

Disability Rights Center of Kansas

Grievance Procedure

Your Right To File a Grievance

You may file a grievance if you believe the Disability Rights Center (DRC) of Kansas:

- Did not provide you with effective or appropriate service
- Did not provide you with the level of advocacy or legal assistance you wanted (including but not limited to declining legal representation for your case)
- Did not follow its own policies or procedures
- Is not following federal Protection and Advocacy laws

DRC will help anyone with a disability who asks for help. However, due to limited funding, DRC's assistance may be limited to providing information/referral, legal or other advice, or answering your legal question. Due to limited funding and time constraints, it is not always possible for DRC to provide the level of service you requested or wanted.

The following are the levels of disability rights service DRC provides to Kansans with disabilities. DRC will provide at least one of these levels of service to every qualified Kansan with a disability who contacts us about a disability rights issue. However, the level of service DRC provides you with may be different than what you request. That is because DRC typically serves over 2,000 Kansans a year, however, when fully funded and staffed, DRC only has around 24 staff members. Therefore, DRC cannot provide the level of service requested by every Kansans with a disability. All of DRC's services are free of charge. DRC's disability rights services are:

Information and Referral – If we can't help you, we will try to find someone who can.

Self-Advocacy Assistance – DRC may give you legal or other advice and support to help you advocate for yourself to try resolve your issue.

Advocacy – A DRC advocate may help you get what you need by advocating on your behalf with a third party.

Legal Representation / Litigation – When resources allow and the legal merits of the case are favorable to obtain a positive result, a DRC attorney may represent a Kansan with a disability if their disability rights are violated under state or federal law (examples include the Americans with Disabilities Act, Section 504, Medicaid Act, Fair Housing Amendments Act, etc.). However, given DRC's limited budget, we can only provide legal representation of litigation services to a small fraction of the 2,000 Kansans with disabilities who contact us for help.

DRC follows all federal and state laws and does not discriminate in any of its services. Pursuant to federal and state laws and State of Kansas Executive Order No. 19-02, DRC is dedicated to treating all people respectfully and that all individuals have the right to participate regardless of race, color, religion, ancestry, national origin, ancestry, age, gender, disability, marital or family status, religion, military discharge status, veteran status, genetic information, political affiliation, etc.

Who Can File a Grievance?

You can file a grievance if you are:

- A qualified person with a disability who is a client or prospective client of DRC's services
- A qualified legal representative for a client or prospective client, like the parent of a minor child or a court-appointed Guardian.

Is My Grievance Confidential?

All individuals at DRC involved in reviewing your grievance will keep your information confidential and will not disclose it to others outside of DRC, as per federal law.

How To File a Grievance:

DRC tries to address any grievances by talking with you about your concerns. If you are not satisfied with the response you get, however, we offer additional levels for escalating your grievance.

Step 1: Communicate with the Person Handling your Case

If you are dissatisfied with the services you have received from DRC, we ask you first to discuss your concerns with the DRC staff member you are working with (like the Advocate or Attorney assigned to your service request), giving them a chance to address the problem. Note: if you are not comfortable or able to talk to them, you may discuss your concerns with their supervisor.

Step 2: Fill Out the DRC Grievance Form

If you are not satisfied with the response from the staff member or the supervisor in Step 1, you may file a formal grievance. To do this, you will need to fill out and submit the attached DRC Grievance Form. If needed, DRC may provide disability accommodations for the grievance and any applicable steps or appeals.

After we receive your grievance form, a DRC Managing Attorney will investigate your concerns and may contact you for more information. The DRC Managing Attorney will provide a decision in writing within 30 days of receiving your grievance (or within 30 days of receiving the last of any information they requested from you). Their response will explain the reasons for their decisions, and/or what they are going to do to resolve your concerns.

Step 3: Appeal Your Grievance to the Executive Director

If you are not satisfied with the response from the Managing Attorney, you may appeal to the Executive Director within 30 days. This appeal should be in writing, or other reasonably accommodated means, and explain your disagreement with the DRC Managing Attorney's response. If you are appealing a denial of service, access to DRC's services, or the level of service DRC provided you, please provide in detail specifically why you disagree with the Managing Attorney's decision. For example, if you believe your case should be accepted for representation, but DRC declined to provide representation, please provide any additional facts and information that you believe would support accepting your case for representation.

Important Note: when you submit an appeal to the Executive Director, you must also sign the attached waiver for the Executive Director to have access to your confidential client file to respond to your Grievance appeal. Typically, only attorneys and advocates have access to your client file at DRC. Therefore, for the Executive Director to review your grievance and information/files, you must sign this waiver.

The Executive Director may ask you additional questions and investigate further. The Executive Director will provide a decision in writing within 30 days of receiving your appeal (or within 30 days of receiving the last of any information they requested from you).

For any aspect of your Grievance that involves a customer service complaint, or DRC personnel matter, then the Executive Director is the final reviewer of that portion of your Grievance. You may still appeal the portion of your Grievance that concerns denial of services, access to services, level of service provided, etc.

Step 4: Appeal Your Grievance to the Board of Directors

If your Grievance is about a denial of service, access to services, level of service provided, or DRC's compliance with federal laws/rules, you have the right for a final appeal to the DRC Board of Directors. This appeal should be submitted in writing, or other reasonably accommodated means, within 60 days of the Executive Director's response, and explain why you disagree with it.

Important Note: when you submit an appeal to the Board of Directors, you must also sign the attached waiver for the Board to have access to material in your confidential client file to respond to your Grievance appeal. Typically, only attorneys and advocates have access to your client file at DRC. Therefore, for the Board of Directors to review your grievance and information/files, you must sign this waiver.

The Board President, or someone they appoint, may ask you additional questions and investigate further. They will consider all the information you've provided in your original grievance and appeals. If your written appeal arrives at least three weeks prior to the next regularly scheduled meeting of the DRC Board of Directors, the full Board will review and consider your written appeal at that next regularly scheduled board meeting. The Board typically meets the final Friday in March, June and September, and the second Friday in December. If your written appeal arrives less than three weeks prior to the next regularly scheduled Board meeting, the Board may either review your appeal at the next subsequent Board meeting (to allow time for the full Board to effectively consider your appeal) or they may assign your appeal to the Executive Committee of the Board of Directors to decide your appeal. The Executive Committee is made up of the Board President, Vice-President and Secretary/Treasurer. After a decision has been made, you will receive a response in writing from the Board President or their designee within 30 days of the decision.

There are no appeals above the Board of Directors.

DRC Kansas Client Grievance Form

214 SW 6th Ave., Suite 100

Topeka, Ks 66603

www.drckansas.org | info@drckansas.org

785-273-9661

877-776-1541

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

E-mail: _____

What is your relationship to the grievance issue? Please mark one:

☐ I am a client or prospective client or DRC

☐ I am the legal representative (parent of a minor child or guardian) of a client or prospective client.

If you marked you are the “legal representative,” please provide what type of legal representative you are below (guardian, parent of a minor child under 18 years old, etc.). If you are a guardian, please provide the date of the court order granting you guardianship, and which court granted it.

If you are a legal representative for the client or prospective client, explain how you are a legal representative:

If you are court-appointed guardian, please provide the date of the court order granting you guardianship and which court granted it:

What best describes your complaint or grievance? (choose one)

☐ Denial of Service / Access to Services – You requested disability rights services from DRC but were told you were not eligible for help, you were denied a requested service from DRC, you were provided a lower level of service than you wanted, or you were receiving help from DRC that ended or further help was denied for reasons with which you disagree. Under this category, you can also file a grievance if you believe that you did not have full access to the services of the DRC’s Protection and Advocacy program.

☐ Failure to comply with federal laws that created the Protection and Advocacy System (systemic grievance)

(Please continue to next page.)

Please Describe Your Grievance or Complaint (attach additional pages if necessary):

Please send this completed Grievance Form to DRC Kansas via postal mail and/or email. We strongly recommend you file your Grievance by BOTH postal mail and email.:

To File your Grievance by Postal Mail:
DRC Kansas
Attn: GRIEVANCE
Disability Rights Center of Kansas
214 SW 6th Ave., Suite 100
Topeka, Ks 66603

To File your Grievance by Email:
info@drckansas.org
AND additionally email the DRC Attorney you are working with on your service request

Please note that under federal law, DRC must keep your information confidential.

LIMITED WAIVER OF ATTORNEY-CLIENT CONFIDENTIALITY

I have filed a Grievance under the Disability Rights Center (DRC) of Kansas' Grievance Policy. As such, my Grievance may be reviewed by the Executive Director and/or Board of Directors pursuant to the DRC's Grievance Policy. If I appeal my Grievance to the DRC's Executive Director and/or Board of Directors, then I am specifically asking the Executive Director and/or Board to review the decision by the DRC legal staff. By doing that, I understand that:

- 1) All communications I have with the DRC P&A legal staff and all the information I provide them is typically kept confidential and away from DRC non-legal staff, like the Executive Director or Board of Directors, unless I specifically waive my right to confidentiality;
- 2) In order to review my grievance, the Executive Director and/or Board of Directors may contact me to obtain more information about my grievance. I understand that the Executive Director is not an attorney and the Board members are not acting as attorneys, therefore, any information I provide to the Executive Director and/or Board is not confidential;
- 3) The Executive Director and/or Board may also want to review the confidential information and documents in my client folder maintained by the legal staff at DRC and may talk with legal staff regarding my case; and
- 4) If I waive my confidentiality, I understand that the Executive Director and/or Board will not disclose the contents of my client folder or other confidential information provided to them to anyone who is not one of the DRC staff, unless they are compelled to do so by a judge or a court of law.

Being mindful of my right to maintain confidentiality, I specifically waive my right to the confidentiality of the information and documents that I have provided the DRC legal staff and I grant them the ability to share that information and document with the Executive Director and/or Board of Directors, including but not limited to reviewing my client file and other information about my case.

This waiver of confidentiality terminates when the Executive Director and/or Board of Directors completes their reviews and issues a written determination.

Date: _____

Print Your Name

Your Signature