

**Title: A 115.352 Agency Exhaustion of Administrative Remedies**

Agency NRS Policies PREA Procedures Records Rules/Regulations/Standards	<b>Next Review:</b> 12/20/2027
	<b>Last Review:</b> 12/20/2022

**Printed copies are for reference only. Please refer to the electronic copy for the latest version.**

**Purpose:** To ensure the sexual safety of facility(ies) inmates and staff through a comprehensive agency wide approach to prevention, detection and response to sexual abuse and sexual harassment in all facilities operated or contracted by the Ninth Judicial District Court (aka Agency).

**Policy:** Agency will allow submission of grievances regarding allegations of sexual abuse at any time, both at the Agency and Facility level, regardless of when the incident is alleged to have occurred.

**Procedure:**

**I. GENERAL**

- A. There is no time limit on when a youth may submit a grievance regarding an allegation of sexual abuse.
- B. The agency may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
- C. The agency shall not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
- D. The Agency may defend against a lawsuit filed on the ground that the applicable statute of limitation has expired.
- E. Staff whom a complaint is alleged against shall have no role of the investigation except when interviewed as part of the investigation.
- F. At any level of the administrative process, including the final level, if the youth does not receive a response within the time allotted for reply, including any properly noticed extension, the youth may consider the absence of a response to be a denial at that level.

**II. AGENCY ASSURANCES**

- A. Youth alleging sexual abuse or harassment may submit a grievance to any staff.
- B. Youth alleging sexual abuse or harassment do not have to submit the grievance to the staff whom the complaint is against.
- C. Agency and Facilities will issue a final decision on any portion of a grievance alleging sexual abuse within ninety (90) days of the initial filing of the grievance.
- D. Agency and Facilities can extend up to seventy (70) days if more time is needed to make an appropriate decision on the allegation.

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- E. Agency or Facilities will inform the youth or complainant in writing of any such extension and provide a date in which the decision will be made.
- F. Third parties such as other youth, staff members, family members, attorneys, and outside advocates will be permitted to assist youth in filing requests for administrative remedies relating to allegations of sexual abuse and will be permitted to file such requests on behalf of the youth.
- G. This information is also available via Agency website.
- H. If a third party, other than a parent or legal guardian, files a request on behalf of the youth, Agency/Facility may require the alleged victim to agree to have the request filed on their behalf and may require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
  - 1. If the youth declines to have the request processed on his or her behalf, the agency shall document the youth's decision.
- I. A parent or legal guardian of a youth shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile. Such a grievance shall not be conditioned upon the juvenile agreeing to have the request filed on his or her behalf.
- J. After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. 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.
- K. The agency may discipline a youth for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the youth filed the grievance in bad faith.
- L. The agency may seek legal remedies against a parent/guardian/third party for filing a grievance related to an alleged sexual abuse only where the agency demonstrates that the allegation was filed in bad faith.

**III. EMERGENCY GRIEVANCE ALLEGING SEXUAL ABUSE**

- A. Emergency Grievance can be called in directly to any law enforcement agency.
- B. Agency website lists options for reporting.
- C. If the Agency receives the allegation
  - 1. Emergency grievance alleging a youth is subject to a substantial risk of imminent sexual abuse shall be referred to Douglas County Sheriff's Department (DCSO) or other law enforcement agencies.
  - 2. DCSO may conduct a variety of investigations including but not limited to a welfare check.