

	Bernalillo County Youth Services Center	Title: Security and Control: Juvenile Rights: Grievance Procedures	Policy & Proc.#: 3.12 Effective Date: October 1, 2010
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I. It shall be the policy of the Bernalillo County Youth Services Center (hereinafter referred to as “The Center” that:

- 1) It is the policy of the Center to safeguard the rights of all youth in its care and custody. Youth and third parties, such as family members, attorneys, and guardians of youth, shall have the opportunity to report confidentially about any needs, concerns or complaints. Staff shall respond in a fair and timely manner, and youth shall not experience retaliation for engaging in the grievance process.

II. DEFINITIONS

- 1) Grievance: a complaint about being treated in an unfair way.
- 2) Complaint: a cause or reason for complaining; a grievance.
- 3) Appeal: an earnest or urgent request, entreaty, or supplication. A resort to a higher authority or greater power, as for sanction, corroboration, or a decision.
- 4) Sexual misconduct: misconduct of a sexual nature. The term may be used to condemn an act, but in some jurisdictions it has also a legal meaning. Sexual misconduct encompasses a range of behavior used to obtain sexual gratification against another’s will or at the expense of another.
- 5) Sexual abuse: the forcing of unwanted sexual activity by one person on another, as by the use of threats or coercion. Sexual activity that is deemed improper or harmful, as between an adult and a minor or with a person of diminished mental capacity.
- 6) Sexual harassment: the making of unwanted and offensive sexual advances or of sexually offensive remarks or acts, especially by one in a superior position.
- 7) Retaliation: to pay back in kind.
- 8) Bullying: to treat in an overbearing or intimidating manner. To make (one's way) aggressively.

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- 9) Designee: a person selected or designated to carry out a duty or role.
- 10) Director: the head of an organized group or administrative unit
- 11) Parent agency for the purpose of this policy is defined as Bernalillo County.

Approved:

Craig Sparks, Director

Date

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Procedure 3.12.1 Juvenile Rights: Grievance Procedures

1) All employees, volunteers, and contractors will be trained on this policy.

a. Right to Report a Grievance

- i. Any youth in the care and custody of the Center may report a grievance about conditions, practices, or decisions at the facility or about any needs or concerns that have not been addressed to their satisfaction.
- ii. Third parties, including other youth, staff members, family members, legal guardians, outside advocates, and attorneys for youth, may file grievances on behalf of youth currently or formerly in custody at the Center and may assist youth in completing grievances and appeals. A Resident may decline to have third party assistance in filing a grievance.
- iii. The Center will ensure that youth orientation and facility handbooks include a clear statement of the youth’s right to report and pursue a grievance, as well as information about youth’s grievance options, the process for reporting a grievance, the location of grievance boxes and forms, and any other information necessary to report a grievance through any of the available means.
 - 1. There is no time limit on when individuals may file a grievance.
 - 2. The grievance process is applicable to all facets of facility operations.

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3. Staff shall not require youth to use an informal grievance process or otherwise try to resolve with staff incidents involving alleged staff conduct.

4. Information on how third parties can file grievances will be publicly distributed.
 - a. The Director or Designee will ensure that grievance procedures and methods of filing a grievance are outlined on the facility's website.

 - b. The Director or Designee will ensure that information on the grievance process and methods of filing a grievance are posted in the visiting areas of the facility.

 - c. The Director or Designee will ensure that information on the grievance process and methods of filing a grievance are contained in forms and orientation/training materials signed by volunteers and contractors upon entering the facility.

 - d. The Director or Designee will ensure that information about how to access the grievance system is provided to family members and guardians of youth in custody. This will include posting information about the grievance system and the forms in areas accessible to visitors, providing information about the grievance system and providing additional information upon request.

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e. The Director or Designee will ensure that youth with limited English proficiency and youth with disabilities understand and are able to use the facility’s grievance system. Staff shall not rely on youth at the facility to serve as interpreters or readers throughout the grievance process.

b. How to File a Grievance

i. Youth may report a grievance by:

1. Completing a written grievance form and putting it in a grievance box or giving it to a facility staff member.
2. Writing the grievance on any piece of paper and putting it in a grievance box or giving it to a facility staff member.
3. Talking with a facility staff member, volunteer, or contractor and indicating that they have a grievance.
4. Use the complaint/grievance hotline by calling (505) 468-7708.
5. Using mail/correspondence.
6. Email through website link.
7. Reporting through a professional visitor/ agency.

ii. Individuals may report grievances anonymously.

iii. The Director or Designee will ensure that secure grievance boxes are installed in the following locations:

- a. All living units within the facility.
- b. In the lobby of the Center
- c. Youth Reporting Center
- d. Girls Reporting Center
- e. Community Custody Program Building
- f. CCMHC

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- iv. The Director or Designee will ensure that youth have an adequate supply of grievance forms.
- v. When a youth requests a writing implement in order to write a grievance, staff shall provide the youth with a writing implement at the earliest time it is safe to allow the youth to have a writing implement. If it is not safe to issue a youth with a writing implement staff will take a verbal grievance from youth and follow the procedures in section c., i.
- vi. Family members, attorneys and guardians of youth in the custody of the Center may file grievances on behalf of youth or regarding matters occurring at the Center by completing a grievance form, submitting a complaint in writing, or by verbally indicating that they have a complaint to any Center staff member.

Procedure 3.12.2 Staff, Contractors, Volunteers and Others Who Receive Grievances

- 1) Allegations of sexual misconduct, sexual abuse, and or sexual harassment will be reported through the Center’s established protocol.
- 2) When a youth expresses his or her grievance to any facility staff member verbally, the staff member will:
 - a. Reduce the verbal complaint/grievance to writing
 - b. Place the complaint/ grievance in the grievance box
- 3) When a youth expresses his or her grievance to a volunteer or contractor, the volunteer or contractor will:
 - a. Place the complaint/ grievance in the grievance box
- 1) Staff who receives grievances from third parties, volunteers, or contractors will:
 - a. Place the complaint/ grievance in the grievance box

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Procedure 3.12.3 Collection of Grievances

- 1) The Director or Designee will check and empty all grievance boxes daily during business hours (Monday through Friday 8:00 a.m. to 5:00 p.m.). On weekends and designated holidays the Director will designate a person of his/her choice to collect grievances.

- 2) The Director or Designee will log the grievances received in the following manner:
 - a. Receive grievance and:
 - i. Document individual grievance date received on the grievance log.
 - ii. Document individual grievance date investigated on the grievance log.
 - iii. Document individual grievance date grievance is appealed (to all levels when applicable) on the grievance log.
 - iv. Document individual grievance date that grievance is finalized on the grievance log.
 - v. The final grievance form will have the youth’s signature and will be filed in accordance with New Mexico records act.

- 3) The Director or Designee will refer any grievances involving abuse (sexual, physical, and mental) to the Children Youth and Family’s Department and when necessary local law enforcement.

Procedure 3.12.4 Review and Investigation of Grievances

- 1) The Director or Designee will meet with the youth within the next business day of receipt of a grievance. The Director or Designee will attempt to resolve the grievance immediately, if possible. If the grievance cannot be resolved immediately, the Director or Designee will complete a review and investigation of the grievance within 5 business days of receipt of the grievance.

- 2) The Director or Designee will refer any grievances involving abuse (sexual, physical, and mental) to the Children Youth and Family’s Department and when necessary local law enforcement.

- 3) The Director or Designee will provide youth who reported the grievance with a copy of the original grievance and a written response within 5 days of receipt of

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the grievance except where the grievance requires substantial investigation that cannot be completed in that time frame, or referral to an outside agency for investigation. Where a third party filed the grievance, mail (certified letter when all other attempts of trying to contact said person(s) will happen within 10 days), explaining the resolution of the matter and the reasons for the decision. The Center will, within a reasonable time frame, notify youth and or a third party in the event that the grievance will take longer, with an explanation of the reason(s) why. Grievances that require an extension of the above timeframes due to the complexity of the grievance or investigation will be resolved as soon as practical and no later than 90 days. This notification will be documented and attached to the grievance file.

- 4) The Director or Designee will explain the youth's right to appeal.
- 5) Grievances shall not be referred to staff members who are the subject of the complaint. If a grievance involves the Director or Designee, then the grievance will be forwarded to the appropriate authority designated by the parent agency.
- 6) The Director or Designee responsible for investigating grievances shall keep confidential the fact that a youth has filed a grievance and the information contained in the grievance, except for the following:
 - 7) Reporting the results of the grievance investigation up the chain of command; and
 - 8) Complying with mandatory reporting responsibilities; and
 - 9) Revealing only as much information as is necessary in order to complete the investigation; and
 - 10) Reaching a resolution of the grievance after discussing with the youth the steps necessary to complete an investigation; and
 - 11) Youth may withdraw the grievance if it cannot be investigated without revealing information that the youth does not want shared with exception of alleged child abuse, neglect, or sexual misconduct.

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12) The Director or Designee will investigate and attempt to remedy grievances even if the youth has been released from the Centers custody.

13) The Center will not discipline a youth for filing a grievance even if the filing of the grievance was found to be in bad faith. In this case the Director or Designee will speak with the youth as an attempt to find the reasoning for the youth filing the grievance in bad faith while listening for other concerns that may arise.

Procedure 3.12.5 Appeals

- 1) Youth and third parties may appeal the decision of the Designee within 3 business days of receiving a written response to a grievance.
 - a. Upon receipt of the designees decision youth have the right to appeal to the Assistant Director of Operations (ADO) within 3 business days of receiving a written response to a grievance.
 - b. Upon receipt of the ADO's decision youth have the right to appeal to the Director of the Center within 3 business days of receiving a written response to a grievance.
 - c. The Directors decision is final; there are no other rights of appeal for youth after this step in the grievance process.

Procedure 3.12.6 Emergency Grievances

- 1) Youth who believe they have an emergency may ask to speak with the Director or Designee.
- 2) In the event the grievance is determined not to be an emergency the grievance will be processed through the grievance process.
- 3) The Designee will assist the youth in writing his or her grievance. The Designee will communicate the grievance to the Director or Designee.
- 4) The Director or Designee will investigate the matter and provide the youth with an initial response within 2 business days of receipt of the grievance and a final decision within 5 business days.

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- 5) The Director or Designee will report all emergency grievances involving substantiated cases of abuse or neglect to CYFD immediately.

Procedure 3.12.7 Non-Retaliation

- 1) No Center employee, volunteer or contractor may retaliate against a youth, staff, volunteer, contractor or third party in any way for participating directly or indirectly in the grievance process.
- 2) Center employees, contractors and volunteers will report any incident of retaliation against a youth, staff, volunteer, contractor or third party for participation in the grievance process to the Director or Designee.

Procedure 3.12.8 Data and Quality Assurance

- 1) The Director or Designee will be responsible for ensuring that grievance investigations and resolutions are completed within the timeframes mandated by this policy.
- 2) The Director or Designee will be responsible for compiling grievance data, tracking trends, ensuring that patterns of grievances are identified, and recommend that necessary systemic improvements are made to resolve any significant or recurring problems.

Approved:

Craig Sparks, Director

Date