



Shawnee County
Community Developmental Disabilities Organization
"Your resource for connecting our community"

TARC POLICY MANUAL – CDDO SECTION

Subject: Dispute Resolution Effective Date:	Reviewed: 08-31-09, 08-26-10, 8-22-11	Policy No: 06-020
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POLICY: The Shawnee County Community Developmental Disabilities Organization (CDDO) in conjunction with the Council of Community Members shall organize and implement a dispute resolution process and resource for *parties and entities within Shawnee County Service Area (per KAR 30-64-32) to resolve disputes.

1. Parties defined as:
 - a. The person served (individual receiving services through the MR/DD system)
 - b. The persons legal guardian (if one has been appointed)
 - c. Or other individuals/personal representatives of the person’s served support network
 - d. The CDDO
 - e. Affiliated Community Services Provider (CSP)
 - f. Any other component of the community services system
2. Entities are defined as:
 - a. An individual served and or guardian and or in conjunction with personal representation of support network
 - b. The CDDO and any affiliated CSP
 - c. The CDDO and any entity that requests to become an affiliated entity
 - d. The CDDO and any other component of the community services system
 - e. Affiliated CSP and
 - f. Any other component of the community service system

GUIDELINES:

1. The local dispute process is as follows;
 - a. When required:
 - When internal affiliated entity dispute/grievance protocol exhausted and or unsuccessful
 - When disagreement in outcome/decision exists an efforts to resolve with applicable parties exhausted
 - When a barrier is established
 - b. How made:
 - Must be made within sixty (60) days of issue
 - Initiation of the local dispute process will recognized upon delivery of a “notice”, in writing, identifying date and stating a purpose and request for review and consideration

(Delivery of a notice means: handing it to the CDDO Director; leaving it at the CDDO administrative office with the CDDO Administrative Assistant or other person in charge there of. Service by mail is complete upon mailing and service by telefacsimile communication is completed upon receipt of a confirmation generated by the transmitting machine)

(time frames will be recognized and identified from notices date stamped/received by the CDDO)

*the last day of the period so completed is to be included, unless it is a Saturday, Sunday or a legal holiday in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday.

*whenever a party has the right or is required to do some act or take some proceeding within a specified period after the service of notice and the notice is delivered via mail, three (3) days shall be added to the prescribed period identified in this policy.

2. Dispute Protocol

- a. Upon receipt of the written notice of dispute, the local CDDO Dispute Resolution Committee will review request for dispute and provide the opportunity for resolution between the disputing parties within twenty (20) calendar days following the receipt of written notice for appeal.
 - b. In addition to the above procedure, all parties in a local dispute have an opportunity for the intervention into the dispute by a mediator who has no decision-making authority and is impartial to the issues being discussed, and a mechanism by which any fees charged by the mediator can be shared equally between the parties to the mediation. A person shall not be denied mediation services solely because of an inability to pay the applicable fee. Mediation shall be completed no later than 40 calendar days following the receipt of written notice to the CDDO of a dispute. Any party to the dispute may decline to enter into any process of mediation if that party chose to proceed directly to the appeal procedures provided below. Any party to the dispute may withdraw from any mediation whenever that party believes further efforts at mediation will not likely result in resolution of the dispute: and mediation will not likely result in resolution of the dispute.
3. Upon withdrawing from mediation, either party to the dispute has the right to appeal to either of the following within 60 days of the initial dispute notice:
- a. The governing board of the CDDO, or any other body that the board may designate, if the dispute involves the CDDO as a party, The board shall have 20 days from the date of receipt of a written notice of appeal to conduct any appropriate proceedings and issue a written decision concerning the issue in dispute. If the board fails to issue a written decision by the end of this 20-day period, the appeal shall be deemed to have been decided in favor of the appellant. Each decision of the board shall be binding upon the parties unless either party further appeals to the SRS: or
 - b. SRS unless the dispute involves the CDDO as a party, in which case the appeal shall first have been made to the governing board, as specified above. If the appeal is from a decision of the governing board of the CDDO, a written notice of appeal shall be delivered to the SRS within ten (10) calendar days of the appealing party's receipt of the board's decision. If the dispute does not involve the CDDO as a party, a written notice of appeal shall be delivered to the SRS within sixty (60) calendar days following the CDDO's receipt of written notice of the dispute as specified in paragraph above. The authority to review the dispute and make an appropriate decision shall be reserved by the SRS to assist the parties in resolving the dispute and preventing similar disputes in the future, including by requiring changes of policies, procedures, or practices of community service participants; by requiring corrective action or a peer review process by community services participants; or by using other resolution guidelines. The decision of the division may be appealed to the office of administrative appeals within the Kansas Department of Administration.
4. Nothing in this policy shall be construed to limit the right of any person to bring any action against a CDDO, any affiliated community services provider, or any individual or entity as may be permitted by law.