



<p>COLORADO DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH CORRECTIONS</p> 	<p>POLICY S 13.2</p>	<p>PAGE NUMBER Page 1 of 6</p>
	<p>CHAPTER: Juvenile Rights</p>	
	<p>SUBJECT: Grievance Procedures</p>	
	<p>EFFECTIVE DATE: April 1, 2015</p>	
<p>THIS POLICY RELATES TO:</p> <p>State-Operated Treatment Facilities State-Operated Detention Facilities Regional Offices</p>	 <p>Charles Parkins, Director</p>	

I. POLICY:

A juvenile grievance procedure shall be available for use by all juveniles in the custody of the Division of Youth Corrections. All juveniles shall be informed of their right to grieve any inappropriate or infringing programming and/or behavior or action of staff or other juveniles. Grievances shall be resolved according to the procedures herein established by the Division of Youth Corrections.

II. KEY TERMS:

- A. Grievance - A circumstance or action considered to be unfair and/or unjust that a juvenile wants to dispute through either:
1. Informal Resolution: The lowest level of conflict resolution which may be used to resolve a dispute prior to initiating a formal grievance process.
 2. Formal Resolution: A process in which a juvenile submits a written complaint that is heard and responded to by an impartial person.
- B. Impartial Person - A Contract Program Administrator or staff who does not have direct involvement in the circumstances surrounding the grievance and who does not have direct supervision of the juvenile that filed a grievance or in a role of directly supervising staff that have direct supervision of the juvenile that filed the grievance.

III. PROCEDURES:

A. Informal Resolution:

The informal resolution process is designed to encourage the juvenile to attempt to process the complaint at the lowest level with the goal of resolving the issue.

1. The juvenile is not required to complete this step prior to submitting a formal grievance form.

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2. Staff shall be readily available to juveniles to listen to their concerns and/or complaints and shall respond to juveniles by providing them with information and taking actions to resolve the issues whenever possible.

B. Formal Grievance Resolution:

A juvenile shall be afforded the opportunity to file a formal grievance. Juveniles who choose to file a formal grievance shall not be subject to any disciplinary sanctions or adverse action as a result of choosing to file a formal grievance.

1. The Juvenile Formal Grievance Form shall be the required format in which juveniles submit grievances, and shall be located in areas of the facility that juveniles have access to without requiring the assistance of a staff member and/or upon request.
2. The staff member shall provide the juvenile with a grievance form at the earliest time available.
3. Writing materials shall be made available whenever a juvenile wishes to write a complaint, unless it is believed that a juvenile may harm him or herself or others with the writing instrument and/or pose a safety/security risk.
 - a. Staff shall not give a juvenile a pen or pencil if it is believed that the juvenile may use it as a weapon. In such cases, the juvenile may be given another type of writing tool such as a crayon or the staff member may assist the juvenile by filling out the written grievance form.
 - b. Staff members shall provide assistance to juveniles when it is believed that a juvenile is unable to adequately complete the complaint. Juveniles may also ask for assistance from another juvenile if such assistance does not create a safety/security situation.
4. Locked grievance boxe(s) shall be made available for juveniles to submit their completed grievance form.
5. It is the responsibility of the juvenile to place the grievance in the locked box. In the event that a juvenile turns in the grievance to a staff member, the staff shall place the unread grievance in the locked box.
6. The Appointing Authority shall appoint an impartial person to collect and respond to all grievances.
7. The designee(s) shall collect all grievances in a timely manner not to exceed 48 hours excluding weekends and holidays. The designated staff shall review all grievances to determine who shall respond/complete the grievance process with the juvenile and shall document this on the form.
 - a. If the topic and/or the person the complaint references are not Division of Youth Corrections' facility, staff, Region, Office or programming related, the document shall be forwarded to the

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appropriate party. This information shall be communicated to the juvenile and documented on the form.

- b. The designee(s) shall develop and maintain a facility tracking system for grievances.
 - i. All grievances shall be documented on an internal facility tracking form utilizing a tracking system to document the process, content and resolution process.
 - ii. The designee shall communicate with the juvenile to respond and/or complete the grievance process. The designee is also responsible for documenting and informing the juvenile about any schedule conflicts and/or investigation needs.
 - c. The staff resolving the juvenile grievance shall investigate the complaint. This investigation shall include a review of all pertinent written materials and interviews with persons who witnessed and/or are aware of the situation.
8. Upon receipt of the grievance, the grievance shall be responded to and/or concluded within 72 hrs excluding the weekends and/or holidays. Reasons for not completing the grievance process within 72-hours shall be documented on the grievance form and communicated to the juvenile.
 9. A formal written response shall be completed on the Juvenile Formal Grievance Form and provided to the juvenile by Division of Youth Corrections' staff.
 10. If the decision is in favor of the grievant, the appointing authority shall ensure that appropriate action is taken to rectify the situation. Documentation of this process to include resolution dates shall be maintained with the grievance document.
 11. If the juvenile is not available upon conclusion of the grievance process, efforts are to be made to communicate the outcome to the juvenile which shall be documented and maintained with the grievance form.
 12. A facility administrator or designee shall conduct an administrative review of all completed grievances and dispositions to ensure fair dispositions and conformity with policy and procedures.

C. Sensitive and Emergency Grievances:

1. If a juvenile is of the opinion that a grievance is of a sensitive or emergency nature, the grievance may be filed directly with the Facility Director, Director of Facility Operations and/or the Regional Director. The persons listed above that the juvenile submits the grievance to shall depend on the topic of the grievance and/or who can grant relief.
 - a. The juvenile must clearly explain the nature of the complaint in a written grievance.

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- b. The grievance may be given directly to the Facility Director in a sealed envelope and/or mailed to the Director of Facility Operations or Regional Director using the postal service.
 - i. If it is determined that the grievance is not of a sensitive or emergent nature, the juvenile shall be communicated with and provided with an explanation as to the non-emergent nature. The grievance shall then be sent through the formal resolution process.
 - ii. If it is determined that the grievance is of a sensitive or emergent nature, the Facility Director, appointed designee, Director of Facility Operations or Regional Director, or their designee shall conduct the necessary investigation and take the appropriate steps to address the grievance complaint.
 2. If a grievance is an allegation of child abuse, the complaint shall be reported to the appropriate authorities that have authorization to conduct an alleged institutional abuse investigation or the proper law enforcement agency immediately. Appropriate documentation in the Colorado Trails Database regarding the alleged child abuse shall also be completed.
 3. If the grievance is an allegation of STAFF SEXUAL MISCONDUCT, JUVENILE SEXUAL ABUSE, STAFF ON JUVENILE OR JUVENILE ON JUVENILE SEXUAL HARASSMENT, AND JUVENILE SEXUAL MISCONDUCT, the Facility Director or Designee shall gather information related to the allegation. If the information gathered meets the reporting requirement of the Division of Youth Corrections' Policy, appropriate reporting procedures shall be followed. If criminal charges are warranted, local law enforcement shall be contacted. Appropriate documentation in the Colorado Trails Database regarding the alleged child abuse shall also be completed.

D. Civil Rights Grievances:

1. If the grievance alleges a civil rights violation, the facility shall immediately report the claim to the client civil rights contact person and an investigation shall be initiated within seven (7) days of such report.
 - a. Information regarding the appropriate contact person for civil rights claims shall be posted in a visible location in the facility which can be accessed by the juvenile.
 - b. Information regarding the appropriate contact person for civil rights claims shall be included in the juvenile student handbook.
 - c. Interpretive services shall be made available as necessary to assist the juvenile file a complaint.
 - d. The juvenile shall be provided notice by the facility staff that s/he may also file a complaint with:

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The Center for Equal Opportunity and risk Management
3550 W. Oxford Ave.
Denver, CO 80236
303-866-7129
TDD: 303-866-7105

- e. The juvenile may also file a civil rights complaint directly with:

U.S. Department of Health and Human Services Office for Civil Rights
1961 Stout Street -- Room 1426 FOB
Denver, CO 80294-3538
Voice Phone (303) 844-2024
Fax (303) 844-2025
TDD (303) 844-3439

- f. THE JUVENILE MAY ALSO FILE A FOOD RELATED CIVIL RIGHTS COMPLAINT DIRECTLY WITH:

U.S. DEPARTMENT OF AGRICULTURE
U.S. DEPARTMENT OF AGRICULTURE, DIRECTOR,
OFFICE OF ADJUDICATION,
1400 INDEPENDENCE AVE. S.W., WASHINGTON, D.C.
20250-9410
Voice: 1-866-632-9992
Fax: 1-202-690-7442

2. The Center for Equal Opportunity and Risk management may assist with the resolution of juvenile related civil rights issues, as requested.

E. Grievance Appeal Procedure:

1. Once the juvenile receives the written response to their grievance complaint, they shall be afforded the opportunity to appeal the findings to the Facility Director, Director of Facility Operations and/or Regional Director or their designee(s) in his/her absence. The juvenile shall submit the grievance within five (5) days to the Facility Director or their designee with any additional material necessary to explain his/her appeal.
2. The appeal shall be responded to within 72 hours excluding weekends/holidays and a resolution shall be completed as soon as possible.
3. The Facility Director, Director of Facility Operations and/or Regional Director or their designee(s) in his/her absence may conduct a formal hearing if the circumstances of the grievance indicate that a hearing is necessary.

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4. If it is determined that a hearing is necessary, the juvenile may bring a staff member, another juvenile, an attorney at his/her own expense, or any other person of their choosing to serve as his/her representative and/or to assist him/her at the appeal hearing.
 - a. The juvenile, facility staff member, or others involved, may call witnesses and present materials to substantiate their positions.
 - b. The Facility Director, Director of Facility Operations and/or Regional Director or their designee(s) in his/her absence shall notify all involved parties in writing of the findings and recommendations within 72 hours after the review or hearing is completed excluding weekend and/or holidays.

F. The Grievance Review Process:

1. The Director of Facility Operations shall review the findings of the Facility Director upon the written request of the grievant.
2. The Associate Director shall review the findings of the Regional Director upon the written request of the grievant.
 - a. If a grievance alleges discrimination and the grievant requests a review, the Division of Youth Corrections' Associate Director or their designee shall review the grievance.
 - b. The reviewer may, but is not required to, investigate or hold a hearing, but is required to review the written materials. His/her decision is final. Written notification of the decision shall be forwarded to the Facility Director, Director of Facility Operations and Regional Director (as needed), staff member(s) and juvenile(s) involved within five (5) working days of the filing of the request for a review of an appealed grievance.

G. Grievance Distribution:

The original grievance form along with all pertinent documents shall be kept in the residents file. Copies shall be given to the juvenile initiating the complaint and one shall be maintained in a facility related grievance file.