

GRIEVANCE INFORMATION

(OAR Division 109 may be reviewed in its entirety in your legal library)

291-109-0205 - Grievance and Appeal Timelines

- (1) Grievances must be received by the institution grievance coordinator or designee within 14 calendar days from the date of the incident or issue being grieved, unless the AIC can satisfactorily demonstrate why the grievance could not be timely filed. Untimely grievances will be denied and returned to the AIC with a statement of the rule.
- (2) A grievance response will be sent to the AIC within 35 calendar days from the date the grievance was accepted by the institution grievance coordinator, unless further review is necessary to fully respond to the AIC's grievance, in which case the AIC will be notified that the department will respond within an additional 14 calendar days.

291-109-0210 - Permissible Grievance Issues

- (1) An AIC may only request review of one matter, action, or incident per grievance.
 - (a) If multiple staff or functional units are involved in a single incident, each should be included in a single grievance and one grievance response will be prepared from the most appropriate individual at the discretion of the institution grievance coordinator.
- (3) An AIC may file a single grievance concerning any incident or issue regarding institutional life that directly and personally affects that AIC, including but not limited to:
 - (a) Misapplication of departmental policies, rules, or other directives;
 - (b) Unprofessional actions of department employees, volunteers, or contractors;
 - (c) Inadequate medical or mental health treatment;
 - (d) Sexual abuse or sexual harassment; and
 - (e) Excessive use of force by department employees.
- (4) An AIC cannot grieve the following:
 - (a) Any matter that does not directly and personally affect the AIC;
 - (b) Any matter in which the AIC lacks personal knowledge of the incident or issue;
 - (c) Any matter that is outside of the jurisdiction of the department (for example, actions by the Board of Parole and Post-Prison Supervision);
 - (d) Any matter that may be reviewed through a separate review process under the Department's rules. Examples include, but are not limited to, the review processes set out in the following Department rules: (See rule 109 for details)
 - (e) Daily fails as defined in the DOC rule on Performance Recognition and Award System - (OAR 291-077-0033);
 - (f) Conduct orders, investigations leading to a conduct order, or conduct order sanction(s);
 - (g) Misconduct reports, investigations leading to or arising from misconduct reports, or disciplinary hearings, findings, and sanctions;
 - (h) Claims or issues the AIC has pursued or is pursuing in pending litigation in state or federal courts;
 - (i) Group grievances representing other AICs, or acts where an AIC is a spokesperson for other AICs; and
 - (j) The processing of or response to grievances, grievance appeals, discrimination complaints, discrimination complaint appeals or other separate review processes.

291-109-0225 - Grievance and Appeals General Processing Standards

- (1) The institution grievance coordinator shall date stamp the grievance form or appeal upon receipt. After the form has been date stamped and recorded, the AIC will be issued a return receipt, and if accepted, the grievance or grievance appeal will be forwarded to the appropriate staff or manager for review and response.
- (2) Grievances and grievance appeals returned for correction:
 - (a) An AIC may elect to resubmit a grievance or grievance appeal that has been returned for correction to the AIC because it does not comply with these rules.
 - (b) The grievance or grievance appeal may only be resubmitted twice and must be received by the institution grievance coordinator within 14 calendar days from when the grievance or grievance appeal was originally returned to the AIC.
 - (c) If rewritten, the return receipt and original grievance or grievance appeal must also be attached.
- (4) An AIC may withdraw a grievance by submitting a written request to the institution grievance coordinator at any time during the grievance process. Grievances that have been withdrawn may only be reopened upon written request, at the discretion of the institution grievance coordinator.