TN Department of Children's Services

POLICY

24.5 DOE Youth Grievance Procedures	
Application: To all employees and youth at juvenile institutions.	
Authority: TCA 37-5-106	**Standards: COA:** PA-CR 3; **PREA:** 115.351, 115.352
Commissioner:	**Date:**
Original Effective Date: 07/01/90 Current Effective Date: 06/15/08	Supersedes: DCS 24.5-DOE 07/01/90 Last Review Date: 06/15/08
Glossary: None	

Policy Statement:
All youth in juvenile institutions shall have the opportunity to formally complain about a circumstance or action which affects them and which they feel is unjust. Grievances which cannot be resolved informally shall be filed according to the procedures outlined below. All grievances shall be handled in an expedient manner and without threats of or reprisal against the youth lodging the complaint. Youth will be advised of the institutional grievance procedure during the orientation process.

Purpose:

Procedures:

A. Selection of an Advocate:

1. Youth shall have the right to be represented by an advocate of his/her choice at any point in the grievance procedure. The advocate is entitled to participate in any conferences, hearings or reviews in which the youth participates. Should the selected advocate be unavailable for a scheduled meeting, the youth may choose another advocate.

B. Informal Resolution:

Informal resolutions of grievances are encouraged. The department head or supervisor where the grievance arose shall meet with the youth and the advocate, if the youth so chooses, in an attempt to resolve the complaint in a manner that is mutually satisfying

to all persons involved. Although informal resolutions are encouraged, the youth is under no obligation to accept informal resolution. If the grievance can be resolved informally and the disposition is satisfactory to the youth, a Notice of Grievance Disposition (Form CS-0160) shall be completed by the staff member who meets with the youth and forwarded to the grievance clerk for processing.

C. Filing a Formal Grievance

1. Formal grievances shall be filed within one week (7 days) of the circumstances or action giving rise to the complaint. A complaint about a continuing practice or policy shall be filed within one week (7 days) of the most recent time the youth was affected.
2. Youth Grievance Forms (**Form CS-0072**), locked grievance boxes, and copies of the youth grievance procedures shall be readily accessible to all youths. Grievances shall be filed by placing the completed Youth Grievance Form in any of the locked grievance boxes located throughout the institution.
3. Staff will fully assist youth in obtaining and completing the Youth Grievance Form when help is requested by the youth.
4. Youth may withdraw a formal grievance at any time during the grievance process by requesting such action in writing. This written notice, along with the grievance, will remain on file with the grievance clerk.

D. Grievance Clerk

1. The Superintendent shall appoint a clerk and an alternate who shall be responsible for receiving and processing youth grievances.
2. The clerk shall maintain a grievance log to record all complaints, appeals and resolutions (**Form CS-0216**).
3. The clerk shall be responsible for monitoring and assuring that grievances are heard and resolved in a timely manner.
4. The grievance clerk or alternate shall check all locked grievance boxes daily (excluding non-work days) and record all grievances received in the grievance log.
5. When the grievance clerk receives a grievance, it shall be forwarded to the Chairperson of the Grievance Hearing Committee within 24 hours.
6. Anonymous complaints shall be logged and referred to the Grievance Committee to review and determine the need for investigation.

E. Grievance Hearing Committee

1. The Grievance Committee shall consist of one chairperson, two other staff members and two youth.
2. The Superintendent or designee shall ensure that elections are held for Grievance Committee members in the following:
   a) The staff of the institution shall nominate staff members to be on a ballot from which the youth body shall elect two members.
   b) The youth body shall nominate a ballot of youth from which the staff shall elect two members.
   c) Elections shall be held as needed, but not less than once every six months.
3. The Superintendent shall appoint one alternate to the Grievance Committee.

F. Grievance Chairperson

1. The Superintendent shall appoint a chairperson of the Grievance Hearing Committee.
2. The Chairperson shall function in such a manner as to facilitate compromise.
3. The Chairperson shall see that proper investigations are conducted.
4. The Chairperson shall conduct and manage the grievance hearings. He/she has the authority to terminate discussion that he/she feels does not contribute to the process of achieving resolution of the grievance. He/she shall see that each participant has the opportunity to share information. The Chairperson shall vote only to break a tie.

G. The Grievance Committee Hearing

1. A formal grievance hearing shall be held before the full Grievance Committee whenever efforts to informally resolve the complaint have not been successful.
2. Grievance Committee hearings shall be held within five days, excluding weekends and holidays, of the time that the formal grievance was filed.
3. Notice of the day, time and location of the Grievance Committee hearing shall be given to all parties involved in the grievance at least 24 hours prior to the hearing.
4. If substantial needs arise, the Chairperson, with the approval of the Superintendent, may postpone the hearing for up to one week. There shall be proper notification and documentation of all delays filed with the grievance.
5. The filing youth and the person(s) against whom the grievance has been filed shall have the right to be present at all formal hearings and present witnesses and information orally at the hearing. The Committee shall consider all pertinent oral and written information.

6. The hearing shall be scheduled so as to permit a youth against whom a grievance has been filed and his/her advocate and/or a staff member against whom a grievance is filed to be present.
7. The Chairperson shall, within 48 hours after the hearing, give the filing youth a Notice Grievance Disposition (**Form CS-0160**). Such written notification shall state the information gathered and the reason(s) for the decision.
8. Grievance Committee recommendations and findings will be forwarded, within two (2) days, excluding weekends and holidays, to the Superintendent for review and appropriate action.
9. A copy of the Notice of Grievance Disposition shall be forwarded by the Chairperson to the Grievance Clerk.

H. Appeal to the Superintendent

1. If the youth disagrees with the decision of the Grievance Committee, he/she will be provided a Grievance Disposition Appeal Form (**Form CS-0159**)
2. The youth may appeal to the Superintendent with five (5) days of receipt of the Committee's decision.
3. The appeal shall include a copy of the youth's grievance, the Notice of Grievance Disposition, a Grievance Disposition Appeal form and any additional statements the youth/advocate may choose to attach. The advocate shall assist the youth in gathering the information for the appeal.
4. The appeal shall be filed by placing it in the grievance box. The Grievance Clerk shall forward the appeal to the Superintendent within 24 hours of receipt after having made the appropriate entry in the log.
5. The Superintendent shall refer the grievance directly to the next level of review under the following circumstances: a) The grievance is against the Superintendent b) The grievance concerns a matter of departmental policy
6. The Superintendent shall with 5 days, excluding weekends and holidays, of the receipt of the appeal, provide the youth with a written response summarizing the investigation, information gathered, the Superintendent's decision, his/her reason(s) and an explanation of the next level of appeal.
7. If the youth disagrees with the decision of the Superintendent, he/she will be provided a copy of the Grievance Disposition Appeal Form (**Form CS-0159**).
8. A copy of the Superintendent's decision shall be forwarded by the Superintendent to the Grievance Clerk.

I. Appeal to the Assistant Commissioner of Residential Services

1. If the youth disagrees with the Superintendent's decision, an appeal may be made to the Assistant Commissioner of Residential Services who shall immediately provide a copy to the Commissioner. Such appeal must be filed within five working days of the receipt of that decision.
2. The appeal will follow the same steps outlined in paragraph VI. (H) (3-4) above.
3. The Grievance Clerk will forward the appeal to the Assistant Commissioner of Residential Services within two working days of receiving the appeal.
4. The Assistant Commissioner or designee will provide the youth with a written response within five days, excluding weekends and holidays, after receiving the grievance. The decision of the Assistant Commissioner is final.
5. A copy of the Assistant Commissioner's decision will be forwarded to the Superintendent and the Commissioner, who will take appropriate action, if any is indicated. A copy of this decision will be forwarded to the Grievance Clerk.

J. Emergency Grievance

Any grievance requiring immediate investigation and correction shall be considered an emergency grievance. Grievances concerning sexual and/or physical abuse by staff and/or other youth shall be referred immediately to the Superintendent or designee by any staff member aware of such complaint. After entry into the log, the Grievance Clerk will forward all emergency grievances directly to the Superintendent or designee, who will make a decision within two working days. The Superintendent's decision will be in writing and may be appealed.

K. Youth's Fear of Reprisal

If a youth fears reprisal relative to a grievance, he/she will report such fear to the Chairperson or Superintendent. The Chairperson or Superintendent will investigate the matter within 24 hours of receiving the report. A written report on such investigation will be made and proper action taken.

L. False Accusations or Statement

Repeated and clearly malicious false accusations of statements made by a youth or staff member relative to a grievance shall be subject to disciplinary action under the following circumstances:

1. The repeated false accusation or statement was made in a knowing, deliberate, and malicious attempt to cause harm to another person.
2. The potential for such harm is shown. The burden of proof in such a case shall rest with the person claiming that a false accusation or statement has been made.

3. Any youth charged with the disciplinary offense of having made a repeated and clearly malicious false accusation shall be afforded a hearing before the Hearing Officer/Discipline Committee, whether the charges are true or untrue. If a charge(s) is determined t be true. If a charge(s) is determined to be true, any sanction issued shall be those established as minor sanctions.

M. The Superintendent shall be responsible for monitoring the overall effectiveness of the grievance procedure and correct deficiencies in its operation.

Forms:

CS-0072, Youth Grievance Report

CS-0210, Notice of Disciplinary Appeal

CS-0159, Grievance Disposition Appeal

CS- 0160 Notice of Grievance Disposition

Collateral Documents:

None

(Note: This Policy Cannot Be Revised Without Prior Permission of Chancery Court, Davidson County, Nashville, Tennessee)