

Policy Name: PREA
252 – Exhaustion of Administrative Remedies

Policy #: 3.17

Section: Personnel

Date Issued: 01/30/16

Date Revised:

1. A time limit shall not be imposed on when a resident may submit a grievance regarding an allegation of sexual abuse and all grievances alleging sexual abuse or sexual assault shall be considered an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse and immediately reported to the contactor/investigative agency.
2. Otherwise-applicable time limits may apply on any portion of a grievance that does not allege an incident of sexual abuse.
3. Residents are not required to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
4. Tomorrows Hope (TH) has the ability to defend against a lawsuit filed by a resident on the ground that the applicable statute of limitations has expired.
5. A resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
6. Such grievance is not referred to a staff member who is the subject of the complaint.
7. TH shall forward all grievances to the appropriate contractor and investigative agency.
8. TH shall provide an initial response within 48 hours. The initial response and final agency decision shall document the agency's determination whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance. Whenever possible and upon receipt of final decision, it will be shared with the victim on the merits of any portion of a grievance alleging sexual abuse.
9. The investigative agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. TH shall notify the resident in writing of any such extension and provide a date by which a decision will be made, if available.
10. Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents.
11. If a third party files such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
12. If the resident declines to have the request processed on his or her behalf, TH shall document the resident's decision.
13. TH may discipline a resident for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the resident filed the grievance in bad faith.

APPROVALS

Approver's Name	Approver's Signature
Mike Millward	