

Cottonwood, Incorporated
Policies and Procedures

SECTION: CDDO

Policy No: CDDO-011

SUBJECT: Dispute Resolution

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EFFECTIVE DATE: January 1997

Policy:

Cottonwood Inc. in its capacity as the 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 within the Douglas/Jefferson County service area. Consumers/guardians/parents/personal representatives who have grievances involving an Affiliated Service Providers(s) (CSP), or any other component of the community services system which have not been solved through the provider's internal grievance procedure may choose to use this resource. Therefore, disputes between community service providers may also be resolved through this process, as well as CSP's and the CDDO. per KAR 30-64-32.

Procedure:

1. The local dispute resolution process is as follows:
 - a. Upon receipt of a written notice of dispute, the Chairperson of the council will meet with all the parties involved to assist in the selection of three dispute resolution facilitators. The person bringing the dispute, the service provider, and the Chairperson of the Council shall each select one dispute resolution facilitator.
 - b. The selection will be made from people on the standing dispute resolution committee of the Council of Community Members comprised of Council Members and others who have received training in dispute resolution facilitation.
 - c. The Chairperson will review to ensure that the selected dispute resolution facilitators do not have a conflict of interest.
 - d. The dispute resolution team shall consist of the following people: The consumer, parent(s) or guardian of the consumer, service provider representative, and three dispute resolution facilitators. The consumer may choose a personal advocate to participate with them on the team. Children, at the parents' request, may be excused from the dispute resolution team.
 - e. The team members will sign a confidentiality statement prior to participation in a specific dispute resolution process.
 - f. The dispute resolution facilitators will meet with the parties involved at a neutral location selected by the facilitators within ten days of receipt of the written notice of the dispute. The team will attempt to reach consensus on a solution to the dispute.
 - g. The outcome of this meeting will be provided in writing no later than 20 days of receipt of the written notice of dispute by the dispute resolution facilitators to the person bringing the dispute, the involved service provider, the Chairperson of the Council of Community Members and the Executive Director of Cottonwood, Inc. All areas of agreement and continued disagreement will be outlined.

2. 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 chooses 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 issues 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 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 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 service 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 service provider, or any other individual or entity as may be permitted by law.