

Approved by: J. Kate Burkhart, Ombudsman	Policy # 4101	Page 1 of 3
Supercedes: 4101 (effective January 5, 2018)	Effective Date: January 19, 2024	
Chapter: Special Considerations	Subject: Ombudsman Grievance Policy	

4101 OMBUDSMAN GRIEVANCE POLICY

The Alaska State Ombudsman provides an accessible process for complaining or making a grievance about the services provided by our staff. A complainant, agency, or person directly involved in an ombudsman investigation may make a complaint or grievance. Third party and public interest grievances will not be considered.

4101.1 Notice of Grievance Process

An explanation of this grievance process will be provided to the public on the ombudsman website and through a conspicuous notice or sign in each office reception area. A brief explanation of the grievance process will also be included in notification of the declining or closing of a complaint after review or investigation. Annual notice of the grievance process will be provided to all executive agencies.

4101.2 Making an Informal Grievance

People with complaints about how a complaint was reviewed, declined, investigated, or closed are encouraged to first resolve their concerns informally with ombudsman staff. They can call, email, or meet with the designated staff member to discuss why their complaint was declined for investigation. For concerns with an investigation or closure of a complaint, they can call, email, or meet with the investigator assigned to the complaint.

Ombudsman staff should document the person’s concerns, communications about those concerns, and the outcome of the informal resolution process in the complaint file in the case management system. If the ombudsman staff agreed to take action(s) to address the person’s concerns, those should be clearly documented in the case management system at the time of the informal process and when the action(s) have been completed.

A person is not required to complete the informal grievance process prior to filing a formal, written grievance.

4101.3 Filing a Formal Grievance

If a grievance is not resolved to the person’s satisfaction during the informal process, or if a person chooses not to pursue an informal resolution, the person can make a formal grievance to the Ombudsman. The grievance must be communicated in writing, unless the person experiences a significant barrier due to age, disability, language, literacy or other limitation. A grievance form will be provided online and by request. People can also file a grievance by mail or email to the general ombudsman address.

Approved by: J. Kate Burkhart, Ombudsman	Policy # 4101	Page 2 of 3
Supercedes: 4101 (effective January 5, 2018)	Effective Date: January 19, 2024	
Chapter: Special Considerations	Subject: Ombudsman Grievance Policy	

Ombudsman regulation 21 AAC 10.300 defines what can and cannot be grieved. A grievance may be about, but is not limited to:

- (1) the complainant’s objection to a decision to decline or discontinue investigation of a complaint;
- (2) undue delay in the investigation of a complaint;
- (3) a specific error or omission in the investigation of a complaint; or
- (4) discourteous behavior by a member of the staff.

Grievances can also be made about bias or conflict of interest of an investigator. (21 AAC 25.140.)

The following are not subject to the grievance process:

- (1) a state agency’s objection to a decision to investigate a complaint;
- (2) the assignment of investigator, without allegations of specific instances of bias or conflict of interest;
- (3) the specific allegations of the complaint included in the investigation;
- (4) the standards by which the allegations of a complaint are reviewed;
- (5) the findings of the Ombudsman made in the course of an investigation; or
- (6) the acceptance by the Ombudsman of an agency’s actions to resolve a complaint.

A grievance about conduct, decisions, or actions allegedly occurring more than one (1) year prior will not be accepted for review. (21 AAC 10.305.)

4101.4 Documenting Formal Grievances

Intake staff will enter an ombudsman grievance into the electronic case management system within 24 hours of receipt. The Ombudsman will be designated as the investigator. Staff entering the grievance will email the Ombudsman notifying her of the pending grievance and indicate the date by which a response is due to the person making the grievance. Staff entering the grievance will provide acknowledgement of receipt to the person making the grievance, using a standardized form.

4101.5 Confidentiality

All grievance files are confidential. Following the same policies and procedures as for investigation case summaries, a redacted public summary of each grievance will be created. The annual report shall include a summary of grievances made and their outcomes. A report of redacted public summaries of grievances shall be made available upon request to the public and members of the Legislature.

Approved by: J. Kate Burkhart, Ombudsman	Policy # 4101	Page 3 of 3
Supercedes: 4101 (effective January 5, 2018)	Effective Date: January 19, 2024	
Chapter: Special Considerations	Subject: Ombudsman Grievance Policy	

4101.6 Standards of Review

All grievances about the Alaska State Ombudsman will be reviewed objectively. The Ombudsman will review all grievances. If the grievance is about the Ombudsman, or an investigation performed by the Ombudsman, the Ombudsman shall designate an investigator to review and respond to the grievance.

Grievances about the Ombudsman or ombudsman staff will be investigated in accordance with the same standards applied to complaints about executive state agencies. (*See Ombudsman Policy 4040.*)

4101.7 Response from the Ombudsman or Designee

The Ombudsman or her designee will respond in writing to the person making the grievance within 20 days of receipt. The written response shall include an explanation of the review undertaken, any findings made, and indicate whether any corrective action was taken. (21 AAC 10.310.)

The substance of the grievance response is not appealable or subject to judicial review. (AS 24.55.240). People who are dissatisfied with the response to their ombudsman grievance are referred to their state legislators to raise their concerns.