

Old Grievance Regs

SUBPART F: GRIEVANCE PROCEDURES FOR COMMITTED PERSONS

Section 504.800 Applicability

This Subpart applies to committed persons assigned to correctional facilities within the Adult, Juvenile, and Community Services Divisions of the Department of Corrections.

(Source: Amended at 22 Ill. Reg. _____, effective January 1, 1998)

Section 504.802 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

"Facility ADA Coordinator" means the person or persons designated by the Chief Administrative Officer to coordinate efforts of the facility in carrying out its responsibilities under Title II of the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(Source: Amended at 16 Ill. Reg. 10430, effective July 1, 1992)

Section 504.805 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 22 Ill. Reg. _____, effective January 1, 1998)

Section 504.810 Filing of Grievances

- a) A committed person shall first attempt to resolve incidents, problems, or complaints other than complaints concerning disciplinary proceedings through his or her counselor. If a committed person is unable to resolve the complaint informally or if the complaint concerns a disciplinary proceeding, the individual may file a written grievance on a grievance form which shall be made available in all living units. A grievance shall be filed within 6 months after the discovery of the incident, occurrence, or problem which gives rise to the grievance or within 6 months after the receipt of a decision concerning an informal resolution thereof. However, if a committed person can demonstrate that a grievance was not timely filed for good cause, the grievance shall be considered. The grievance procedure shall not be utilized for complaints regarding decisions which are outside the authority of the Department such as parole decisions, clemency, or orders regarding length of sentence or decisions which have been rendered by the Director.
- b) The grievance form shall be addressed to the Grievance Officer and shall be deposited in the living unit mailbox or other designated repository.
- c) Staff assistance shall be available for those committed persons who cannot prepare their grievances unaided as determined by institutional staff.
 - 1) All committed persons shall be entitled to file grievances regardless of their disciplinary status or classification.
 - 2) Each facility shall take reasonable steps to ensure that the grievance procedure is accessible to committed persons who are impaired, disabled, or unable to communicate in the English language.
- d) Committed persons shall be informed of the grievance procedure at the admitting facility and may request further information regarding the procedure from their counselors.
 - 1) The written procedure shall be available to all committed persons.

- 2) A committed person unable to speak or read the English language may request that the procedure be explained in the individual's own language.
- e) Disciplinary action or reprisals may not be taken against a committed person solely for using the grievance procedure. A committed person may submit a grievance alleging that a reprisal has been made against him or her.

(Source: Amended at 22 Ill. Reg. _____, effective January 1, 1998)

Section 504.820 Grievance Officer

- a) The Chief Administrative Officer shall appoint 2 or more employees who may serve as a Grievance Officer to attempt to resolve problems, complaints, and grievances which committed persons have been unable to resolve through routine channels.
- b) No person who is directly involved in the subject matter of the grievance or who was a member of the Adjustment Committee that heard a disciplinary report concerning the grievance may serve as the Grievance Officer reviewing that particular case.

(Source: Amended at 22 Ill. Reg. _____, effective January 1, 1998)

Section 504.830 Grievance Procedures

- a) A Grievance Officer shall review grievances at least weekly, whenever possible, provided that one or more grievances have been filed.
- b) The Grievance Officer shall promptly submit a copy of any grievance alleging discrimination based on disability to the facility ADA Coordinator. The facility ADA Coordinator shall conduct such investigation as deemed appropriate and make written recommendations to the Chief Administrative Officer for resolution of the grievance.
- c) A committed person may be afforded an opportunity to appear before the Grievance Officer. The Officer may call witnesses as deemed appropriate.

- d) The Grievance Officer shall consider the grievance and report his or her findings and recommendations in writing to the Chief Administrative Officer within 30 days after the grievance is received by the Officer, whenever possible. The Chief Administrative Officer shall advise the committed person of the decision in writing within 15 days after receiving the Officer's report, whenever possible.

(Source: Amended at 22 Ill. Reg. _____, effective January 1, 1998)

Section 504.840 Emergency Procedures

A committed person may request a grievance be handled on an emergency basis by forwarding the grievance directly to the Chief Administrative Officer.

- a) If the Chief Administrative Officer determines that there is a substantial risk of imminent personal injury or other serious or irreparable harm to the committed person, the grievance shall be handled on an emergency basis.
- b) The Chief Administrative Officer shall respond to the committed person within 3 days after receipt of the grievance, whenever possible, indicating what action shall be or has been taken.

(Source: Amended at 22 Ill. Reg. _____, effective January 1, 1998)

Section 504.850 Appeals

- a) If, after receiving the response of the Chief Administrative Officer, the committed person still feels that the problem, complaint or grievance has not been resolved to his or her satisfaction, he or she may appeal in writing to the Director within 30 days after receipt of the response. Copies of the Grievance Officer's report and the Chief Administrative Officer's decision should be attached.
- b) The Director shall review the grievance and the responses of the Grievance Officer and Chief Administrative Officer and shall determine whether the grievance requires a hearing before the Administrative Review Board. If it is determined that the grievance is without merit or can be resolved without a hearing, the committed person shall be advised of this disposition, in

writing, within 60 days after receipt of the grievance, whenever possible.

- c) A two-member Administrative Review Board shall be appointed by the Director. At least one member of the Board shall be an individual not employed by the Department, whenever possible. The Department member shall be designated as chairperson.
- d) The Administrative Review Board shall meet as frequently as necessary and may schedule hearings on grievances. The Board may call witnesses or examine records at its discretion.
- e) The Administrative Review Board shall submit to the Director a written report of its findings and recommendations within 60 days after receipt of the grievance, whenever possible.
- f) The Director shall review the findings and recommendations of the Board and make a final determination of the grievance within 15 days after receipt of the Board's report, whenever possible. The committed person shall be sent a copy of the Director's decision.
- g) In those instances where a committed person is appealing a grievance determined by the Chief Administrative Officer to be of an emergency nature, the Administrative Review Board shall submit its recommendation within 22 days after receipt of the grievance, whenever possible.

(Source: Amended at 22 Ill. Reg. _____, effective January 1, 1998)

Section 504.860 Records

Records regarding the filing and disposition of grievances shall be maintained in the committed person's master file.

(Source: Amended at 22 Ill. Reg. _____, effective January 1, 1998)

Section 504.870 Direct Review by Administrative Review Board

- a) Committed persons shall submit grievances directly to the Administrative Review Board when grieving:

- 1) Decisions regarding protective custody placement, including continued placement in or release from protective custody.
 - 2) Decisions regarding disciplinary proceedings which were made at a facility other than the facility where the committed person is currently assigned.
 - 3) Other issues except personal property issues which pertain to a facility other than the facility where the committed person is currently assigned.
- b) The Administrative Review Board shall submit its recommendation within 30 days of receipt of the grievance, whenever possible.

(Source: Amended at 22 Ill. Reg. _____, effective January 1, 1998)