



OREGON YOUTH AUTHORITY

Policy Statement

Part III – Youth Services (Community)



Subject:

Youth Rights, Responsibilities and Grievances [Field]

Section – Policy Number:

B: Intake – 4.0

Supersedes:

**III-B-4.0 (05/12)
III-B-4.0 (10/10)
III-B-4.0 (01/07)**

Effective Date:

09/27/2013

Date of Last Review:

09/27/2015

Related Standards and References:

- [ORS 419B.005 through 419B.050 \(Reporting of Child Abuse\)](#)
- [OAR Chapter 416, Division 150 \(Interviews with s\)](#)
- [OAR Chapter 416, Division 440 \(Mail\)](#)
- [OAR Chapter 416, Division 20 \(Grievance Process\)](#)
- Performance-based Standards (PbS), *Juvenile Correction and Detention Facilities*; Programming; Justice
- American Correctional Association, *Standards for Juvenile Correctional Facilities*: 4-JCF-3A-01 through 04; 4-JCF-3A-06 and 07; 4-JCF-3D-01 and 02.
- American Correctional Association, *Standards for Juvenile Probation and Aftercare Services*; 2-7133-1; 2-7174 (Supervision)
- [OYA policy](#): 0-2.3 (Mandatory Reporting of Abuse and Child Abuse)
- I-A-10.0 (Preventing, Detecting, and Responding to Youth Sexual Abuse and Sexual Harassment)
- I-E-3.0 (OYA Media Relations and Participation in Public Events)
- III-A-2.1 (Youth Legal Assistance)
- III-B-2.0 (New Commitments to OYA Legal Custody)
- III-D-1.1 (Juvenile Parole/Probation Agreement)
- [OYA forms](#): YA 1300 (Youth Grievance Form)
YA 1301 (OYA Youth Rights)
YA 1302 (Parent/Guardian Rights & Responsibilities)
YA 3001 (Juvenile Parole/Probation Form)

Related Procedures:

Policy Owner:

Community Services Assistant
Director

Approved:

Fariborz Pakseresht, Director

I. PURPOSE:

This policy delineates youth responsibilities, rights and grievance process while in OYA custody in the community and outlines staff response to alleged violations of youth rights.

II. POLICY DEFINITIONS:

LGBTQQ: Youth who have identified themselves or may be perceived as lesbian, gay, bisexual, transgender, queer, or questioning.

Discrimination: Any act, policy or practice that penalizes or disadvantages youth s or subjects them to harassment based on actual or perceived race, ethnicity, religious belief, national origin, gender, physical or mental disability, sexual orientation or gender identity.

III. POLICY:

OYA staff must treat youth equally, regardless of race, religious beliefs, national origin, gender, physical or mental disabilities, sexual orientation or gender identity (LGBTQQ). OYA provides youth s with programs and services necessary to promote their personal reformation and development while addressing their criminogenic needs and case plan goals. These services are designed to maintain a youth's physical and psychological wellbeing and are equally available to all youth.

Youth are expected to act responsibly when participating in programs and services and while in the community. Staff must notify youth s and their parents/guardians of their rights, responsibilities and the grievance process upon the youth's commitment to OYA custody.

IV. GENERAL STANDARDS:

A. Youth rights include, but are not limited to, the following:

1. Equal opportunities to participate in all relevant programs, free of discrimination.
2. To receive sanctions for misconduct without degrading comments or intentional bodily harm.
 - a) Sanctions that may adversely affect a youth's health, physical or psychological wellbeing, or deny a youth regular meals, sufficient sleep or exercise, medical care, correspondence privileges, religious services, or legal assistance are expressly prohibited.
 - b) Calisthenics or other physical demands will not be used as a sanction. To use such activities as a sanction or punishment is considered harassment and is prohibited.
 - (1) Any required physical act such as push-ups, sit-ups, running, lifting, or standing will only be allowed as part of organized, supervised physical education activity.
 - (2) Housekeeping and maintenance chores may be assigned as a sanction.

3. To receive considerate and respectful treatment free of discrimination, mental/physical/sexual/verbal abuse and humiliation.
4. To receive complete information about the youth's own progress in treatment in age-appropriate language.
5. Opportunity for play, recreation and exercise.
6. Opportunity for education.
7. Adequate nutrition, sleep and medical care.
8. To have information kept confidential except in areas that allow for those who need to know certain information as defined by law.
9. To receive/send mail in accordance with court orders. Mail may be restricted if it is a threat or is detrimental to security, safety or order.
10. Reasonable access to religious services and practices. No youth will be forced to participate.
11. To not be exploited or required to make public statement of gratitude for the agency to the public; or be required to perform at public gatherings.
12. Opportunity to contact the youth's own attorney, parent, guardian, and juvenile parole/probation officer.
13. To file a grievance if the youth believes a right has been denied or violated. Youth may also call the OYA Hotline (1-800-315-5440) to report such events.

B. In relation to the rights delineated above, youth responsibilities include but are not limited to the following:

1. Treat others respectfully and fairly;
2. Participate in the case planning and treatment process;
3. Eat regular meals, exercise and obtain sufficient sleep;
4. Maintain personal grooming and hygiene in keeping with substitute care facility rules;
5. Know and abide by the rules and procedures of substitute care facilities;
6. Know and abide by the conditions of parole or probation;

7. Be honest in all interactions; such as when communicating with attorneys, parents, guardians, and OYA staff; and
 8. Recognize and respect the rights of others.
- C. Staff witnessing any form of youth sanctions with intentional bodily harm or denial of rights delineated above will follow the process below:
1. Immediately ensure the safety of the youth and notify law enforcement if appropriate.
 2. As soon as possible, witnessing staff will prepare a Youth Incident Report (YIR) as described in OYA [policy III-A-1.0 \(Youth Incident Reports – Field\)](#).
 3. The reporting staff is responsible for contacting the appropriate field supervisor regarding the incident.
 4. The reporting staff is responsible for ensuring that medical attention is provided for any injury that occurred during the incident.

Medical professionals will be asked to complete a thorough examination of the youth involved and send a report to the appropriate field supervisor,
 5. The field supervisor will immediately contact the Assistant Director, Community Services and review the related YIR to determine a course of action. The field supervisor will also ensure OYA policy [I-E-1.0 \(Director’s Incident Notification and Report\)](#) is followed.
- D. All OYA staff, and substitute care contracted providers, are subject to mandatory reporting laws and must immediately report suspected child abuse in accordance with Oregon law.

OYA staff must follow OYA policy [0-2.3 \(Mandatory Reporting of Youth Abuse and Child Abuse\)](#). The laws and policy relate to youth (and other children) less than 18 years of age.
- E. Youth Grievance Process
1. Staff will inform youth of the grievance process during initial intake.

Staff will remind a youth or youth’s parent/guardian of the grievance process if the youth or parent/guardian is not satisfied with any issue addressed verbally or in writing.
 2. Staff must send each youth’s parent/guardian information about the grievance process during initial intake.

This information is contained in document “A Guide to Parents and Families of Youth Committed to the Oregon Youth Authority.”

3. Youth s who believe they have been treated unjustly by OYA may file a grievance using the process described below.
4. Parents/guardians may also file grievances if they believe they have been treated unjustly or may file a grievance on behalf of a youth. Grievances filed by a youth 's parent/guardian involving civil rights violations or criminal matters are not conditioned upon the youth agreeing to have the grievance filed on the youth 's behalf.

Youth or parents/guardians are not required to discuss the nature of their grievance with staff; however, they are encouraged to handle questions and complaints at the most informal level possible.

5. Emergency Grievances

If a youth or parent/guardian files a grievance for an emergency matter where life, health, or safety may be threatened (e.g., imminent danger, abuse, injury, sexual vulnerability), staff must immediately notify the appropriate field supervisor or Assistant Director, Community Services of the matter. The grievance must be responded to as soon as possible.

Staff may also suggest the youth or parent/guardian call the OYA Hotline at 1-800-315-5440 regarding the emergency matter.

Refer to OYA policies [I-A-10.0 Preventing, Detecting, and Responding to Youth Sexual Abuse and Sexual Harassment](#); and [0-2.3 \(Mandatory Reporting of Youth Abuse and Child Abuse\)](#) reporting if the matter involves sexual abuse/harassment or child abuse.

6. Civil Rights Violations or Criminal Matters

When a grievance concerns a civil rights violation or criminal matter (e.g., abuse, harassment, neglect), staff must notify the Professional Standards Office. If the matter is emergent, staff must follow the Emergency Grievance process described above.

7. Forms Access and Collection

- a) Youth Grievance Forms (YA 1300) must be openly available to all youth s and their parents/guardians within a public area of each field office.

The forms must have a self-addressed envelope attached addressed to the field office.

- b) The Grievance Form is also available on the OYA website.

8. Field supervisors are grievance coordinators for the offices within their purview. Field supervisors must contact or ensure staff contact the youth or parent/guardian regarding any grievance within seven working days of receiving a grievance.
 - a) If a grievance is of an emergency matter, staff must follow the Emergency Grievance process described above (#5).
 - b) If a grievance pertains to a residential program, foster care placement, or proctor care placement, the field supervisor will refer the grievance to the Community Resource Manager to coordinate a response.

9. Informal Grievance

- a) A meeting must occur with the grievant no later than seven working days from the receipt of the grievance. This is considered an “informal grievance” review and may be completed by the field supervisor or his/her designee.
- b) Written results of the informal grievance review must be provided to the youth or parent/guardian and must include steps necessary to initiate a formal grievance review if the youth or parent/guardian is dissatisfied with the outcome.
- c) If it appears the process may take longer than this timeline, staff must give the youth or parent/guardian written notification of the delay before the due date.

If the delay will be longer than 14 working days, the Assistant Director Community Services must approve of the delay in writing.

10. Formal Grievance

Staff may receive a “formal grievance” from a youth or parent/guardian if the youth or parent/guardian is not satisfied with the outcome of the informal grievance review.

- a) The field supervisor or Assistant Director Community Services (or designee) must contact the youth or parent/guardian within 10 calendar days of receiving a formal grievance to schedule a formal grievance review.
- b) The review must be held by the Assistant Director Community Services, or designee, within 30 calendar days of the youth or parent/guardian filing the formal grievance, unless a delay is mutually agreed to by all involved parties.

All involved parties must be notified in writing of the date and time for the review.

- c) Staff members who are the subject of a grievance or to whom the grievance may pose a conflict of interest must not be the reviewer.
- d) Youth may be represented by an adult, but not another youth, at the formal grievance review and may call witnesses, present testimony or documentary evidence.

Staff will, at the youth's request, help the youth prepare for the formal grievance review.

- e) A written record of the review must be retained.
- f) The Assistant Director, Community Services, or designee, will prepare a written decision within 10 working days of completing the review.

A copy of the written decision must be sent to the youth or parent/guardian as soon as practical. The decision must include instructions for filing an appeal to the OYA Director.

- 11. If the youth or parent/guardian is dissatisfied with the outcome of the formal grievance review, the youth or parent/guardian may initiate an appeal to the OYA Director as described in OAR 416-020-0050 (Appeal to the Director).
- 12. If unsatisfied with the OYA grievance response, the youth or parent/guardian may request a review hearing by the committing court.
- 13. Records
 - a) All grievances must be tracked through an electronic tracking system by the Assistant Director Community Services, or designee.
 - b) Original copies of related forms and supporting documentation must be filed in a grievance file separate from youth case files and retained according to OYA's Special Schedule.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO