



OREGON YOUTH AUTHORITY



Policy Statement

Part III – Youth Services (Community)

Subject:

Youth Rights and Grievances in the Community

Section – Policy Number:

B: Intake – 4.0

Supersedes:

III-B-4.0 (09/13)
III-B-4.0 (05/12)
III-B-4.0 (10/10)
III-B-4.0 (01/07)

Effective Date:

01/30/2020

Date of Last Review/Revision:

None

Related Standards and References:

- [ORS 419B.005 through 419B.050 \(Reporting of Child Abuse\)](#)
- [OAR Chapter 416, Division 150 \(Interviews with Offenders\)](#)
- [OAR Chapter 416, Division 440 \(Offender Mail\)](#)
- [OAR Chapter 416, Division 20 \(Offender Grievance Process\)](#)
- [OYA policy](#): 0-2.3 Mandatory Reporting of Abuse
I-A-10.0 Preventing, Detecting, and Responding to Youth Sexual Abuse and Sexual Harassment
I-E-3.0 OYA Media Relations
III-A-2.1 Youth Legal Assistance
III-B-2.0 New Commitments to OYA Legal Custody
III-C-1.3 Behavior Incentives and Reinforcing Behavior (Community)
III-D-1.1 Juvenile Parole/Probation Agreement
- [OYA forms](#): YA 1300 Youth Grievance Form
YA 1303 Field Rights and Grievance Procedure Notification
Youth in the Community: Top Things for Families to Know

Related Procedures:

None

Policy Owner:

Community Services Assistant
Director

Approved:

Joseph O'Leary, Director

I. PURPOSE:

This policy delineates youth rights and a youth grievance process while youth are on OYA parole/probation, and staff response to alleged violations of youth rights.

II. POLICY DEFINITIONS:

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

Representative: An adult person who is authorized by a youth to receive confidential information from OYA and to act on behalf of the youth with respect to a grievance. A representative includes, but is not limited to, an attorney, relative, friend, or legal guardian, but not another youth.

III. POLICY:

OYA staff must treat youth equally, regardless of race, ethnicity, religious beliefs, national origin, gender, physical or mental disabilities, sexual orientation, gender identity or intersex status. OYA provides youth 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 well-being and are equally available to all youth.

OYA recognizes all youth have a right to review any action or decision affecting them and initiate a grievance without fear of reprisal. Youth who believe they have been dealt with unjustly by OYA may file a grievance using the process described below. Limitations on filing grievances are listed in OAR 416-020-0045. Youth are not required to discuss the nature of their grievance with staff; however, staff are encouraged to handle questions and complaints at the lowest level possible.

Grievances may also be filed on behalf of a youth by the youth's representative when the youth agrees on the filing. Staff must document a youth's declination of a representative's offer to file a grievance on behalf of the youth. Grievances filed by a youth's parent or legal guardian involving possible civil rights violations or criminal matters are not conditioned on the youth agreeing to have the grievance filed on the youth's behalf.

IV. GENERAL STANDARDS:

- A. OYA must notify youth of their rights including, but 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 well-being, 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 are only allowed as part of organized, supervised physical education activity.
 - (2) Housekeeping and maintenance chores may be assigned as a sanction.
- c) Staff may refer to OYA policy III-C-1.3 Behavior Incentives and Reinforcing Behavior (Community) for guidance on permissible behavior incentives and reinforcements.
3. To receive considerate and respectful treatment free of discrimination, 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.
 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. Staff witnessing any form of youth sanctions with intentional bodily harm or denial of rights listed above must follow the process below:
1. Immediately ensure the safety of the youth, and notify law enforcement if appropriate;
 2. As soon as possible, prepare a Youth Incident Report (YIR) as described in OYA policy [III-A-1.0 \(Youth Incident Reports – Community\)](#);

3. Contact the appropriate field supervisor regarding the incident; and
4. Ensure that medical attention is provided for any injury that occurred during the incident.
5. The field supervisor must immediately contact the Community Services assistant director and review the related YIR to determine a course of action.

C. Grievance Limitations

Grievance limitations are listed in OAR 416-020-0020. Youth may request review of only one matter, action, or incident per grievance form. The same issue may only be grieved more than once if there is another incident and new information is available about the issue. A youth may not submit more than two new grievances in any one week or six in any calendar month (a week is Sunday through Saturday). Exceptions may be made if a youth clearly states in writing the reason for submitting above the number allowed. If the grievance coordinator determines that these reasons are not clear, concise, or valid, the grievance will be returned as denied. These limitations do not apply to “emergency issues.” The grievance coordinator determines whether an issue is an emergency or not.

According to OAR 416-020-0020(2), a youth may not grieve the following:

1. Issues for which the youth is entitled to a contested case hearing, according to ORS Chapter 183;
2. Actions or decisions not within the jurisdiction of OYA (e.g., actions by the court or another agency);
3. Incidents or problems to which the youth was not a party;
4. Issues for which the youth has initiated court action or filed notice of intent to file tort claim; or
5. The matter of the grievance will be or has already been decided by a judge.

D. Grievance Review Process

1. Staff will inform youth of the grievance process during initial intake.
2. Staff must send each youth’s parent/guardian information about the grievance process during initial intake.

This information is contained in document “Youth in the Community: Top Things for Families to Know.”

3. Emergency Grievances

If a youth or youth's representative 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 Community Services assistant director of the matter. The grievance must be responded to as soon as possible.

Staff may also suggest the youth or youth's representative call the OYA Hotline at 1-800-315-5440 regarding the emergency matter. Staff must remind them that OYA Hotline calls are not responded to during weekends or public holidays.

4. 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.

5. Forms Access and Collection

a) Youth Grievance Forms (YA 1300) must be openly available to all youth 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, Attn: Field Supervisor.

b) The Youth Grievance Form must be available on the OYA website.

6. Field supervisors are grievance coordinators for the offices within their purview.

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 Resources manager to coordinate a response.

7. The field supervisor must contact the youth/youth's representative within seven working days of receiving a grievance to review the matter.

8. 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.

9. The results of the review must be provided in writing to the youth/youth's representative as soon as practicable and include the steps necessary to initiate a subsequent grievance review if the youth remains dissatisfied.

10. If a youth/youth's representative submits a second written grievance review request, the Community Services assistant director or designee must review and respond within 30 calendar days of receiving the request.
 - a) The response must include instructions for filing an appeal to the OYA director if the youth is dissatisfied with the resolution. See OAR 416-020-0050 (Appeal to the Director).
 - b) A copy of the decision must be sent to the youth as soon as practicable following its completion.

11. Records
 - a) The field supervisor must track grievances through an electronic tracking system (e.g., spreadsheet).
 - b) Original grievance forms, responses, and supporting documentation must be retained for three years by the field supervisor separately from youth case files.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO