

**WHO CAN FILE A FORMAL GRIEVANCE?**

Disability Rights South Dakota is the official Protection and Advocacy System for South Dakota. Clients or prospective clients of DRSD's services, as well as family members or legal representatives, have the right to file a formal grievance. This ensures that people with disabilities will have full access to the Protection and Advocacy System. DRSD will provide reasonable accommodations to ensure effective communication. Please contact DRSD to obtain a reasonable accommodation (the contact information for DRSD is on the attached grievance form).

**WHAT CAN YOU FILE A GRIEVANCE ABOUT?**

**1. Denial of Service**

You requested legally-based advocacy services from DRSD but were told you were not eligible for help, you were denied a requested service from DRSD, or you were receiving help from DRSD that ended or further help was denied for reasons with which you disagree. You can also file a grievance if you believe that you did not have full access to the services of the program. Family members and legal representatives can also file a grievance under this section in the interests of the client with a disability or prospective client with a disability.

**2. Customer Service Concerns**

You can also file a grievance if you have customer service concerns about the services you received from DRSD.

**3. Systemic Grievance**

You can file a grievance if you believe that DRSD is not in compliance with the federal laws that created the Protection and Advocacy System. Persons with disabilities, family members and legal representatives can also file a grievance under this section.

**4. Sexual Harassment or Discrimination Grievance**

You can file a sexual harassment grievance, or a grievance based on discrimination against a member of a class protected under the law.

**NOTE:** This is the Formal Grievance procedure, detailing the specific steps for filing a grievance. DRSD encourages you to work out your concern in an informal manner with the employee or employees involved and to use this formal process only if those informal methods have been tried and fail. Clients and callers have 35 calendar days from the date of the closure letter to file a grievance about any action or decision with which they are dissatisfied. Oral or written grievances received beyond that 35-day period may be responded to as a courtesy but will not be subject to the full grievance process.

### **STEP 1 – COMMUNICATE DIRECTLY WITH THE DRSD EMPLOYEE**

If possible or applicable, please discuss your concern with the DRSD employee with whom you have been working. It is better and more productive to work directly with the DRSD employee about your grievance. If you are not satisfied with the response, continue to Step 2. If your grievance involves sexual harassment or discrimination on the basis of a class protected under the law, you may proceed directly to Step 2 without completing this step if you choose to do that.

### **STEP 2 – COMPLETE THE ATTACHED GRIEVANCE FORM – SUPERVISOR REVIEW**

Your grievance will be reviewed by the appropriate Supervising Attorney at DRSD. Your grievance should be made in writing or by other reasonably accommodated means of communication. Please submit an online grievance form at <https://drsdlaw.org/grievancepolicyandprocedure/> or fill out the attached grievance form and send it to the DRSD Executive Director. The Executive Director will forward it to the appropriate Supervising Attorney. For a disability accommodation, please contact DRSD (see contact information on the grievance form). The DRSD Supervising Attorney may contact you with additional questions or to obtain more information about your concern. The Supervising Attorney will provide a written decision regarding your grievance within 30 days of receiving the final information or documentation from you.

### **STEP 3 – REVIEW BY DRSD EXECUTIVE DIRECTOR**

If you are not satisfied with the result of the Supervising Attorney review under Step 2, you may seek a review by the Executive Director within 30 days of the Supervising Attorney's written decision. This appeal should be made in writing or by other reasonably accommodated means of communication. For an accommodation, please contact DRSD. The Executive Director may contact you with additional questions or to obtain more information about your concern. The Executive Director will provide a written decision regarding your grievance within 30 days of receiving the final information or documentation from you.

If your grievance is a personnel matter about a DRSD employee or a customer service concern, pursuant to Board of Directors' policy, the Executive Director is the final reviewer of your grievance. If, however, your grievance is about a denial of service, concern about full access to the services of the program, DRSD's compliance with federal rules or laws as the Protections and Advocacy system (systemic grievance), or is a grievance alleging sexual harassment or discrimination on the basis of a class protected under the law, you may appeal your decision to the next step. However, the Board of Directors' review involving a denial of service/full access to DRSD services is limited to a determination whether staff followed proper procedures in making the decision; the Board of Directors will not make decisions on the merits of a case or otherwise direct staff to provide services to any individual. Also, if your original grievance is a personnel or customer service concern about the Executive Director, then you may appeal to the next step. Grievances of sexual harassment or discrimination concerning the Executive Director may be filed directly with the Board President for disposition under Step 4.

#### **STEP 4 – APPEAL TO THE DRSD BOARD OF DIRECTORS**

If you are not satisfied with the result of the Executive Director’s review on a policy matter, you may seek review by the DRSD Board of Directors within 60 days of the Executive Director’s written decision by filing a grievance with the Board. The board cannot review decisions about accepting or rejecting a case. The grievance will be sent to the Board President by the Executive Director. This appeal should be made in writing or by other reasonably accommodated means of communication. For an accommodation, please contact DRSD. The Board President or his/her designee may contact you with additional questions or to obtain more information about your concern. The Board President will provide a written decision regarding your grievance within 60 days of receiving the final information or documentation from you. There are no appeals above this level.

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

To submit a grievance form online, please visit  
<https://drsdlaw.org/grievancepolicyandprocedure/>,  
or scan the following QR code with a smartphone or tablet:



**DRSD Client Grievance Form**  
**2520 E. Franklin Street, Suite 2**  
**Pierre, SD 57501**  
**www.drsdlaw.org**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

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

- I am a client or prospective client of DRSD
- I am a family member or legal representative of a client or prospective client of DRSD

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

- Denial of Service - You requested legally-based advocacy services from DRSD, but were told you were not eligible for help, you were denied a requested service from DRSD, or you were receiving help from DRSD that ended or further help was denied for reasons with which you disagree. You can also file a grievance if you believe that you did not have full access to the services of the program.
- Customer Service Concerns – You have concerns about the services you received from DRSD or a DRSD Employee.
- Failure to comply with federal laws that creates the Protection and Advocacy System (systemic grievance)
- Sexual Harassment or Grievance Discrimination based on a class protected under the law.

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