

**OSLH Resolution
2007-10**

**- Participant Grievance
Policy -**

5 pages

OGLALA SIOUX (LAKOTA) HOUSING POLICY

(Summary Sheet)

Title of this Policy (see attachment): Participant Grievance Policy
Date this Policy is Adopted: November 6, 2007
Date of this Summary Sheet: November 12, 2007

POLICIES: Oglala Sioux (Lakota) Housing and its Board of Directors have adopted a series of *Policies* that establish basic requirements for its programs. The OSLH Board, employees, sub-grantees and sometimes OSLH contractors are required to adhere and conform to these Policies and requirements. Listed below are OSLH's current Policies, with the Policy attached to this sheet denoted with a checked box. OSLH actions, programs and decisions must conform to this and the other OSLH Policies. Though OSLH Policies are divided into topics, please note that often requirements governing particular OSLH actions are contained in more than one Policy.

- | | |
|--|---|
| <input type="checkbox"/> Admissions & Eligibility Policy | <input type="checkbox"/> Maintenance & Asset Management Policy |
| <input checked="" type="checkbox"/> Participant Grievance Policy | <input type="checkbox"/> Investment & Financial Management Policy |
| <input type="checkbox"/> Personnel Policy | <input type="checkbox"/> Ethical Standards of Conduct Policy |
| <input type="checkbox"/> Procurement Policy | <input type="checkbox"/> Policy Definitions |
| <input type="checkbox"/> Program Administration & Occupancy Policy | |

RULES: Oglala Sioux (Lakota) Housing also has adopted a series of *Rules* that contain additional requirements. These are established through a formal process with OSLH's Chief Executive Officer officially adopting them. The Rules provide more detailed requirements for OSLH actions, programs and decisions. No Rule, however, can violate or contradict any OSLH Policies. The OSLH Board, employees, sub-grantees and sometimes OSLH contractors are required to adhere to and conform to these Rules and requirements.

PROCEDURES: In establishing organizational requirements, Oglala Sioux (Lakota) Housing has a third level of requirements known as *Procedures*. These are specific written procedures that from time-to-time are developed by OSLH's staff and are officially adopted by OSLH's Chief Executive Officer. OSLH employees are required to adhere and conform to these Procedures. These Procedures, however, cannot violate any OSLH Policy or OSLH Rule.

Attach to Policy

**PARTICIPANT GRIEVANCE POLICY
OGLALA SIOUX (LAKOTA) HOUSING**

Adopted by Resolution No. 2007-10 on November 6, 2007

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I. STATEMENT OF PURPOSE.

The purpose of this Participant Grievance Policy ("Policy") is to set forth the Oglala Sioux (Lakota) Housing (OSLH) participant grievance rights.

II. APPLICABILITY

This Policy shall be applicable to all participants ("participant") of OSLH programs and for purposes of this Policy participant shall also include all applicants of OSLH programs. The Policy supercedes and rescinds all previous participant grievance policies and practice statements. They however, do not apply to participant grievances arising out of OSLH lease terminations. A tenant or homebuyer's rights and remedies in those termination actions are primarily described the OSLH Program Administration and Occupancy Policy. This Policy also does not cover OSLH employee grievance and appeal rights which are contained in the OSLH Personnel Policy.

III. GRIEVANCE RIGHTS

Decisions, actions or inaction of OSLH, its staff or Board may be appealed by any OSLH participant who is directly impacted or affected so long as the following requirements are followed.

A. A grievance must be filed in writing by the participant no later than ten (10) days after the OSLH decision, action or inaction occurs.

B. The participant's written request for a hearing must specify the reasons for the grievance and the action or relief sought.

IV. GRIEVANCE STANDARDS

A. Before filing a formal grievance, participants should attempt to first resolve grievances and complaints by working with the OSLH staff. Furthermore, formal Grievances shall not be directed to nor will they be resolved by the OSLH Board of Directors.

B. Upon the filing of a written grievance and request for hearing, participant shall be entitled to a hearing before an OSLH Grievance Hearing Panel ("Hearing Panel").

C. Written acknowledgment of the grievance and notice of the scheduled hearing date, time and place shall be provided by the OSLH in writing to the grieving participant.

D. The Hearing Panel shall hold a hearing within thirty (30) days after OSLH receives the written request for a hearing.

E. The Hearing Panel shall consist of (i) the Chief Executive Officer ("CEO") or (ii) three OSLH employees appointed by the CEO on a grievance by grievance basis. The CEO may hear grievances even if the CEO has been involved in the decision or action being challenged but if the CEO appoints a panel the CEO shall try to avoid appointing an employee to the Panel who has been involved in any part of the decision that is the subject of the Grievance Hearing Panel. The entire Hearing Panel must be present at the hearing, and a majority of Panel members voting shall render the decision of the Panel. If a Chairman is appointed, he or she shall retain the responsibility and right to vote.

F. The Hearing Panel shall require all in attendance to conduct themselves in an orderly fashion during the grievance hearing. Failure to comply with the directions of the Chairman of the Hearing Panel, or in the absence of a Chairman the Hearing Panel as a whole, to maintain order may result in exclusion from the proceedings, a decision adverse to the interest of the disorderly party and an automatic denial of the relief sought.

G. Individuals are disqualified from serving on the Hearing Panel whenever the grievance issue directly relates to their immediate family or themselves.

H. The Grievance Panel may determine that the hearing will not be open to the public depending upon the subject matter however; all decisions will be available to the public.

I. Grievance procedures shall be set out in OSLH Rules and OSLH Procedures.

J. OSLH shall give a participant an opportunity for a fair hearing and at the minimum the following rights will be provided and standards will be followed.

1. Participant will have a reasonable opportunity to examine and copy, before the hearing, all relevant documents, records, or policies of OSLH that were relied upon in making the decision or taking action that is being challenged by OSLH. However, the participant must provide OSLH enough time to assemble documents for review and/or copying and if a request is made for copies the participant shall be charged and shall pay for the copying costs prior to receiving any documents.

2. Participant will have a right to be represented or assisted by another person of his or her choice at the hearing so long as that individual is not an OSLH employee or Board member. This person however must be identified to OSLH at least seven (7) days prior to the hearing.

3. So long as the Hearing Panel determines that the issue is relevant to the grievance filed, the participant will have a reasonable opportunity to present evidence, arguments, and affirmative legal or equitable defenses in support of his or her grievance; to dispute evidence relied on by OSLH; and to have others make statements on his or her behalf however a time limit may be established in hearing Rules or Procedures or by the Panel.

4. At the hearing, participant first must show an entitlement to the relief sought, and, thereafter, OSLH must justify the action toward which the Grievance is directed. If the Hearing Panel determines that the issue raised by participant in his or her grievance has been previously decided in another proceeding, the Hearing Panel may refuse to hold or continue with the hearing.

5. The Hearing Panel shall conduct the hearing informally and may receive pertinent oral or documentary evidence without regard to whether that evidence would be admissible under the rules of evidence employed in judicial proceedings.

A. If the participant fails to appear at a scheduled hearing, the Hearing Panel may determine either (i) that the non-appearing party has waived the right to a hearing and dismiss the grievance or (ii) it may postpone and reschedule the hearing for a period not to exceed five (5) days if it believes good cause exists. Both participant and OSLH shall be notified of the determination in writing.

B. OSLH may not require participant to pay any hearing fees or hearing costs, though OSLH may require reimbursement for copying costs when copies are requested and compensation for legal costs incurred for a rescheduling of the hearing due to a nonappearance.

C. The Hearing Panel shall prepare a final written decision with the reasons therefore within fifteen (15) days after the hearing with copies of the decision to be sent to participant, the OSLH CEO and the OSLH Board of Directors.

D. A decision of the Panel upon appeal is final and binding.

E. These grievance rights and procedures process do not apply to OSLH employees except if the employee is an OSLH participant and the challenge has nothing to do with the participant's employment at OSLH.

V. FURTHER LIMITATION TO GRIEVANCE PROCEDURES

A. The provisions of this Policy shall not exist or apply when any grievance involves: 1) any criminal activity that OSLH, in its sole discretion, determines threatens the health, safety, or right to peaceful enjoyment of the OSLH's other participants or OSLH employees or project neighbors, or 2) any activity or drug-related activity by Participants, their household members, guests or invitees affecting the premises, project or rights or well-being of any participant or project neighbors.

B. Failure by a participant to follow any requirement of this Policy or other OSLH related Rules and Procedures shall allow the Hearing Panel to dismiss the grievance with no further consideration.

VI. NO WAIVER OF SOVEREIGN IMMUNITY BY OSLH

Nothing contained in this Policy or in the OSLH grievance procedures shall waive any sovereign immunity that the OSLH may have.

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