

TEXAS CIVIL COMMITMENT OFFICE



POLICY AND PROCEDURE

NUMBER: 3.7
EFFECTIVE DATE: 06/09/2020
SUPERCEDES: 10/01/2019

SUBJECT: CLIENT GRIEVANCE PROCEDURES

PURPOSE: Clients of the Texas Civil Commitment Office (TCCO) have the right to file grievances. Grievance procedures exist to promote awareness and positive intervention between staff, treatment providers, and clients to identify and resolve issues at the lowest possible level.

POLICY: An effective grievance program demonstrates the commitment of TCCO to solving client problems in an expedient and fair manner. A grievance mechanism offers clients an avenue to express frustrations without confrontation and encourages clients to build positive problem-solving and critical thinking skills by requiring an attempt at informal resolution and a proposed resolution. Further, grievances provide TCCO with insight into operations and are a valuable self-monitoring tool.

DEFINITIONS:

“**Grievance,**” for the purpose of this policy, is a written complaint.

“**Emergency Grievance**” involves an immediate threat to the welfare or safety of a client. Emergency grievances may involve issues such as: abuse, neglect, exploitation, health or safety issues.

PROCEDURES:

I. Grievance Requirements

A. Who May Grieve

1. A client may file a grievance on his own behalf.
2. A client may not file a grievance on another client’s behalf.

B. Grievable Issues

1. Issues with the treatment received by the client;
2. Issues with the client’s Treatment Provider;
3. Issues with the client’s Case Manager;
4. Problems occurring at the client’s assigned residence or facility after exhausting grievance procedures through the contracted service provider; and
5. Issues related to TCCO policies and procedures.

C. Non-Grievable Issues

1. State and federal court decisions, laws, and regulations;
2. Matters for which other formal appeal mechanisms exist; and
3. Matters beyond the control of TCCO, such as parole decisions.

D. Pre-Grievance Procedures

1. All clients shall be provided with the “Notice of Right to File a Grievance” form TCCO-11-16A and a copy of this policy by a Case Manager upon arrival to the Texas Civil Commitment Center (TCCC) explaining the TCCO grievance procedures.
2. Prior to filing a grievance, a client must attempt informal resolution.
3. The client must discuss the issue directly with the individual with whom the client has an issue and their respective supervisor.
4. A client may only file a formal grievance if informal resolution has been attempted and was unsuccessful. A client whose grievance concerns his assigned Case Manager may speak to the Unit Supervisor if the client is uncomfortable addressing the issue with his assigned Case Manager.
5. A client may only file a grievance regarding a problem occurring at the client’s assigned residence or facility if the client has already gone through all grievance procedures available to him through the facility or residence.

E. Frequency

1. Clients shall not submit more than five (5) grievances during a calendar month.
2. If additional grievances are received they shall be reviewed but not processed unless the grievance is an Emergency Grievance.

F. Misuse of the Grievance Procedures

1. Clients who do not use the Grievance Procedures in good faith and in an honest and straightforward manner may have their grievances rejected.
2. Grievance restrictions may be imposed for repeated or egregious violations of policy. A client subject to such a restriction shall be notified in writing.

II. Preparing a Step 1 Grievance

A. Format

1. Clients shall submit Step 1 Grievances using form TCCO-11-16D, copies of which are provided for clients in the dorms at the TCCC or can be obtained from TCCO Case Managers.
2. Clients shall use a separate form for each issue presented.

B. Information to be Included

1. Each Step 1 Grievance shall include a detailed description of the alleged issue, including the following information:
 - a. The date, time and name of the person(s) involved;
 - b. A list of any potential witnesses, including contact information;
 - c. The location of the alleged issue; and
 - d. Any other relevant information.
2. The client shall provide a recommendation as to how the issue can be resolved.
3. The grievance shall be submitted on a TCCO Step 1 Grievance form with up to one additional page, if necessary to state the grievance. A client may attach relevant

documents or witness statements when submitting a Step 1 Grievance. The original grievance and any attached documents will not be returned to the client.

C. How to Submit a Step 1 Grievance

1. Each Step 1 Grievance must be submitted within fifteen (15) calendar days from the occurrence of the alleged issue or fifteen (15) calendar days after exhausting facility grievance procedures, whichever is later.
2. The client shall submit the original written Step 1 Grievance and any attachments to TCCO by sending the grievance and any attachments to TCCO via regular mail to the following address:

Texas Civil Commitment Office
4616 West Howard Lane, Building 2, Suite 350
Austin, TX 78728

III. TCCO Review of Step 1 Grievances

A. Grievance Intake

1. Upon receipt of a Step 1 Grievance by the TCCO central office, the Administrative Assistant IV shall stamp the grievance with the date received.
2. Within one (1) working day, the Administrative Assistant IV shall scan the grievance and any attachments into the client's profile on the case management automated system.
3. The Administrative Assistant IV shall maintain the Grievance Log on form TCCO-11-16C on SharePoint for tracking purposes and statistical information on grievances being filed.
4. Upon scanning the grievance, the Administrative Assistant IV shall notify the Operations Specialist the grievance is available for investigation by sending an email with the scanned grievance.

B. Grievance Screening Criteria

1. The Operations Specialist shall conduct an initial screening of the grievance within two (2) working days of notification by the Administrative Assistant IV.
2. Grievances that do not meet the following established criteria may be returned without being processed if:
 - a. The issue presented is not a grievable issue;
 - b. The grievance has been submitted without exhausting all grievance procedures available through contracted service providers;
 - c. Grievable time period has expired;
 - d. There is no documented attempt at informal resolution;
 - e. The grievance fails to state requested relief;
 - f. The grievance presents multiple issues;
 - g. The grievance is redundant and has already been presented in a separate grievance;
 - h. The grievance presents the malicious use of vulgar, indecent, or physically threatening language;
 - i. The text is illegible or incomprehensible;
 - j. The grievance is inappropriate such that it requests monetary damages or any form of disciplinary action against staff;
 - k. The grievance contains inappropriate or excessive attachments; or

1. The client has submitted in excess of five (5) grievance's during the calendar month.
3. A client may correct and resubmit a grievance within fifteen (15) calendar days from the date the unprocessed grievance is returned to the client.

C. Step 1 Grievance Investigator

1. The Operations Specialist shall act as the Step 1 Grievance investigator and investigate all Step 1 Grievances written by clients within thirty (30) calendar days of receipt.
2. In the event that a Step 1 Grievance concerns the Operations Specialist or the Operations Specialist is unavailable, the Director of Program Operations shall assign an alternate staff member to investigate the grievance and prepare a response.

D. Step 1 Investigation

1. The Step 1 Grievance Investigator shall make a reasonable inquiry into the subject matter of the grievance to determine its veracity.
2. The Step 1 Grievance Investigator may interview witnesses, review the client's progress reports and other documentation, speak with the client's Case Manager or Treatment Provider, and make any other reasonable inquiry deemed necessary to fully respond to the grievance.

E. Step 1 Response Format and Deadline

1. Within thirty (30) calendar days of receipt of the Step 1 Grievance, the Step 1 Grievance Investigator shall prepare a written response addressing all aspects of the grievance. A fifteen (15) calendar day extension may be granted by the Director of Program Operations with a Grievance Extension Notification form TCCO-11-17F provided to the client with the final response due date.
2. The Step 1 Grievance response shall be written on the Grievance Response Form TCCO-11-16B.
3. The response shall be provided to the client via certified mail, return receipt requested with a copy to the client's Case Manager and the client's Treatment Provider.

IV. Appeal – Step 2 Grievances

A. Client Deadline

1. A client who is not satisfied with the original grievance response may appeal by filing a Step 2 Grievance.
2. The client shall submit the Step 2 Grievance using the Step 2 Grievance form TCCO-11-17E, copies of which are available for clients in the dorms at the TCCC or can be obtained from TCCO Case Managers.
3. A client may attach relevant documents or witness statements when submitting a Step 2 Grievance. The original grievance and any documents attached will not be returned to the client.
4. Step 2 Grievances must be submitted, as evidenced by United States Postal Service postmark, within fifteen (15) calendar days of receipt of the Step 1 Grievance response.

B. Process

1. Step 2 Grievances shall be made in writing and include a copy of the Step 1 grievance and the response.
2. Step 2 Grievances shall be submitted to TCCO via regular mail to the following address:

Texas Civil Commitment Office
4616 West Howard Lane, Building 2, Suite 350
Austin, TX 78728

C. Step 2 Grievance Intake

1. Upon receipt of a Step 2 Grievance by the TCCO Central office, the Administrative Assistant IV shall stamp the grievance with the date received.
2. Within one (1) working day, the Administrative Assistant IV shall scan the grievance and any attachments into the client's profile on the case management automated system.
3. Upon scanning the grievance, the Administrative Assistant IV shall provide the grievance to the Step 2 Responding Authority as set forth within this policy.

D. Step 2 Responding Authority and Investigation

1. The Civil Commitment Manager (CCM) shall be the Responding Authority for responses to a Step 2 Grievance, with the following exceptions:
 - a. The Executive Director delegated an alternate Responding Authority; or
 - b. The Step 2 Grievance involves the CCM, in which case the Director of Program Operations or designee shall respond.
2. Upon receipt of a Step 2 Grievance, the Responding Authority shall determine whether the Step 2 grievance was timely submitted.
3. If the Step 2 Grievance was timely submitted, the Responding Authority shall review the Step 1 Grievance, any attachments and any investigative materials created by the Step 1 Grievance Investigator.
4. The Step 2 Responding Authority may make any reasonable inquiry that is determined to be appropriate.

E. Step 2 Response Format and Deadline

1. The Responding Authority shall prepare a final, written Step 2 Grievance response within thirty (30) calendar days of receipt of the Step 2 Grievance. A fifteen (15) calendar day extension may be granted by the Director of Program Operations with a Grievance Extension Notification form TCCO-11-17F provided to the client with the final response due date.
2. The Step 2 Grievance response shall be written on the Grievance Response Form TCCO-11-16B.
3. The Step 2 Grievance response shall be provided to the client via certified mail, return receipt requested with a courtesy copy to the Step 1 Grievance Investigator, client's Case Manager, and client's Treatment Provider.
4. A Step 2 Grievance response is final and is not appealable.

V. Grievance Files

- A. The Step 1 Grievance, any attachments, Step 1 response, Step 2 Grievance, any attachments, and Step 2 response shall be scanned to the client's profile on the case

management automated system within two (2) working days of completion by the Administrative Assistant IV.

- B.** A hard copy of the grievance file, including all work-product such as interview notes and investigative materials, shall be maintained in the TCCO Central Office in accordance with approved records retention policies.

SIGNATURE ON FILE

Marsha McLane
Executive Director

Associated Forms:

- Notification of Right to File a Grievance, TCCO-11-16A
- Grievance Response Form, TCCO-11-16B
- Grievance Log, TCCO-11-16C
- Step 1 Grievance Form, TCCO-11-16D
- Step 2 Grievance Form, TCCO-11-17E
- Grievance Extension Notification, TCCO-11-17F