievance process is to submit a grievance appeal.

- 1. Responsibilities and General Requirements
 - a) The deputy commissioner of the facilities services division or designee is the department's grievance appeal authority and is responsible for final decisions on grievance appeals that do not involve health or behavioral health services issues. The deputy commissioner or designee also designates a central office staff person to assist with handling and tracking all grievance appeals.

- b) The department's health services director is the grievance appeal authority and is responsible for final decisions on grievance appeals that involve medical, dental, nursing, or behavioral health issues, but must consult with licensed practitioner(s) regarding matters that include medication prescribing, clinical matters, or treatment decisions.

2. Filing Grievance Appeals

Offenders who are not satisfied or disagree with the response from the facility grievance authority may submit a grievance appeal to the grievance appeal authority at central office using grievance appeal forms (attached), in compliance with instructions, and within the time periods allowed.

- a) Offenders must submit grievance appeals by U.S. mail to the grievance appeal authority within 21 calendar days of the date the facility grievance authority signed the response.
- b) A grievance appeal must include:
 - (1) A grievance appeal form and, if necessary, one side of one additional 8½ x 11 inch page to explain the reason for the appeal; and
 - (2) A list of all the documents that were submitted with the facility grievance.

3. Responding to grievance appeals

- a) Acceptance and tracking grievance appeal

The grievance appeal authority's designated staff person must date stamp each facility grievance appeal and:

- (1) If it is not complete as submitted, must return it and any attachments to the offender with instructions about how to properly complete the form and instructions.
- (2) If the grievance appeal is returned to the offender, must record it with the date received, offender name and OID, grievance number, deficiency, and date returned to the offender, and must retain a copy of the documents submitted by the offender and any other relevant information.
- (3) If the grievance appeal is complete and accepted for filing, must:
 - (a) Log the grievance appeal into the COMS grievance appeal database;
 - (b) Contact the facility grievance coordinator to request the record of the facility grievance, which includes any documents submitted by the offender and any other documents considered in making the facility grievance decision;
 - (c) Send the offender written notice of the date the grievance appeal was logged; and
 - (d) Forward the grievance appeal to the appropriate grievance appeal authority to review and decide the grievance appeal.

- b) Reviewing facility grievance investigation and decision.

The grievance appeal authority must:

- (1) Review the grievance appeal and other documents submitted to determine whether a 21-calendar-days extension is necessary and, if so, notify the offender of the extension within the first 21 calendar days;

- (2) Review or assign another staff person to review the appeal and the entire record of the facility grievance, including the investigation, any relevant documents, and the decision;
 - (3) Conduct any additional investigation that is necessary;
 - (4) Make the final decision to:
 - (a) Affirm the facility grievance decision;
 - (b) Affirm the facility grievance decision with modifications; or
 - (c) Reverse the facility grievance decision; and
 - (5) Write, or assign another staff person to write, the grievance appeal response that explains the final decision.
- c) Notifying the offender of the decision
The grievance appeal authority's designated staff person must:
- (1) Enter the appeal decision into the grievance database;
 - (2) Send the offender a copy of the decision and return all documents submitted by the offender with the grievance appeal within 21 calendar days from the date the appeal was logged into the grievance appeal database, or within 42 calendar days, if the offender was notified of an extension ; and
 - (3) Scan all documentation of grievance appeals into an electronic database to be maintained according to appropriate retention schedules.
- d. Effect of decision
If the offender does not receive a decision within 21 calendar days of the date the grievance appeal was logged into the database, or within 42 calendar days if the offender received notice of an extension, the offender may consider the original grievance decision affirmed and final, and administrative remedies exhausted.
4. If the offender has been released during this process, the grievance appeal authority's designated staff person must send the response to the offender's address, if known.

INTERNAL CONTROLS:

- A. Facility grievances and grievance appeals are logged into COMS and retained in their respective grievance databases.
- B. Copies of the facility grievances and all supporting materials are retained by the facility grievance coordinator, in paper form or electronically, according to the facility grievance retention schedule.
- C. Grievance appeals are retained by the central office grievance appeal authority, in paper form or electronically, in accordance with the appropriate retention schedule.

ACA STANDARDS: 4-4284, 4-4344, 4-4394, 4-4446, 1-ABC-1E-02, 1-ABC-3D-08, 1-ABC-5D-06, 2-CO-3C-01

REFERENCES: Minn. Stat. §§ [241.01](#) & [243.56](#)
[42 U.S.C. § 1997e](#) (Prison Litigation Reform Act)
[Policy 106.114, "Hearings for Adult Offenders"](#)
[Policy 202.057, "Sexual Abuse/Harassment Prevention, Reporting, and Response"](#)

[Policy 202.100, "Classification System"](#)
[Policy 203.013, "Sex Offender and Chemical Dependency Treatment Directives – Adult Facilities"](#)
[Division Directive 204.010, "Offender Assignment and Compensation Plan"](#)
[Policy 204.060, "Challenge Incarceration Program – Phase I"](#)
[Policy 301.085, "Administrative Segregation"](#)
[Policy 301.088, "Restrictive Housing Step-Down Management Program"](#)
[Policy 302.020, "Mail"](#)
[Division Directive 302.022, "Offender/Resident Kiosk Services"](#)
[Policy 302.100, "Visiting"](#)
[Policy 303.010, "Offender Discipline"](#)
[Policy 303.015, "Informal Sanctions"](#)
[Policy 303.090, "Offender Property and Assigned-Duty Injury Claims"](#)
[Policy 303.101, "Kites/ Communication"](#)
[Division Directive 500.308, "Chemical Dependency Assessment and Programming"](#)

REPLACES: Policy 303.100, "Grievance Procedure," 3/5/19
All facility policies, messages, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: [Facility Grievance](#) (303.100B)
[Grievance Appeal](#) (303.100C)
[Chain of Command template](#) (303.100D)
[Grievance Cover Letter template](#) (303.100E)

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