

*Rite of Passage
Policy and Procedure*

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| Policy Number: | 600.402 TX |
| Policy Name: | Student Problem Solving and Grievance Policy |
| Program Type: | All |

Policy:

Rite of Passage promotes a pro-social environment that teaches appropriate communication skills in order to resolve problems swiftly and amicably at the lowest level. Students, parents/guardians, placing agencies, authorized representatives, and other stakeholders shall be afforded the right to grieve any inappropriate or infringing conditions, behavior, or action of staff, volunteers, other youth that constitute a violation of their rights. Students who choose to file a grievance shall not be subject to any disciplinary sanction, retaliation, or adverse action pertaining to the filing of a grievance. Should students need assistance when completing the Grievance Process, they may request and will be afforded assistance or an advocate.

Definitions:

Informal Grievance - designed to encourage the student to attempt to process the complaint at the lowest level with the goal of resolving the issue. This can be done in either a written or a verbal format by the student. In most cases, this is the first step of the Problem Solving/Grievance procedure. In the event that a student believes his/her rights have been violated, s/he is encouraged to rectify the situation by informally discussing the matter with a Rite of Passage staff member during a one on one. (See **600.115 One-on-One Policy**)

Formal Grievance – involves the initiation of the formal written submission of a complaint by a student through Rite of Passage’s defined Grievance process. By initiating this process the student expects formal resolution of the complaint by Rite of Passage leadership.

Procedure:

1. Notification/Acknowledgement:

Upon admission to a Rite of Passage program, students shall be advised of the Rights & Privileges and the Problem Solving/Grievance procedures during the intake process by reviewing and signing the acknowledgment (See **Students Rights and Privileges Policy 600.401**) and the Student Handbook. The Problem Solving/Grievance procedures shall be clearly posted in the residential living area.

Students shall be made aware that their decision to submit a grievance will not result in retaliation in any form or the creation of any barriers to service.

2. Informal Grievance:

- a. The student is not required to complete this step prior to submitting a formal grievance.
- b. Staff shall be readily available to students to listen to their concerns and/or complaints and shall respond to students by providing them with information and taking actions to resolve the issues whenever possible.

3. Formal Grievance:

Students 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.

- a. The Student Formal Grievance Form shall be the required format in which students submit a Formal Grievance. The Grievance Forms are located in areas of the program where students have access to the forms without requiring the assistance of a staff member.
- b. Staff shall also provide students with a Grievance Form at the earliest time available, upon request.
- c. Writing materials shall be made available whenever a student wishes to write a grievance, unless it is believed that a student may harm him/herself or others with the writing instrument and/or pose a safety/security risk.
 - i. Staff shall not give a student a pen/pencil if it is believed that the student may use it as a weapon. In such cases, the student may be given another type of writing tool such as a crayon or the staff member may assist the student by filling out the written grievance in the student's words.
 - ii. Staff members shall provide assistance to students when it is believed that a student shall be unable to adequately complete the form. Students may also ask for assistance from another advocate (including another student, if such assistance does not create a safety/security risk).
- d. Completed Grievance Forms shall be placed by the student in the secure Grievance Box located in the designated area.
 - i. It is the student's responsibility to place the grievance in the secure box. In the event that a student turns in the grievance to a staff member, the staff shall place the unread grievance in the secure box.
- e. Third parties, including fellow students, staff, family members, attorneys, and outside advocates shall be permitted to assist students in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of students.
- f. The Program Director shall appoint an impartial person to collect and respond to all grievances.
 - i. This designated person shall collect all grievances in a timely manner not to exceed 24 hours, including weekends and holidays.
 - ii. The designated staff shall review all grievances to determine who shall respond/complete the grievance process with the student and shall document this on the form.
 1. If the topic and/or person the complaint references are not program related, the document shall be forwarded to the appropriate party. This information shall be communicated to the student and documented on the form.
 2. The impartial person shall develop and maintain a tracking system for grievances. All grievances shall be documented on a Grievance Log utilizing a system to document the process, content and resolution process.
- g. Each Formal Grievance shall be classified based on the seriousness of its nature. The student will identify on the Grievance Form if the violation is a Category I or Category II.

- i. Category I Grievance: Category I involves less serious, non-emergency concerns including but not limited to issues such as: discrimination regarding visitation/phone calls, grooming/hygiene, clothing, cottage conditions, food service, disrespect not involving threats of harm, restrictions, complaints about an ROP staff member, etc. Category I Grievance Reviewer: DSS/DGL.
- ii. Category II Grievance: Category II involves serious concerns that require immediate attention that may compromise a student's immediate health, safety or welfare. This includes but is not limited to abuse, neglect, misconduct, etc. DSS/DGL or designee shall document the date and time of receipt on the Grievance Form. An investigation and written response shall be completed as soon as possible, but at least within no more than 48 hours of after receipt.

4. Sensitive and Emergency Grievances:

If the grievance is of a sensitive or emergent nature, the Grievance Form may be sealed in an envelope, addressed to the Program Director and placed into the Grievance box. Sensitive and Emergency Grievances shall be classified as Category II.

5. Civil Rights Grievances:

- a. If the grievance also alleges a civil rights violation, the program shall immediately report the claim to the client civil rights contact person and an investigation shall be initiated within 7 days of such report.
 - i. 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 student.
 - ii. Information regarding the appropriate contact person for civil rights claims shall be included in the Student Handbook.
 - iii. Interpretive services shall be made available as necessary to assist the student in filing a complaint.
 - iv. The grievance may be given directly to the Program Director in a sealed envelope and/or mailed to the program using the postal service.
 - 1. If the grievance is not of a sensitive or emergent nature, the student 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.
 - 2. If the grievance is of a sensitive or emergent nature, the Program Director or designee shall conduct the necessary investigation and take the appropriate steps to address the complaint.
- b. If a grievance is an allegation of child abuse, the complaint shall be reported to the appropriate authorities (see **Policy 100.407 Child Abuse Reporting**) that have authorization to conduct an alleged abuse investigation or the proper law enforcement agency immediately.
- c. If the grievance is an allegation of sexual abuse, sexual harassment, or sexual contact, the Program Director or designee take steps to separate the alleged victim and perpetrator immediately, and shall notify the PREA Coordinator (See **Safe Environmental Standards Policy**). Appropriate law enforcement and social services agencies will be notified.

6. Review Process

- a. Each site's designated individual shall check the Grievance Box at least once daily. Upon determining the appropriate Category, the designated individual shall forward the Grievance Form within (2) two hours to the following staff members for review:
 - i. Category I Grievance Reviewer: Case Manager, Unit Manager, or designee.
 - ii. Category II Grievance Reviewer: Director of Student Services or designee.
- b. If the Grievance is founded, the reviewer shall indicate the finding on the Grievance Form and take action to rectify the situation. This action shall be documented on the Grievance Form and Log.
- c. If the grievance is believed to be unfounded, the reviewer shall indicate the reason(s) for his/her finding on the Grievance Form.
- d. Once a determination has been made, the reviewer shall place the original in the Grievance Log, a copy in the student's file and give a copy to the student.
- e. Findings shall also be explained to the student. The student's signature on the Grievance Form shall acknowledge the discussion and determine whether or not the student wishes to appeal the reviewer's findings.

7. Appeal Process

- a. If the student is not satisfied with the decision of the reviewer, s/he may fill out the appeal section on the bottom of the Grievance Form and return it to the reviewer for submittal to an Appellate Officer within two hours for review:
 - i. Appellate Officer for Category I Grievance: Program Director or designee.
 - ii. Appellate Officer for Category II Grievance: Program Director or designee.
- b. The Appellate Officer may conduct a formal hearing if the circumstances of the grievance indicate that a hearing is necessary.
- c. If it is determined that a hearing is necessary, the student may bring a staff member, another student, an attorney at his/her own expense, or any other person of their choosing to serve as his/her representative/advocate and/or to assist him/her at the appeal hearing.
 - i. The student, staff member, or others involved, may call witnesses and present materials to substantiate their positions.
- d. The Appellate Officer shall provide the student with a written response to his/her appeal within 72 hours (business days), excluding weekends and legal holidays.
- e. The Appellate Officer will meet with the student, review the response and provide him/her a copy of the form.
- f. The student's signature on the form shall acknowledge the discussion.
- g. The Appellate Officer shall attach the written response to the Grievance Form and place the original into the student's file and a copy into the Grievance Log.

8. External Review:

If the student is not satisfied with the appeal process, within one business day s/he may submit a request for an external review of the Grievance Process by the Corporate Director of Compliance. The external review may or may not change the decision of the Program Director, but will be used as a collaborative process and external opinion regarding the process.

- a. Grievance will be forwarded to Corporate Director of Compliance within 24 hours (business days), excluding weekends and legal holidays.

- b. The Corporate Director of Compliance shall provide the student with a written response/recommendations to his/her request for review within 72 hours (business days), excluding weekends and legal holidays.
- c. The Corporate Director of Compliance will meet with the student and Program Director, review the response and provide a copy of the written response/recommendations.
- d. The student and Program Director's signatures on the form shall acknowledge the discussion.
- e. The Corporate Director of Compliance shall attach the written review to the Grievance Form and place the original into the student's file and a copy into the Grievance Log.

Additionally, if a Texas Juvenile Justice Department (TJJD) youth and their parents or guardians remain unsatisfied with the ROP Appeal Process and External Review conducted by ROP's Corporate Director of Compliance the TJJD youth and their parents or guardians shall have the ability to submit a direct appeal to the TJJD Executive Director.

- a. Direct appeals to the TJJD Executive Director shall be limited to matters related to the following:
 - 1) the results of a Level I or II hearing;
 - 2) the assignment of a minimum length of stay;
 - 3) a response to a healthcare-related grievance;
 - 4) a response to an appeal of a grievance not related to healthcare issues;
 - 5) the lack of a written response within 15 workdays after submission of a grievance;
 - 6) the lack of a written response within 15 workdays after submission of a grievance appeal;
 - 7) a disapproved home evaluation;
 - 8) the results of a Level IV hearing held for a youth in community detention;
 - 9) the results of a second or subsequent Level IV hearing held for a youth in detention in a TJJD security unit;
 - 10) a decision to extend the youth's stay in the Security Program for 120 continuous hours or longer;
 - 11) a decision from a mental health status review hearing;
 - 12) a decision from a Title IV-E hearing;
 - 13) the findings of an alleged abuse, neglect, or exploitation investigation; and
 - 14) the decision of the administrator of chaplaincy services regarding a request for accommodation of religious practices.
- b. All appeals to the TJJD Executive Director must be submitted in writing, clearly describe the grounds for the appeal, and be filed within six months after the decision being appealed. Appeals filed after that time may be considered at the discretion of the TJJD Executive Director or designee.
- c. The appeal process to the TJJD Executive Director shall be administered as follows:
 - 1) The TJJD Executive Director or designee responds in writing to each appeal. Failure to respond to an appeal within thirty (30) working days will constitute an exhaustion of administrative remedies for purposes of appeal to the courts, but it will not be construed as acceptance or rejection of any contention made in the appeal.
 - 2) The TJJD Executive Director or designee considers the recommendations of the Office of General Counsel in reaching a decision on appeals of investigation findings, including any additional findings or information that resulted from further investigation.
 - 3) The TJJD Executive Director or designee may uphold, reverse, or modify a grievance resolution. He/she may also return the grievance to the chief local administrator with

instructions or determine that the grievance involves operational issues that have been adequately addressed and resolved at the facility level.

- 4) The TJJD Executive Director or designee may determine that an issue has not been sufficiently developed to render an informed appeal resolution. If so, the TJJD Executive Director or designee may, before a response is issued:
 - i. conduct further investigation;
 - ii. require staff to provide additional information about the investigation and state a time frame in which to comply; or
 - iii. reopen the investigation. If the investigation findings are changed, the parties entitled to notification are notified of their right to appeal the new findings.
- d. Appeal decisions are distributed to the following:
 - 1) the complainant;
 - 2) the complainant's attorney or representative, if any;
 - 3) the chief local administrator where the youth resides;
 - 4) the chief local administrator where the incident occurred; and
 - 5) other persons as deemed appropriate.
- e. Appropriate TJJD staff must assist youth in interpreting appeal decisions from TJJD's executive director or designee.
- f. The appeal decision of the executive director or designee is the final administrative resolution of an issue appealed and constitutes an exhaustion of administrative remedies for purposes of appeal to the courts.


9. Quality Assurance

- a. All Grievances and Appeals shall be reviewed weekly in the Grievance Log and initialed by a representative as designated by the Program Director.
- b. Grievance findings shall be used for staff training and program implementation purposes when applicable.
- c. Key Performance Indicators shall reflect the number of grievances submitted and whether the grievances are founded or unfounded.
- d. The Regional Compliance Director shall review all grievances at each site and submit a report to the Program Director at least annually.
 - i. The report will summarize the grievances during the reporting period and serve to identify trends which may be occurring.
 - ii. The Regional Compliance Director will assist the Quality Assurance Team on an annual basis to improve the manner in which the grievance process is administered.

10. Grievance Procedure for Parent/Authorized Representative/Stakeholder:

- a. Statements are available during visits.
- b. Statements may also be requested by mail.
- c. If a statement is requested by mail it will include a self-addressed stamped envelope to use to return the statement.
- d. All statements will be responded to by the Director of Student Services or designated representative by phone with a written follow-up within 72 hours after receipt.
- e. A summary of the phone conversation and the written response will be placed in the student file and a copy will be kept by the Director of Student Services

Policy Version History and Reference Information

| Date & Version # | Details | Approved By: |
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| 12/15/21 v1 | Policy revisions to reflect GAP.380.9353 |  |

| Reference Type <small>(Accreditation, regulation, etc...)</small> | Number, Section, ... |
|--|----------------------|
| Texas Juvenile Justice Department General Administrative Policy Manual | GAP.380.9353 |
| CARF | 1.K.3 |