

POLICY DOCUMENT VARIANCE REQUEST

Variance to DYS Policy/Operations Manual #: 159-YRI-07		Policy Sections(s): IV; C.1.a, c, d, e; C.2,3,6; D.2, 3, 5; E.2; F.1; F.3.a-c
Policy/Operations Manual Name: Youth Grievance Process		
Executive Staff Member Submitting the Request: Ginine M. Trim		
Request Applicable to the Following Sites: Central Office; CHJCF; CJCF; and IRJCF		
Date of Request: January 12, 2022	Length of Requested Variance: Until the next policy review	Effective Date of Variance: January 13, 2022
Please provide a full explanation of the requested variance including the justification for the request. Please be specific as to exactly what sections and language are being revised. (Attach additional sheets if necessary):		

This variance shall be effective January 13, 2022, for CJCF and January 24, 2022, for CHJCF and IRJCF. This variance is needed due to every youth committed to a DYS facility will now be assigned a tablet for everyday use. The youth shall be able to submit youth grievances via the tablet. The following steps shall be available for youth to submit youth grievance electronically through Viapath tablets and for staff to process an emergency youth grievance, formal youth grievance or a youth grievance appeal. The following edits shall replace the current policy language.

IV. Definintions

Viapath (formerly GTL) - A third party service provider responsible for providing hardware and software necessary to implement and maintain the Youth Telephone Monitoring System (YTMS) and command tablets.

C. Filing a Formal Grievance

1. a. The youth shall include only one (1) complaint per grievance submitted through Viapath.
- c. The youth shall submit the grievance through the Viapath tablet or in the absence of the tablet, the youth shall place a hard copy grievance in the locked grievance box.
- d. For a grievance alleging sexual abuse, the facility investigator/grievance coordinator shall refer to section F. of this policy for further processing.
- e. For any grievance filed against a facility investigator/grievance coordinator, superintendent or regional administrator, the grievance shall be directed to the Chief Inspector's Office for processing. In the absence of the assigned tablet, the youth may submit a hard copy grievance to the Chief Inspector's Office. The youth shall obtain an envelope from the unit manager if needed. The address to Chief Inspector's Office can be obtained from the Youth Handbook.
2. The facility investigator/grievance coordinator, or designee, shall obtain the grievance from the Viapath Command Center, enter the grievance into the JCMS, create a PDF of the Viapath grievance, then attach the

POLICY DOCUMENT VARIANCE REQUEST

grievance into JJCMS from the Viapath Command Center and document the grievance number generated by Viapath to the grievance in JJCMS.

3. If needed, the facility investigator/grievance coordinator shall meet face-to-face with the youth to discuss the grievance and to inquire about any needed information that is not in the youth's submitted grievance. The grievance shall then include any additional information that is obtained. If a grievance includes more than one (1) complaint contrary to E.1.b, the facility investigator/grievance coordinator shall assist the youth in completing an additional grievance form(s) to accommodate the complaints.

6. With the exception of the forty-eight (48) hours required for emergency grievances alleging substantial risk of sexual or physical abuse, the facility investigator/grievance coordinator shall have fourteen (14) business days from receipt of the grievance to respond to the youth. The grievance coordinator may extend the time in which to respond, for good cause, with notice to the youth and approval by the chief inspector, or designee. The facility investigator/grievance coordinator shall scan into JJCMS all supporting documentation to justify extension request. Grievances filed with the chief inspector are governed by the same timeframes as other grievances.

D. Youth Grievance Appeal Process

2. The appeal shall be submitted on the Youth Grievance Appeal form on the Viapath tablet or on Youth Grievance Appeal form (DYS2062); Spanish Version DYS2063) and state the grounds for the appeal.

3. When a youth submits an appeal, the youth grievance shall be processed by the Chief Inspector's Office. The chief inspector or designee shall place the youth's written reasons for the appeal in JJCMS.

5. The youth shall receive a written response on the tablet providing a reason for the ruling on the appeal.

E. Sexual Harassment Grievance

2. The facility PREA compliance manager (PCM) shall be notified via email of the sexual harassment grievances for further processing the same day as referenced in DYS Policy 179-YSA-01, Sexual Abuse and Sexual Harassment: Reporting and Responding .

F. Sexual Abuse Grievances

1. When a grievance is submitted alleging sexual abuse by staff or youth, the facility superintendent, both deputy superintendents, facility investigator/grievance coordinator and PCM shall be immediately notified by email.

POLICY DOCUMENT VARIANCE REQUEST

3. a. If the grievance is filed after business hours, on weekends of holidays, the youth shall submit emergency grievance through the Viapath tablet. Facility medical staff shall be immediately notified of grievance submitted.
- b. For weekends and holidays, the facility investigator/grievance coordinator and the PCM shall be notified of the grievance.
- c. The PCM shall ensure section C.1. A-E are completed upon receipt of the notification.

Comments:

☐ Recommended
☐ Not Recommended

Executive Staff Member:

Date:

Comments:

☒ Recommended
☐ Not Recommended

Policy Administrator:

Date: 1/17/2022

Decision/Comments:

☒ Approved
☐ Disapproved


Director/Designee:

Jinane Trim

Date: 1/17/22

Expiration of Variance:



TITLE: Youth Grievance Process	PAGE 1 OF 10
	NUMBER: 159-YRI-07
RELATED RULE/CODE:	SUPERSEDES: Policy 159-YRI-07 dated 03/26/2020
RELATED ACA STANDARDS:	EFFECTIVE DATE: April 1, 2021
RELATED PREA STANDARDS:	APPROVED:  Ryan Gies, Director

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5139.01, which delegates to the Director of the Department of Youth Services the authority to adopt rules for the governance of the department, the conduct of its officers and employees, the performance of its business, and the custody, use, and preservation of the department's records, papers, books, documents, and property.

II. PURPOSE

The purpose of this policy is to provide guidelines for both an informal and formal problem-solving process for youth committed to the Department of Youth Services.

III. APPLICABILITY

This policy applies to persons employed by the Ohio Department of Youth Services (DYS), independent contractors providing a service to DHS, volunteers, and youth.

IV. DEFINITIONS

Department Head – Designated manager or supervisor of an operational unit. May include but not be limited to, unit manager, operations manager, or juvenile parole services supervisor.

Emergency Grievance – A grievance alleging a risk of imminent sexual abuse or alleging previous sexual abuse.

Facility Investigator/ Grievance Coordinator – An exempt employee supervised by the site manager who oversees the grievance process; responds to local grievances; gathers information to resolve youth grievances; meets face-to-face with youth; enters information into the Juvenile Justice Case System Management (JJCMS) and informs the site manager and department heads quarterly of trends as evidenced by grievance content.

Facility PREA Compliance Manager (PCM) - A facility staff member with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

Formal Grievance – An internal written complaint from a youth concerning custody treatment, quality of life issues (e.g. living conditions, dispute or application of any policy or practice of DYS, Medical, education etc.).

Grievance Audit – A monitoring mechanism utilized to determine a site's performance and compliance with the grievance policy. This audit shall also measure the youth's knowledge and understanding of the grievance process.

Medical Grievance – Any grievance involving medical, mental health or dental care.

Merit – The presence of sufficient evidence to support the grievance.

Related Grievances – Grievances submitted separately by different youth which relate to the same complaint(s) and are submitted within the same time period, and which the facility investigator/grievance coordinator elects to consolidate for processing and decision.

Site Manager – Director (or designee) for Central Office, superintendents for facilities and Corrections Training Academy, or regional administrators for parole regions.

Youth Grievance Appeal - The process for requesting a change in a formal decision.

V. POLICY

It is the policy of the Ohio Department of Youth Services (DYS) to provide the earliest informal and formal resolution for any matter that is subject to the grievance process while providing an individualized resolution to each youth in a timely and satisfactory manner.

VI. PROCEDURE

A. Youth Education

1. On the first day of Intake, the unit manager or designee shall provide education and training to youth regarding the grievance process, as outlined in DYS Policy 159-YRE-01, Youth Intake and Reception. The unit manager shall ensure this training is scheduled and completed. The youth shall also be provided with a Youth Grievance Handbook (DYS2065); Spanish Version (DYS2066) and DYS Youth Grievance (DYS2069); Spanish Version (DYS2070).
2. Provisions shall be made to ensure youth that are not proficient in English and youth with specified learning disabilities (SLD) have access to the grievance process in a way that is understandable for the youth.

3. After the grievance orientation, each youth shall sign a Letter of Understanding (DYS2067); Spanish Version (DYS2068) to acknowledge receipt of the Youth Grievance Handbook (DYS2065); Spanish Version (DYS2066) and that he understands the grievance process. A copy of that receipt shall be placed in the youth's file.
4. Upon transfer and arrival to a DYS facility, each youth shall receive another copy of Youth Grievance Handbook (DYS2065); Spanish Version (DYS2066) and again shall sign a Letter of Understanding (DYS2067); Spanish Version (DYS2068) to acknowledge receipt of the Youth Grievance Handbook (DYS2065); Spanish Version (DYS2066) and that the youth understands the grievance process. A copy of that receipt shall be placed in the youth's original file and/or uploaded into OnBase under the youth's documents.
 - a. If the youth refuses to sign the Letter of Understanding (DYS2067); Spanish Version (DYS2068) and indicates he does not understand the process; his case manager shall meet individually with the youth to further review the grievance procedure.
 - b. If the youth still refuses to sign, staff shall document "refused" on the line provided for the youth's signature and sign and date the form.
5. The Youth and Family Handbook shall contain an introductory overview of the grievance process that the youth and his family need to know about during the youth's stay in a DYS facility. The handbook shall be provided to all DYS youths and their families during the intake process. The handbook is also available on the DYS website.
6. Within twenty-four (24) hours after a youth is released from a DYS facility to parole, each juvenile parole officer (JPO) shall provide to youth, information regarding the youth grievance process during the initial face to face contact. Youth shall sign that he received grievance information in accordance with this policy and DYS Policy 400-PAR-01, Parole Supervision and Case Management.

B. Staff Responsibilities

1. The facility investigator/grievance coordinator or designee shall oversee the grievance process at each facility.
2. The facility investigator/grievance coordinator or designee shall verify that grievance forms are displayed in wall boxes on all living units and other designated areas that assure access to such forms. Additional grievance forms and envelopes shall also be available in the unit manager's office.
3. The facility investigator/grievance coordinator or designee shall ensure youth have unencumbered access to a locked grievance box to place their grievance. These locked grievance boxes shall be placed in easily accessible locations for the youth. Such locked boxes shall be placed in the cafeteria, school area, medical, gymnasiums, living units, and in accessible areas at each regional office.

4. The unit manager or designee shall ensure youth placed in any form of restrictive housing (i.e. seclusion) shall be visited daily by the unit manager, or designee per DYS Policy 156-DSC-05, Seclusion. Upon request by a youth, the unit manager, or designee, shall provide a grievance form or if requested shall arrange for the facility investigator/ grievance coordinator to meet with the youth.
5. The chief inspector, or designee, shall instruct each employee receiving pre-service training on the youth's right to grieve and the grievance process. The Pre-Service trainees shall sign acknowledging receipt of this training.
6. Each site manager, or designee, shall ensure that all staff at his/her site attends annual in-service training where a review of the youth grievance process shall be conducted. The employee's training record shall reflect the date this training was received. The facility training officer shall maintain records for each employee to ensure completion.
7. Retaliation or the threat of retaliation from any DYS employee toward any youth for the use of the grievance process shall be strictly prohibited. Allegations of retaliation shall be reported to the site manager and investigated accordingly. Substantiated findings against an DYS employee shall be addressed through appropriate disciplinary action consistent with DYS Policy 131-SEM-05, General Work Rules.
8. The facility investigator/grievance coordinator, or designee, shall retrieve all grievances from the locked grievance boxes, Monday through Friday and shall enter the youth grievances into JJCMS upon receipt. The youth shall document the grievance number generated by JJCMS on the DYS Youth Grievance (DYS2069); Spanish Version (DYS2070).

C. Filing a Formal Grievance

1. Youth may file a formal grievance by completing the DYS Youth Grievance (DYS2069).
 - a. The youth shall include only one (1) complaint per grievance form.
 - b. The youth shall provide a detailed account of the complaint, including any names, dates, and places. Although not required, a youth can choose to seek assistance from a third party in filing his grievance.
 - c. The youth shall either return the grievance form to the facility investigator/grievance coordinator or place it in the locked grievance box.
 - d. For a grievance alleging sexual abuse, the facility investigator/grievance coordinator shall refer to section F of this policy for further processing.
 - e. For any grievance filed against a facility investigator/grievance coordinator, superintendent or regional administrator, the youth shall mail the grievance form directly to the Chief Inspector's Office. The youth shall obtain an envelope from the unit manager

if they do not have one. The address to the Chief Inspector's Office can be obtained from the grievance form or Youth Handbook.

2. The facility investigator/grievance coordinator, or designee, shall obtain the grievance, enter the grievance into the JJCMS, scan the original grievance into JJCMS and document the grievance number generated by the JJCMS on the DYS Youth Grievance (DYS2069).
3. The facility investigator/grievance coordinator shall meet face-to-face with the youth to discuss the grievance and to inquire about any needed information that is not in the youth's written grievance. The grievance shall then include any additional information that is obtained. If a grievance form includes more than one (1) complaint contrary to C.1.b, the facility investigator/grievance coordinator shall assist the youth in completing an additional grievance form(s) to accommodate the complaints.
4. The facility investigator/grievance coordinator shall gather input from the appropriate department head relevant to the grievance. If the relevant facts are disputed, the facility investigator/grievance coordinator shall take whatever steps necessary to resolve such factual issues, including consulting facility records; interviewing staff members, youth or other persons who witnessed or have knowledge of the subject of the grievance; or referral under DYS Policy 109-INV-02 Investigations, in cases within the criteria of that policy. All supporting documentation shall be uploaded into JJCMS prior to requesting grievance review from the Chief Inspector's Office. The grievance is not ready for review without all documentation that aided in the grievance determination.
5. For all medical grievances, the grievance coordinator shall consult with the health services administrator or psychology supervisor not involved in the care under review and document the clinical recommendation for resolution. If the relevant facts are disputed, the facility investigator/grievance coordinator shall take whatever steps necessary to resolve such factual issues, including consulting facility records; interviewing staff members, youth or other persons who witnessed or have knowledge of the subject of the grievance; or referral under DYS Policy 109-INV-02, Investigations, in cases within the criteria of that policy. All supporting documentation shall be uploaded into JJCMS prior to requesting grievance review from the Chief Inspector's Office. The grievance is not ready for review without all documentation that aided in the grievance determination.
6. With the exception of the forty-eight (48) hours required for emergency grievances alleging substantial risk of sexual abuse, the facility investigator/grievance coordinator shall have fourteen (14) business days from receipt of the grievance to respond to the youth. The grievance coordinator may extend the time in which to respond, for good cause, with notice to the youth and approval by the chief inspector, or designee. The facility investigator/grievance coordinator shall scan into JJCMS all extensions and supporting documentation. Grievances filed with the chief inspector are governed by the same timeframes as other grievances.
7. The facility investigator/grievance coordinator shall determine the merits of the grievance and indicate decision on the DYS Youth Grievance (DYS2069). All grievance decisions shall

- be based on the merits of the issues raised in the grievance and not on the youth's perceived failure to comply with any of the procedures set out herein.
8. The facility investigator/grievance coordinator shall review the response with the youth. The facility investigator/grievance coordinator shall ensure the youth understands how the decision of the grievance was determined and the decision was impartial to the youth's behavior not referenced in the grievance and have him sign the grievance form.
 9. The facility investigator /grievance coordinator shall return the grievance form to the youth.
 10. The youth's involvement with the grievance process begins when the youth submits a signed grievance form and will expire once one of the following occurs: the fourteen-day period has been completed or any extension has been completed, the youth files a formal appeal to the decision rendered, which the youth shall be required to complete the Youth Grievance Appeal (DYS2062); Spanish Version (DYS2063) and submit to the Chief Inspector's Office.

D. Youth Grievance Appeal Process

1. When the grievance is found to have no merit, the youth shall have seven (7) days after receiving a copy of the grievance results to appeal the facility investigator/grievance coordinator findings.
2. The appeal shall be in writing on the Youth Grievance Appeal (DYS2062); Spanish Version (DYS2063) and state the grounds for the appeal. Grounds for appeal shall consist of the following:
 - a. New evidence exists that would affect the action to be taken.
 - b. Staff did not follow the requirements of the grievance process.
3. When a youth submits a written appeal, the youth shall send it directly to the Chief Inspector's Office. The chief inspector or designee shall place the youth's written reasons for the appeal in JJCMS.
4. The chief inspector or designee shall review the youth appeal and shall decide on the appeal within ten (10) business days of receipt.
5. The youth shall receive a written response providing a reason for the ruling on the appeal.
6. On appeal, the chief inspector or designee may affirm, reverse, or modify the decision.
7. If the appeal is granted, the chief inspector or designee shall update the information in JJCMS.
8. The facility investigator/grievance coordinator or designee shall inform the youth of the final actions and obtain the youth signature within three (3) business days.

E. Sexual Harassment Grievances

1. If a youth files an allegation of sexual harassment through the grievance process, the facility grievance coordinator/investigator shall enter the grievance into JJCMS and record the assigned grievance number on the DYS Youth Grievance (DYS2069) the same day the grievance is retrieved. In the absence of the grievance coordinator, the facility designee shall complete.
2. The facility grievance coordinator/investigator shall provide the facility PCM with all sexual harassment grievances for further processing the same day as referenced in DYS Policy 179-YSA-01, Sexual Abuse and Sexual Harassment: Reporting and Responding .

F. Sexual Abuse Grievances

1. When a grievance is submitted alleging sexual abuse by staff or youth, the facility investigator/grievance coordinator shall immediately notify the site manager or designee and the facility PCM.
 - a. The PCM shall review the incident the same day as received.
 - b. The PCM shall meet with the youth to assess the nature of the allegation to determine if the grievance shall be coded under a PREA allegation, or is the allegation falls within another category. If the allegation is determined to be a PREA allegation, the PCM shall ensure the allegation is entered into JJCMS according to DYS Policy 101-COM-08, Incident Reporting, as a new incident report along with the appropriate corresponding sexual abuse classification code based upon finding the grievance has merit. All corresponding documentation shall also be scanned into JJCMS incident report.
 - c. If warranted, the grievance shall be assigned for investigation in accordance with DYS Policy 109-INV-02, Investigations. The youth shall receive written notice as to the outcome of the investigation.
 - d. If a matter is assigned for investigation, the facility investigator/grievance coordinator shall indicate in JJCMS that the grievance has been so assigned and shall write the investigation number on the grievance form.
 - e. If there is reason to believe a criminal act has occurred, the facility investigator/grievance coordinator shall notify the site manager, or designee, who shall follow the appropriate notifications, as outlined in the DYS Policy 101-COM-08, Incident Reporting.
2. The site manager or designee in conjunction with the facility PCM, UMA or UM, medical staff and BHS shall ensure that the youth is safe and protected from harm and separated from their alleged abuser. The PCM shall ensure appropriate follow up medical and mental health

care in accordance with 179-YSA-03, Medical and Behavioral Health Services Response to Sexual Abuse.

3. When an emergency grievance is submitted the youth shall indicate such on the grievance form in the box indicated.
 - a. If the grievance is filed after business hours, on weekends or holidays, the youth shall place the grievance in the health call box.
 - b. The facility investigator/grievance coordinator shall provide the PCM the grievance the day it is received. For weekends and holidays, a call shall be made to the PCM.
 - c. The PCM shall ensure section F.1. A-E are completed upon receipt of the notification.
 - d. The facility investigator/grievance coordinator shall enter the grievance and supporting documentation in JJCMS and ensure the grievance is marked as an emergency.
 - e. The final grievance decision shall be provided within forty-eight (48) hours.

G. Chief Inspector's Office Administrative Review

1. The chief inspector, or designee, shall review every grievance to ensure consistency and compliance with all relevant DYS policies and procedures, to ensure that both the handling of the grievance and the determination of the matter at issue in the grievance were consistent with DYS policies and procedures. This review process shall be for internal control and management purposes only and does not constitute a continuation of an individual youth's administrative remedy process.
2. The chief inspector, or designee, shall document the administrative review of the grievance decision in the JJCMS.
3. If the decision is in compliance with DYS policy and procedure, the chief inspector, or designee, shall indicate that the decision was reviewed.
4. If the decision is not in compliance with DYS policy and procedure, the chief inspector, or designee, shall request corrective follow-up action by the grievance coordinator or site manager.
5. After any corrective action, the chief inspector, or designee, shall document those corrective actions that occurred.
6. The chief inspector, or designee, shall monitor trends, identify operational improvement opportunities, audit the effectiveness of the grievance process, and communicate those findings to the appropriate DYS staff.

H. Recordkeeping

1. The codes contained in the table below (Grievance Codes) and a brief description of the grievance shall be used when logging grievances in JJCMS. All applicable codes shall be used for each grievance.

Grievance Codes

1. Physical Abuse a. Staff b. Youth	8. Medical Concerns
	9. Mental Health
	10. Education
2. Verbal Abuse a. Staff b. Youth	11. Social Services
	12. Recreation
	13. Religion
3. Sexual Conduct a. Sexual Conduct – Staff b Sexual Conduct – Youth c. Sexual Harassment- Staff d. Sexual Harassment- Youth e. Sexual Contact-Staff f. Sexual Contact- Youth	14. Program Concerns
	15. Access to Legal Counsel
	16. Administration
4. Safety Concerns, i.e. STG, taxing	17. Security Level
5. Institutional Operations a. Food b. Clothing c. Living Conditions d. Personal Possessions	a. Security Level: Classification
	b. Security Level: Reclassification
	18. Non-Grievable Issue (Discipline, IH or Release Authority)
	19. PRIDE
6. Complaints against the decisions of staff (Not abuse)	
7. Communications, i.e. mail, phone calls, etc.	20. All other issues

2. Related grievances shall be counted as a single grievance and include the related grievance code.
3. The facility grievance coordinator shall submit a Facility Investigator Monthly Caseload Report (DYS1213) along with the Facility Investigator Monthly Report (DYS1214) to the superintendent, chief inspector, and Director/designee by the tenth (10th) of each month, following the report month.
4. The chief inspector, or designee shall conduct grievance audits periodically but not less than annually at each facility site. A final report of the audit shall be forwarded to the director, assistant director, facility site manager, the deputy directors or designees of Legal Services, Facility Support, and Courts and Community.
5. The chief inspector or designee shall submit a quarterly cumulative summary report to the director and assistant director with copies to the deputy directors or designees of Legal Services, Facility Support, and Courts and Community of all grievances filed, types of

complaints and actions taken.

III. ATTACHMENTS

DYS2065	Youth Grievance Handbook (English)
DYS2066	Youth Grievance Handbook (Spanish)
DYS2067	Letter of Understanding (English)
DYS2068	Letter of Understanding (Spanish)
DYS2069	DYS Youth Grievance (English)
DYS2070	DYS Youth Grievance (Spanish)
DYS2062	Youth Grievance Appeal (English)
DYS2063	Youth Grievance Appeal (Spanish)

Table of Effective Changes

Number	Effective Date	Superseded/Modified	Significant Changes
304.03	08/01/2005	NA	First Issuance.
304.03	05/01/2010	08/01/2005	
304.03	03/02/2012	05/01/2010	
304.03	03/17/2014	03/02/2012	
304.03	07/21/2014	03/17/2014	Renumbered to 159-YRI-07 (Dec. 2017)
159-YRI-07	03/26/2020	07/21/2014	Transposed to new policy template. Minor revisions to include deleting outdated language.
159-YRI-07	04/01/2021	03/26/2020	Added the grievance appeal process and sexual harassment grievances. Added the facility investigator role throughout.