



MONACAN INDIAN NATION HOUSING DEPARTMENT
PO BOX 960 AMHERST, VA 24521
GRIEVANCE
POLICY & PROCEDURES

TABLE OF CONTENTS

Page 3... Chapter 1 and 2- Policy Statement and Definitions
Page 4... Chapter 3- Procedures – Prior to Hearing
Page 6... Chapter 3- Procedures- Hearing

Chapter 1 Policy Statement.

This Grievance Policy and Procedures (this "Policy") has been adopted by the Monacan Indian Nation Housing Department (MINHD) to establish the general principles and procedures by which MINHD provides for and hears disputes brought against MINHD by its program participants and applicants, in a fair and impartial manner.

These policies and procedures are intended to provide due process to everyone involved along with being in compliance with all state, federal, and tribal laws, which have precedence. Nothing contained in these grievance procedures shall waive any sovereign immunity that the Monacan Indian Nation (MIN) may have.

This grievance process does not apply to MINHD employees except as they may file a grievance as a participant, nor does it apply to vendors or contractors.

These policies and procedures shall be provided to all Participants of any programs offered by the MINHD. It shall be made available to the public and shall be prominently posted in the MINHD office.

Chapter 2 Definitions.

- A. **Governing body** shall mean the Tribal Council, of the MIN.
- B. **Participant** shall mean any individual who has applied for, has been awarded, or is currently participating in any MINHD program. Expressly excluded are individuals whose leases, homeownership agreements, or any other rights to occupancy are being terminated or who are being evicted. All such individuals are not allowed to file a grievance
- C. **Grievance** shall mean any dispute which a Participant may have with respect to MINHD action or failure to act with respect to any MINHD program and which is presented to the MINHD in accordance with these grievance procedures. Expressly excluded are any matters involving the HUD 184 Loan Guarantee program. Also expressly excluded are disputes involving termination of leases, homeownership agreements, or any other rights to occupancy or evictions except that this does not alter any right of review or examination of documents under certain such proceedings as provided by the Native American Housing and Self-Determination Act of 1996 (NAHASDA).

- D. **The Grievance Officer** shall be an impartial (person or group) appointed by the Tribal Administrator of the MIN.
- E. **Complainant** shall mean any Participant who has presented a grievance to the MINHD in accordance with these grievance procedures.
- F. **Grievance Hearing** shall mean the presentation to the Grievance Officer of the complaint and MINHD's response to the complaint. The MINHD's Tribal Administrator and/or legal counsel along with other pertinent MINHD's employees shall be present at the hearing along with the complainant's representative if applicable.

Chapter 3 Procedures.

A. Prior to a hearing.

- (1) These grievance procedures allow decisions, actions or inaction of MINHD staff or governing body to be appealed or reviewed by Participants who are directly impacted or affected so long as certain required procedures are followed.
- (2) To facilitate the process, the complainant may first present his/her case in person or by phone to the HUD Housing Program Manager to resolve the issue before it goes to a formal Hearing. If there is no resolution to the issue, the grievance will then be provided in written form.
- (3) Before filing a grievance, the complainant should review the program agreement he/she has with the MINHD to assure that he/she has a valid complaint.
- (4) The complainant should use MINHD's grievance policy in every attempt to resolve the issue before contacting the Dept. of Housing and Urban Development (HUD).
- (5) The grievance may simply state the grounds upon which the complaint is based and the desired outcome.

- (6) Any grievance must be in writing and signed by a Participant and personally delivered to the Tribal Administrator or designated MINHD employee or sent by certified mail no later than 7 days after the MINHD decision, action or inaction occurs.
- (7) The Tribal Administrator, HUD Housing Program Manager and the complainant shall make every effort to attempt to find resolution prior to the complainant requesting a grievance hearing.
- (8) The Tribal Administrator or designated employee shall respond in writing within 7 days after receiving a grievance. The response shall be personally delivered or delivered by certified mail to the complainant. A copy of the response shall be attached to complainant's grievance.
- (9) The MINHD's response should specify the proposed action to be taken to resolve the complaint, the right of the complainant to a hearing before the Grievance Officer and the procedure for requesting such a hearing.
- (10) If the complainant is dissatisfied with the proposed action to resolve the grievance, the complainant may request a hearing before the Grievance Officer. The request for a hearing must be made within 7 days of the date on the MINHD's written response. The request for a hearing must be in writing and personally delivered to the MINHD office or sent by certified mail.
- (11) If the complainant does not request a hearing within 7 days after receiving the MINHD's response to the grievance, the complainant waives his/her right to a hearing and the MINHD's proposed disposition of the grievance shall become final.

B. Hearing.

- (1) If the complainant requests a hearing within 7 days of the date of the MINHD's written response, the Tribal Administrator shall notify the Grievance Officer in writing of the request and shall schedule the hearing to be held within 30 days of the complainant's request for a hearing.
- (2) Written acknowledgment of the request and notice of the scheduled Grievance Hearing date, time and place shall be provided by the Tribal Administrator to the complainant at least 14 days prior to the hearing date. The written acknowledgement may be personally delivered or sent by certified mail.
- (3) Before attending the Grievance Hearing, the complainant should review the Grievance Policy to acquaint himself/herself with the proceedings.
- (4) The appointed Grievance Officer shall preside over the Grievance Hearing and shall make the final determination as to questions of rules and procedure. The Grievance Officer may be advised by and consult with MINHD staff or legal counsel on procedural matters during this process.
- (5) The Grievance Officer, MINHD staff, and complainants shall treat each other respectfully and fairly when handling, hearing or presenting a grievance.
- (6) The Grievance Officer shall require all in attendance to conduct themselves in an orderly fashion during the Grievance Hearing. Failure to comply with the directions of the Grievance Officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interest of the disorderly party and automatic granting or denying the action sought.
- (7) Grievance matters, including the Grievance Hearing may be confidential and not open to the public.
- (8) The complainant has the right to review all files and documents that were used by the MINHD in its original decision.
- (9) Both the complainant and a representative of the MINHD, who may be the same person who is providing information to the Grievance Officer, shall make verbal arguments at the Grievance Hearing. The complainant may have a representative speak on his/her behalf.

- (10) The Grievance Hearing shall be conducted informally by the Grievance Officer and verbal or written evidence pertinent to the facts and issues raised by the complainant will be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- (11) After due consideration is given to a Grievance, a final decision will be made by the Grievance Officer whether to sustain, reverse or modify the decision, action or inaction challenged. A written decision shall be promptly given to the Complainant no later than 5 days, for after the hearing. **(Note: in most cases, the decision of the Grievance Officer or Panel is binding and the complainant's next step in the appeal process would be tribal or state court. In other cases, tribal law may allow for grievances to be heard before the Board of Commissioners and/or the tribe's governing body before going to court.)**
- (12) Failure to follow any requirement of these grievance procedures shall allow the Grievance Officer to dismiss the grievance with no further consideration.
- (13) Filing a grievance shall not suspend, negate, delay or disrupt the implementation of an MINHD decision or action.
- (14) The provisions of these procedures shall not apply when any grievance concerns involve any criminal activity that threatens the health or safety of, or the right to a peaceful environment of other Participants, neighbors, or MINHD employees OR any criminal activity, including drug-related activity, by Participants, their household members, guests affecting premises.
- (15) Should the complainant fail to appear at the Grievance Hearing, the Grievance Officer may – (1) Dismiss the Grievance (2) Proceed without the complainant, or (3) Reschedule the hearing ONE time if the complainant has provided a valid reason for failing to appear.
- (16) Filing a grievance shall not affect the relationship between the MINHD and the complainant with regards to the provision of other services.



Enacted, on this day, 9th of April, 2020, in Amherst, Virginia.

Kenneth Branham 4-9-20
Chief Kenneth Branham Date

**MONACAN INDIAN NATION
GRIEVANCE FILING FORM**

Your Name: _____

Street Address or P.O. Box #: _____

City: _____ State: _____ Zip: _____

Phone # where you can be contacted: _____

Member Number _____

What program does grievance apply to? _____

Is this the initial complaint or part of an existing grievance previously filed? If existing, please include prior response, in which you are contesting. _____

Description of complaint:

Complainant/Member _____ Date _____

OFFICE USE ONLY

Date received at the MINHD _____

Received by _____

Signature and Date of MINHD representative _____

Final Outcome:

Date of Notification to Complainant/Member _____