

MOHAWK COUNCIL OF KAHNAWÁ:KE



COMPLAINTS POLICY

MCK COMPLAINTS POLICY

Preamble

The Mohawk Council of Kahnawá:ke (hereinafter the “MCK”) is an institution that strives to achieve its objectives, and that meets or exceeds the community’s standards of quality, integrity and effectiveness. The MCK is concerned with institutional integrity and with performance, consistent with MCK standards and policies.

The Mohawk Council of Kahnawá:ke is committed to providing high quality services to the community and to ensuring that its clientele is treated fairly, courteously and with respect.

As such, the MCK has adopted a policy and procedure that ensures that complaints from clients are addressed and responded to in a prompt, efficient and fair manner.

The intent of this policy is to resolve conflicts and/or complaints at an operational and administrative level.

This policy reflects an internal organizational process and is designed to resolve conflicts and/or complaints from within. However, should conflicts and/or complaints not be resolved, the pursuit of Alternative Dispute Resolution through the Court of Kahnawá:ke or, in future, through a community Ombudsman, are available options to the client following the internal organizational process.

Nature of Complaints

A client of the Mohawk Council of Kahnawake has the right to lodge complaints regarding various matters.

- Client complaints may be in reference to a particular action or behavior of a staff member.
- Client complaints may be in reference to a particular action or behavior of a Council member.
- Client may lodge complaints with reference to the quality of services supplied by the MCK and its employees.
- Complaints or grievances by clients may also be lodged with regards to decisions made by the various departments, committees, directors and/or Council table.

The MCK does not consider complaints concerning the personal lives of MCK employees or Council members, unless they contravene the MCK Administration Manual/Personnel Policy. If the complainant has instituted litigation against the MCK, no action will be taken by the MCK while the matter is under judicial consideration.

Complaints Procedure

The Executive Director's Office of the MCK acts as the coordinator/monitor and, in certain circumstances, acts as the investigator over client complaints.

It is the responsibility of the Executive Director's Office to ensure that complaints are addressed and reviewed in a prompt, efficient and fair manner. When necessary, the Executive Director's Office will take the necessary steps to ensure that solutions are sought and remedies are implemented to rectify a situation and ensure non-recurrence.

Complaints are considered when made in writing and the complainant is clearly identified. If the complainant prefers, complaint can be given verbally. In such instances, the complainant will be asked to sign a statement that summarizes their complaint. The complainant should also demonstrate that a serious effort has been made to resolve the situation.

When the MCK receives a complaint from a client, it is forwarded to the Executive Director or the Associate Executive Director, who reviews the information to determine if it is relevant to the compliance of MCK standards. At all times, the MCK reserves the right to request information of a department and to interview employees for purposes of fact-finding.

Filing a Complaint:

1. A complaint may be submitted by mail, fax or e-mail at:

Mohawk Council of Kahnawá:ke
P.O. Box 720
Kahnawá:ke Mohawk Territory
J0L 1B0
Attention: Executive Director's Office

Fax: (450) 638-5958
E-mail: Complaints@mck.ca

Alternatively, a complaint may be submitted in person to the Executive Assistant to the Executive Director's Office, either in writing or verbally. If the complaint is given verbally, the complainant will be asked to sign a summary of the complaint.

2. A written complaint or a signed summary should include the following information:
 - State the complaint in the clearest possible terms, and outline the desired remedy.
 - Provide a clear description of the evidence upon which the complaint is based.
 - The complainant should demonstrate that all remedies available at an individual or

departmental level have been exhausted. The complainant should describe what has been done in this regard.

- Attest that the information contained in the complaint is true to the best of the complainant's knowledge and is not under litigation.
 - Acknowledge awareness that the Executive Director/Associate Executive Director or delegate may send copies of the complaint to relevant parties through the course of an investigation.
 - The complainant must be clearly identified, provide contact information, and sign the complaint (unless e-mailed). If the complaint is received by e-mail, the complainant will be requested to provide a signed copy.
3. Upon receipt of a complaint in accordance with the standards outlined above, the Executive Director/Associate Executive Director will confirm receipt within three (3) business days and provide the complainant with a copy of the present policy.
 4. If the complaint is regarding the actions and behaviors of a Council member or a decision made by the Council table, the complaint will be directed to the attention of the Office of the Grand Chief for follow up. If the complaint is with reference to the MCK organization such as employee behavior, actions or service delivery, the Executive Director/Associate Executive Director will continue the follow up.
 5. The Executive Director/Associate Executive Director or the Finance, Administration & Operations Committee as the case may be, will decide whether the complaint is valid or not. If it is not considered valid, the complainant will be advised of such at this stage, and the complaint will be deemed closed. If the complaint is considered valid, the Executive Director/Associate Executive Director or the Finance, Administration & Operations Committee as the case may be, maintains responsibility to ensure that the issue is addressed in accordance with the present policy.
 6. All complaints will be reviewed in a confidential manner.
 7. Upon the conclusion of an investigation, the Executive Director/Associate Executive Director or the Finance, Administration & Operations Committee will disclose the results of the investigation to the complainant and the party subject of the complaint, with the exception of any information whose disclosure is prohibited by law.
 8. The Executive Director shall coordinate the review if the subject of the complaint includes the Associate Executive Director.
 9. The Chairman of Finance, Administration & Operations Committee shall coordinate the review if the subject of the complaint includes the Executive Director.

10. Chief and Council, excluding those implicated, shall coordinate the review if the subject of the complaint is the Finance, Administration & Operations Committee, or a member of the Finance, Administration & Operations Committee, excluding the Executive Director.
11. With the exception of a complaint regarding the Executive Director, the Finance, Administration & Operations Committee or Chief and Council, a final level of appeal rests with the Finance, Administration & Operations Committee of the Mohawk Council of Kahnawake.

Reviewing the Complaint

1. Depending on the nature of the complaint, the Executive Director/Associate Executive Director may retain the review directly or refer the complaint to the Manager, Unit Director or Finance, Administration & Operations Committee for review and investigation. In either case, the Executive Director/Associate Executive Director is responsible to monitor the proceedings. The person assigned to investigate will also provide notice of the complaint and a copy of the present MCK policy to the person or department that is the subject of the complaint, unless such notice would jeopardize the investigation.
2. The Lead Council Portfolio Chief will be notified of the complaint and kept abreast of the process. If necessary, the Lead Council Portfolio Chief may be requested to participate in the review.
3. The person assigned to investigate will conduct the investigation within ten (10) working days of the complaint. The person assigned to investigate will prepare a summary of findings, recommendations and a final course of action (hereinafter the “investigation package”), to be submitted to the Executive Director/Associate Executive Director or to the Finance, Administration & Operations Committee, as the case may be. The person subject of the complaint will have an opportunity to respond to the allegations before the conclusion of the investigation.
4. Within five (5) days of receipt of the investigation package, the Executive Director/Associate Executive Director or to the Finance, Administration & Operations Committee, as the case may be, will respond to the complainant. The Executive Director/Associate Executive Director or to the Finance, Administration & Operations Committee, as the case may be, will advise the complainant of the next possible

course of action in the event the complainant is not satisfied with the outcome of the complaint. The person subject of the complaint will also be notified of the outcome and any remedies that may be applied. Any disciplinary action will conform to the MCK Administration Manual/Personnel Policy. A copy of the investigation package will be kept in the personnel or department/operations file of the person subject of the complaint.

5. In the event the process outlined above cannot be completed within the assigned timeline, the complainant will be notified of such, with an explanation for the delay and a commitment to a new deadline of no longer than five (5) business days after the expiry of the assigned timeline.
6. Should the complaint not be addressed by the Executive Director/Associate Executive Director to the satisfaction of the complainant, the last course of action is to submit the complaint to the Finance, Administration & Operations Committee within five (5) working days of receipt of the decision of the Executive Director/Associate Executive Director. The Finance, Administration & Operations Committee will review the investigation and the Executive Director's/Associate Executive Director's decision and will notify the complainant of their decision within five (5) working days. The Finance, Administration & Operations Committee may overturn the decision of the Executive Director/Associate Executive Director.
7. The decision of the Finance, Administration & Operations Committee shall be final and without appeal.
8. Operational change will be addressed in the case of recurrent complaints from unrelated sources.

Complaints Guidelines

1. The MCK shall maintain a file on each written complaint filed. The file must include:
 - The name of the person who filed the complaint.
 - The date the complaint was received by the MCK.
 - The subject matter of the complaint.
 - The name of each person contacted in relation to the complaint.
 - A summary of the results of the review or investigation of the complaint by the party who investigated it.

2. If the MCK finds the complaint to be not within the scope of MCK policies and jurisdiction, the complainant will be so notified. Individual complaints, whether acted upon or not by the MCK, will be retained in MCK files. The complainant will be encouraged to seek a resolution through Sken:nen A'onsonton (Alternative Dispute Resolution), the Communal Arbitration Procedure or the Court of Kahnawá:ke.
3. Upon the conclusion of the investigation, the person subject of the complaint will be provided with an opportunity to respond. A written response will be included in the complaint file. The complainant and the person subject of the complaint involved will be notified of the decision. Disciplinary actions taken will conform to the MCK Administration Manual/Personnel Policy.
4. The MCK will keep a record of complaints against employees. If a complaint is found to be valid, the investigation package will be kept in the personnel file of the person subject of the complaint. At the time of an employee's annual evaluation, a summary of any complaints lodged during that year will be provided to the employee's supervisor for consideration.
5. Once a complaint has been reviewed and a conclusion made, remedies to rectify the situation will be sought and implemented within the MCK structure.



For More Information, please contact:

Mohawk Council of Kahnawá:ke
P.O. Box 720
Mohawk Territory, JOL 1B0

Telephone: (450) 632-7500
Fax: (450) 638-5958

www.kahnawake.com