

Karuk Tribe Housing Authority
Chapter 12
Grievance Procedure

Chapter 1 Introduction

This grievance procedure outlines the process whereby a Karuk Tribe Housing Authority Affected Party may seek resolution or remedy for perceived or real grievances.

Chapter 2 Definitions

- a) **Affected Party:** Any participant, applicant or tenant in KTHA Housing Community or KTHA funded projects, whose rights, duties, welfare or status are, or may be affected by Housing Authority action.
- b) **Grievance/Complaint:** Any dispute with respect to KTHA action in accordance with Lease requirements or KTHA regulations, policies, or procedure which affects the rights, duties, welfare or status of the complainant.
- c) **Board of Commissioners/BOC:** The Housing Board of Commissioners of the Karuk Tribe Housing Authority.
- d) **Action:** Any proceeding or decision initiated by the Karuk Tribe Housing Authority.
- e) **KTHA:** Karuk Tribe Housing Authority.

Chapter 3 Informal Complaint Procedure

- 1) Any Affected Party who has a complaint with respect to an action or inaction of the Karuk Tribe Housing Authority must inform his/her Tenant Relations Officer of the nature of their complaint with in ten (10) business days.
- 2) If the matter cannot be resolved at this level between the Tenant and the Tenant Relations Officer, the Affected Party will be referred to the Assistant Director/Operations Manager to file a Formal Grievance.

Chapter 4 Formal Grievance Procedure

Assistant Director/Operations Manager Review:

- 1) The Affected Parties who have been referred to the Assistant Director/Operations Manager for complaint resolution shall be required to submit a written request within ten (10) business days after the Tenant Relations Officer's recommendation for their complaint to be reviewed by the Assistant Director/Operations Manager.

- 2) The Affected Parties written statement shall be considered a grievance and shall include any pertinent information relating to the nature of their complaint.
- 3) The Assistant Director/Operations Manager shall review the grievance and provide all parties with a written recommendation based on Karuk Tribe Housing Authority Policy, regulation or Tribal Law within ten (10) business days of the complaint receipt.
 - a) If the Affected Party does not agree with the recommendation, they will be referred to submit the complaint to the Executive Director within ten (10) business days of the Assistant Director/Operations Manager's decision.

Executive Director Review:

- 1) Affected Parties who have been referred to the Executive Director for complaint resolution shall be required to submit a written request within ten (10) business days after the Assistant Director/Operations Manager's recommendation for their complaint to be reviewed by the Executive Director.
- 2) The Affected Parties written statement shall be considered a grievance and shall include any pertinent information relating to the nature of their complaint.
- 3) The Executive Director shall review the grievance and provide all parties with a written recommendation based on Karuk Tribe Housing Authority Policy, regulation or Tribal Law within ten (10) business days of the complaint receipt.
 - a) If the Affected Party does not agree with the recommendation, they will be referred to submit the complaint to the Board of Commissioners for a Hearing within ten (10) business days of the Executive Director's decision.

Housing Board of Commissioners Hearing:

- 1) Affected Parties who have been referred to the Board of Commissioners for complaint resolution shall be required to submit a written request within ten (10) business days after the date of Executive Director's decision for their complaint to be reviewed by Hearing.

Chapter 5 Karuk Tribe Housing Authority Commission Hearing

I. Overview

The Karuk Tribe Housing Authority Board of Commissioners sits as the Hearing Panel for all Grievance matters.

- a) The Chairperson of the Housing Board of Commissioners shall preside over the hearing and shall make the final determination as to questions of rules and procedure. The Board Chairperson may consult other Commissioners or legal counsel in making interpretations of these rules. The hearing shall be conducted

informally and any evidence may be received by the Chairperson without regard to whether that evidence would be admissible under formal judicial rules of evidence employed in court proceedings.

- b) Commissioners shall treat respectfully all parties appearing before them in a grievance.
- c) Commissioners shall disqualify themselves from any decision or voting on any issue directly related to their immediate family or co-habitant.
- d) All matters discussed and involved in the hearing shall be treated as confidential. Commissioners shall not talk about any information outside the hearing.

No exception shall be made for any of the hearing requirements unless specifically requested by the Affected Party and granted by majority vote of the Board of Commissioners. Any request for an exception shall be made in writing and shall be justified.

II. Hearing

- a) All aspects of the hearing should be confined to the specific action before the Commission, its supporting material and the written and/or verbal statements of all parties. The Chairperson of the Commission shall use their authority to ensure that this is strictly complied with by keeping order and limiting discussion to the aforementioned topics.
- b) If the Chairperson of the Commission determines at any time that any party is not acting in a civil or respectful manner, they may take any or all of the following actions, 1) call for order and verbally reprimand the offending Party, 2) call a short recess to allow the offending Party to compose themselves, 3) call for a conclusion or postponement of the hearing.
- c) If the Affected party has not appeared by one half hour after the scheduled hearing time, he/she shall be deemed to have waived their right to a hearing and the Commission will uphold the original decision by default. Alternatively, the Commission may, at its sole discretion, make a determination to postpone the hearing for a period not to exceed five (5) business days.

III. Procedure

- a) General Hearing
 - 1) The Commission should read and review the relevant documents from the Housing Authority's file (as determined by the Executive Director and/or designated Authority Staff Member) before the hearing commences or oral testimony is given. If this is a personnel matter, neither the Affected

Party, nor the Housing Authority Executive Director or Personnel Officer should be present during this review.

- 2) Additional written evidence may be submitted before or during any of the phases of the hearing provided it is relevant and relates to the action at hand. The party submitting such evidence shall provide sufficient copies for each Commissioner.
- 3) Each side shall have up to one hour to make its presentation. Parties may take less than one hour, but any time not used during the initial presentation shall be deemed as waived.
- 4) A maximum of two (2) witnesses are allowed per Party.

b) Housing Authority Presents its Reasons For Action

- 1) Executive Director or designated Housing Authority Staff members presents written and/or oral statement of reasons for action and/or relevant findings from any investigation that may have been conducted in the matter.
- 2) Commission may ask clarification questions regarding any information presented by Executive Director or designated Authority Staff member.
- 3) Executive Director or designated Authority Staff member may present the Authority's witnesses in person (if any) and have the witnesses make their statements to the Commission. As each witness gives their statement the Commission shall decide if Affected Party may cross-examine the witness if they so wish. The Commission may ask the witness(es) relevant questions regarding the statement presented.

c) Affected Party Presents its Reasons for Action

- 1) Affected Party may present written and/or oral statements on relevant information or findings directly related to the grievance or action.
- 2) Commission may ask clarification questions regarding any information presented by Affected Party.
- 3) Affected Party may present witnesses in person and have the witnesses make their statements to the Commission. The Commission may ask the witness(s) relevant questions regarding the statement presented.

d) Rebuttal

- 1) Aggrieved shall be given a maximum of 15 minutes to rebut any aspect of the Authority's presentation. Chairperson of the panel shall keep the time and end the rebuttal when time is up.
- 2) The Housing Authority shall be given a maximum of 15 minutes to rebut any aspect of the Aggrieved's presentation. Chairperson of the panel shall keep the time and end the rebuttal when time is up.

e) Conclusion

- 1) Aggrieved and all witnesses are excused to leave and the hearing is concluded.

IV. Prohibition against Harassment

Affected Parties dissatisfied with decisions made regarding their determination of eligibility, level of assistance, or other issues are prohibited from intimidating or harassing employees or Commissioners during or outside regular business hours. All grievances are to be resolved according to the process outlined in this policy.

Any Affected Party who is determined to have harassed or intimidated employee(s) or Commissioners will be sanctioned penalties up to and including permanent ineligibility to receive housing assistance of any nature.

Housing Authority staff and Commissioners dissatisfied with the decisions made are prohibited from intimidating or harassing Affected Parties during or outside regular business hours.

Any Housing Authority staff or Commissioner who is determine to have harassed or intimidated Affected Parties will be sanctioned penalties up to and including termination, removal from the Board of Comissioners, or permanent ineligibility to receive housing assistance of any nature.

Harassment is defined as:

Disruptive Behavior: An act or communication that disturbs, interferes with or prevents normal work functions or activities. Disruptive behavior includes yelling, using profanity, waving of arms or fists, or verbally abusing others; making inappropriate demands for time and attention; making unreasonable demands for action.

Intimidation: An act towards another person, the purpose of which is to coerce, and the result of which could reasonably cause the other person to fear for his/her safety or the safety of others.

Threats of Violence: A communicated intent to inflict physical or other harm on any person or on property.

Act of Violence: Exercise of physical force against another person or against property.

V. Decision

- a) The Housing Commission shall consider the grievance based on all of the information before it, and render a written decision no later than ten (10) business days after the hearing to the Affected Party with a copy to the Executive Director.
- b) Findings of the Housing Commission shall be final.

VI. Tribal Council Review

In accordance with Article IV of the Karuk Tribe's Constitution, no Tribal Member shall be denied the right to petition the Tribal Council as the exclusive and final forum for redress of grievances against the Tribal government.

The Tribal Council's oversight role shall be an administrative review, in coordination with KTHA, ensuring that KTHA policies and procedures were adhered to.

Approved: February 4, 2013

Most Recently Revised: April 28, 2014



Scott Quinn, Chairman