

Milan Seniors for Healthy Living Policy

18.11.03- Complaint Resolution

1.0 Introduction

- 1.1 Milan Seniors for Healthy Living (MSHL) recognizes an individual's right to make a complaint about the conduct of MSHL's operations, services, staff or persons associated with MSHL, where that individual's interests appear or are believed to have been adversely and unjustifiably impacted by such conduct.
- 1.2 MSHL encourages an organizational culture that responds to such complaints in an open and constructive manner, and in accordance with principles of procedural fairness.
- 1.3 MSHL is committed to the maintenance and improvement of a system of complaint management which facilitates good administration and a safe and cooperative environment.
- 1.4 Some of MSHL's programs and/or services are funded by specific funders who have specific complaint resolution procedures. These policy is meant to be inclusive of all.

2.0 Policy Intent

- 2.1 The objective of this complaint process policy is to provide administrative procedures by which complaints can be resolved expeditiously via the best applicable means and at the local level whenever possible.
- 2.2 The objective of a resolution under this complaint process policy is to assure a fair process but not necessarily a specific outcome.
- 2.3 The effectiveness of this policy relies upon the cooperation of all parties to a complaint.

3.0 Definition

In the context of this policy:

- 3.1 Complainant is the person making a complaint.
- 3.2 A Complaint is the presentation or expression of a concern, dissatisfaction or frustration regarding some aspect of the conduct of MSHL's operations, services, staff or people associated with MSHL, where the complainant's interests are alleged to have been adversely and unjustifiably impacted by such conduct, and by which the complainant wishes to seek redress.
- 3.3 Formal Complaint Process means any complaint processed after completion of the informal complaint process including any appeal to the Board of Directors or beyond.
- 3.4 Informal Complaint Process means the initial process of the complaint procedure under this policy conducted by the MSHL Executive Director or her designee.
- 3.5 Respondent is the person against whom a complaint has been made.

4.0 Rights and Responsibilities of Parties

- 4.1 Any person having a complaint against MSHL or a person either employed by or associated with MSHL, may present a complaint to the Executive Director either orally or in writing on a form furnished by MSHL for this purpose. If the Executive Director determines it appropriate, at her sole discretion, she may request that an oral complaint be placed in writing.
- 4.2 During the Complaint Resolution Process, the Complainant and the Respondent shall have the following rights:
 - a. The right to have another's assistance in preparing the Complaint or the response thereto.
 - b. The right to present orally or in writing statements of other persons, or relevant documents, to support his or her position.

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- c. The right to be treated with courtesy, respect, dignity and fairly in the complaint process.
- d. The right to have the complaint process administered to conclusion in a timely manner.
- e. The right to withdraw the complaint at any time in his or her sole discretion.
- f. The right to appeal any decision made by the Executive Director as later provided in this policy.

4.3 The parties in a complaint resolution procedure will have the following responsibilities:

- a. Not to present a complaint for an alleged act by a respondent occurring more than 12 months prior to presentation of the complaint.
- b. Not to file a complaint which is frivolous, vindictive, profane or disrespectful of a potential respondent's infirmities. Nor shall a respondent respond likewise.
- c. Any complaint or response violating these prohibitions will be returned to the proponent as if never presented.
- d. The parties shall be responsible for providing fair and honest accounts of their concerns and their expectations for the outcome of the complaint, including providing all relevant information and documentation to assist in the resolution of the complaint.
- e. The parties shall engage openly and in good faith in the complaint process including participating in discussions with other parties to resolve the concerns.
- f. The parties shall respond to MSHL requests for relevant information within ten (10) working days of a written request.
- g. The parties shall respect the rights of all persons involved in the complaint resolution process.

5.0 Complaint Resolution Process

5.1 Senior Center, Senior Nutrition Program, and Resource Advocacy

- a. All complaints shall be presented to the Executive Director at the MSHL office.
- b. If the complaint is oral, the Executive Director may immediately resolve any issue to the satisfaction of the Complainant. If unable to be resolved immediately, the Executive Director may either call in the Respondent and resolve the matter immediately or within three (3) business days or request the completion of a written complaint form and present it with whatever additional information is available.
- c. Upon the presentation of a written complaint, the Executive Director shall then investigate the allegations of the complaint, furnish a copy thereof to any named Respondent within three (3) business days by regular mail or in person, request a response within seven (7) working days, discuss with the parties and witnesses if appropriate the allegations of the complaint, attempt to resolve any issues between the parties to their satisfaction, or if unable to so resolve, render a written decision regarding the complaint within ten (10) business days of any unsuccessful resolution.
- d. If possible, all complaint proceedings shall be held in a private and confidential setting.

5.2 Transportation

- a. Titles II and III of the American Disability Act of 1990 (ADA) provides that no entity shall discriminate against an individual with a disability in connection with the provision of transportation services. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including access to fixed route bus and

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complementary paratransit service. MSHL is committed to providing safe and reliable transportation to all people without discrimination based on disabilities.

- b. **MSHL's Responsibility:** If MSHL receives a complaint regarding discrimination against an individual under the ADA, we will respond within 30-days of receiving the complaint and will work to resolve the issue with the complainant as quickly as possible. This may involve legal assistance and/or mediation. We will document the process including the resolution and will notify our MDOT project manager of the complaint and the resolution. We will keep the complaint and all related documents on file for at least one year. We will keep a summary of all complaints filed for at least five years. Records will be made available to MDOT upon request.
- c. **Verbal Complaint:** Before filing your complaint, you may contact the MSHL's ADA Coordinator (who is the Executive Director) to discuss your concerns orally. The Executive Director can investigate the issue and try to come up with an acceptable resolution to the situation. If you would like additional information you may contact the Executive Director.
- d. **You can file a written complaint against MSHL using the following procedures:**
 - File a written complaint with the MSHL Executive Director within 60 calendar days after the alleged violation. The form to do so is available at the office or website. Alternative formats and language translations for this document are available on request.
 - The written complaint should be submitted by the grievant and/or designee.
 - Alternative means of filing complaints – such as a personal interview or a tape recording – will be made available on request by people with disabilities.
 - The written complaint should contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem.
 - Within 15 calendar days after receiving the complaint, an MSHL official will meet with the complainant to discuss the complaint and possible resolutions.
 - Within 15 calendar days of the meeting, the Executive Director will respond in writing or by other appropriate accessible format. The response will explain the position of the MSHL and offer options for substantive resolution.
 - If the response by the MSHL Executive Director does not resolve the issue, the complainant and/or designee may appeal the decision within 15 calendar days after receiving the response to the Federal Transit Administration Office for Civil Rights.
 - All written documents in this process will be retained by MSHL for at least 1 year.
 - To find the status of your complaint, please call MSHL at 734-508-6229.

6.0 Appeals

- 6.1 Any written complaint against the Executive Director shall be presented to the Chair of the Board of Directors for investigation and resolution by the Board of Directors.
- 6.2 Any person involved in a complaint resolution procedure filed originally with the Executive Director, and dissatisfied with the decision of the Executive Director, may appeal this decision to the Board of Directors.
- 6.3 A Complainant or Respondent wishing to appeal to the Board of Directors may do so by presenting to the Chair of the Board of Directors a written statement stating the reasons he or she believes

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the decision of the Executive Director was incorrect. This appeal shall be delivered no more than ten (10) business days after the decision of the Executive Director has been mailed or personally delivered to the parties to the complaint.

- 6.4 The Chair shall deliver to the non-appealing party a copy of the written appeal and request that a response, if any, be delivered to the Chair within ten (10) business days of the date of mailing or personal delivery to the non-appealing party.
- 6.5 After receipt of all documentation and responses, the Chair shall appoint a committee consisting of one or more members of the Board of Directors to review the complete file and make a recommendation to the entire Board of Directors. The Board shall then resolve the appeal and give a written decision to the parties to the complaint. Except as to the three following paragraphs, the decision of the Board of Directors shall be final.
- 6.6 A Complainant who resides in Monroe County dissatisfied with the results reached by the Board of Directors, may further appeal to the Monroe County Commission on Aging.
- 6.7 Persons determined to be ineligible for service under the Washtenaw County Senior Nutrition Program or who perceive unfair treatment by this program, may further appeal the decision of the Board of Directors to the Washtenaw County Senior Nutrition Program under its grievance resolution procedure and appeals process.
- 6.8 Persons believing they have been discriminated against as the result of an alleged violation of Title II or III of the American s with Disabilities Act may follow the appeal policy previously established by MSHL for such claims and, if dissatisfied with the decision of the Executive Director, may appeal this decision to the Federal Transit Administration Office for Civil Rights.

7.0 Information Management

- 7.1 For all oral complaints not reduced to writing and resolved to the satisfaction of all concerned, the Executive Director shall prepare a short synopsis of the complaint and how it was resolved. All such written synopses may be maintained in a common file for future reference if necessary.
- 7.2 A separate file shall be created and maintained for all other complaints which files shall be kept in a secure and locked container, with access available only to the Executive Director or a named designee.
- 7.3 All files shall be private and confidential except as for those who have a need to know.
- 7.4 Except for good cause as determined by the Executive Director in her discretion, all complaint files shall be destroyed after the expiration of one (1) year after the complaint process has been completed.
- 7.5 In the course of and subsequent to the processing of a complaint, it may be necessary for MSHL to divulge the nature of a complaint, but not the parties involved, to protect the general health, safety and welfare of MSHL, the City of Milan and persons involved in or associated with the programs and activities of MSHL.
- 7.6 MSHL will not be in any way responsible for disclosure of facts or information relating to any particular complaint or its processing, made by persons not employed by MSHL or its management.

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Flyer to be posted in all public buses and facilities

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Procedure to File a Complaint Under the Americans with Disabilities Act (ADA)

If you believe you, or another person has been discriminated against under Title II and III of the American Disability Act of 1990 by MSHL or one of our employees, you can file a complaint by mail, fax, or email at:

Executive Director
45 Neckel Ct., Milan MI 48160
734-439-4315 (fax)
mshl@milanseniors.org

Take the first step: Before filing your complaint, you may contact the MSHL's ADA Coordinator/ Executive Director to discuss your concerns. The ADA Coordinator can look into the issue and try to come up with an acceptable resolution to the situation. If you would like additional information you may contact MSHL's ADA Coordinator/ Executive Director.

You can file a complaint against MSHL using the following procedures:

1. File a written complaint with the MSHL ADA Coordinator/ Executive Director as soon as possible, but no later than 60 calendar days after the alleged violation.
 - The written complaint should be submitted by the grievant and/or designee.
 - Alternative means of filing complaints – such as a personal interview or a tape recording – will be made available on request by people with disabilities.
 - The written complaint should contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem.
 - Within 15 calendar days after receiving the complaint, an MSHL official will meet with the complainant to discuss the complaint and possible resolutions.
 - Within 15 calendar days of the meeting, the MSHL ADA Coordinator/ Executive Director will respond in writing or by other appropriate accessible format. The response will explain the position of the MSHL and offer options for substantive resolution of the complaint.
 - If the response by the MSHL ADA Coordinator/ Executive Director does not resolve the issue, the complainant and/or designee may appeal the decision within 15 calendar days after receiving the response to the Federal Transit Administration Office for Civil Rights.
 - All written documents in this process will be retained by MSHL for at least 1 year

Alternative formats and language translations for this document are available on request.