



OREGON YOUTH AUTHORITY
Policy Statement
Part II – Youth Services (Facilities)



Subject:

Youth Grievance Process - Facility

Section – Policy Number:

F: Justice – 1.1

Supersedes:

II-F-1.1 (01/20)
II-F-1.1 (09/13)
II-F-1.1 (10/10)
II-F-1.1 (11/07)
II-F-1.1 (01/05)

Effective Date:

01/15/2025

*Date of Last
Revision/Review:*

None

**Related
Standards
and
References:**

- [OAR 416-020](#) Youth in Custody 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 (Access to Counsel and Courts); 4-JCF-3A-06 (Grievance Procedures)
- [OYA policy](#):
 - 0-2.3 Mandatory Reporting of Abuse
 - I-A-10.0 Preventing, Detecting, and Responding to Youth Sexual Abuse and Sexual Harassment
 - II-F-1.0 Youth Rights [Facility]
 - II-F-3.6 Youth Legal Materials and Assistance
 - III-B-4.0 Youth Rights and Grievances in the Community
- [OYA forms](#): YA 1300 Youth Grievance Filing Form
YA 1300 SP Youth Grievance Filing Form (Spanish)
YA 1300A Youth Grievance Review Form
YA 1300A SP Youth Grievance Review Form (Spanish)
YA 1304 Youth Communication Form
YA 1304 SP Youth Communication Form (Spanish)
[Youth Grievance Process signage](#); English and Spanish


**Related
Procedures:**

- [Checklist](#): Youth Grievance Collection, Assignment, Tracking, and Retention

Policy Owner:

Facility Services Assistant Director

Approved:


Joseph O'Leary, Director

I. PURPOSE:

This policy provides standards for processing youth grievances in OYA facilities.

Further information regarding youth grievance rights and the appeals process is in OAR chapter 416, division 20 (Youth in Custody Grievance Process).

II. POLICY DEFINITIONS:

Agency grievance coordinator: A Director's Office staff member designated by the OYA director whose responsibilities include developing, implementing, and overseeing the agency's youth grievance process.

Emergency: Any condition or situation where there is a substantial risk of imminent abuse, or threat to life, health, or safety or where grievance time frame considerations necessitate an immediate response or remedial action. Includes allegations of abuse.

Grievance: A complaint about the substance or application of any rule, policy, or practice affecting a youth; or any decision or action directed toward a youth by OYA, its employees or agents, including but not limited to matters of confinement, discipline, treatment, education, and privileges.

Local grievance coordinator: A staff member designated by the superintendent or camp director who coordinates the grievance response process for that facility.

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.

Responder: The staff member who is assigned a grievance for review and response.

III. POLICY:

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. They are not required to discuss the nature of their grievance with staff, but staff and youth 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 refusal 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 youth civil rights violations or criminal matters are not conditioned on the youth agreeing to have the grievance filed on their behalf.

There is no time limit between when a grievance incident or issue occurred and when a youth may file a grievance.

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.

IV. GENERAL STANDARDS:

A. Informal Resolution

Informal resolution of issues between youth and staff is strongly encouraged to provide immediate response to the youth and to avoid overburdening of the youth grievance system.

OYA form YA 1304 Youth Communication Form is available for youth to send to staff if they have a question or concern, or to provide a comment during their stay in close custody. Staff must not require youth to submit a YA 1304 before filing a grievance if the topic meets the definition of a grievance (as defined above).

B. Youth and Parent/Guardian Notification

Staff will inform youth and their parents or legal guardians of the youth grievance process during intake.

For parents and guardians, this information is contained in documents Top Things for Families to Know; and Family Guide to Intake.

C. When staff receive an emergency grievance where life, health, or safety may be threatened (e.g., imminent danger, abuse, injury, sexual vulnerability), they must immediately notify the superintendent/camp director, or officer-of-the-day (OD) of the matter. The emergency grievance must be reviewed and responded to as soon as possible but no longer than 24 hours from receipt.

1. The superintendent/camp director or OD will take appropriate action to assure the welfare of the youth.
2. Staff may also inform the youth of the option to contact the OYA Professional Standards Office by calling the OYA Reporting Line (formerly “Hotline”) at 1-800-315-5440 regarding the emergency matter. Staff must remind the youth that the Professional Standards

Office will not respond to OYA Reporting Line calls during weekends or public holidays.

3. 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 Abuse) if the matter involves sexual abuse/harassment or child abuse.
4. When Professional Standards Office receives youth messages on the OYA Reporting Line that clearly are not emergency grievances or civil rights violations, they must remind the youth of the appropriate grievance or communication process. This ensures all grievances are addressed in accordance with OAR 416-020.

D. 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 and follow the emergency grievance process described in section C.

E. Grievance Form Access, Collection, and Assignment

1. Youth Grievance Filing Forms (YA 1300) must be available to all youth within a common area.

The Youth Grievance Filing Form must also be available on the OYA website.

2. Locked boxes specifically for form collection must be located where they can be accessed daily by youth.

At least one locked box must be located in an area of the facility where youth can submit a grievance without being observed by their unit leadership team (e.g., school, recreation area).

3. A designated staff member who does not have routine contact with youth must collect all forms from the locked boxes every day, except on weekends and public holidays.

If it is not feasible to designate a staff that does not have routine contact with youth for this duty, sealable envelopes must be available with the Youth Grievance Filing Forms so youth may seal their forms prior to dropping them in the locked boxes.

4. The designated staff member must deliver all collected Youth Grievance Filing Forms to the facility local grievance coordinator.
5. The local grievance coordinator must assess the nature of the grievance, and assign a tracking number and appropriate responder to each grievance on a YA 1300A Youth Grievance Review Form.

- a) A copy of the related YA 1300 Youth Grievance Filing Form must be attached to the YA 1300A and sent to the assigned responder.
 - b) Any staff member who is the subject of a grievance or to whom the grievance may pose a conflict of interest must not be the assigned responder.
 - c) Grievances regarding youth medical/healthcare issues must be assigned to an OYA healthcare staff/contractor for initial response.
6. Staff members who receive grievances directly from youth must ensure the grievances are delivered to their local grievance coordinators for tracking and response. The staff member the grievance was addressed to might not be the same staff member who responds to the youth.

F. Grievance Response Process

- 1. Staff assigned as a grievance responder must review the grievance with the youth within seven working days of OYA receiving the grievance. The assigned responder must provide the youth a copy of the written resolution documented on the YA 1300A Youth Grievance Review Form.
 - a) The original YA 1300A Youth Grievance Review Form containing the written resolution must be forwarded to the grievance coordinator for tracking and retention.
 - b) If it appears the process may take longer than seven working days, staff must give the youth written notification of the delay before the due date. A copy of the delay notice must be forwarded to the grievance coordinator for tracking.
 - c) Any delay longer than 14 working days must be approved by the superintendent or camp director.
- 2. Second review
 - a) A youth may forward the responder's written grievance resolution (YA 1300A Youth Grievance Review Form) through the grievance coordinator to the facility superintendent/camp director for a second review and resolution if the youth is dissatisfied with the first resolution. Only information directly related to issues of the initial grievance will be considered in the second review.
 - b) The superintendent/camp director, or designee, must review the grievance and provide a copy of the written response on

the YA 1300A Youth Grievance Review Form to the youth within 30 calendar days of receiving the grievance.

- (1) The original YA 1300A Youth Grievance Review Form documenting the written response must be forwarded to the grievance coordinator for tracking and retention.
 - (2) The superintendent/camp director, or designee, must collaborate with the OYA medical director when completing a second review of a grievance regarding youth medical/healthcare issues.
 - c) The YA 1300A Youth Grievance Review Form must include instructions to the youth for filing an appeal to the OYA director if the youth is dissatisfied with the resolution.
3. Appeal to the director
- a) The Director's Office must respond to the youth within 30 calendar days of receiving an appeal.
 - b) The Director's Office must collaborate with the OYA medical director when responding to grievance appeals regarding youth medical issues.
 - c) Local grievance coordinators may use this email address to forward an appeal to the Director's Office if a youth submits an appeal to them for processing:
OYAYouthGrievanceAppeals@oya.oregon.gov.

G. Records

1. All grievances must be tracked through an electronic tracking system by the local grievance coordinator or designee.

The agency grievance coordinator must have access to the tracking system for quality assurance and data collection purposes.
2. Copies of the grievance forms and any supporting documentation must be filed in a grievance file separate from youth case files and retained for three years.

H. Quality assurance

1. The agency grievance coordinator must review the electronic grievance tracking system at least once a quarter and address any policy deviations found.
2. The agency grievance coordinator must ensure youth grievance process informational media is current.

V. LOCAL OPERATING PROCEDURE REQUIRED: No

VI. FACILITYWIDE PROCEDURE REQUIRED: Yes

A facilitywide procedure or checklist must list action items required to be completed by OYA facility local grievance coordinators and others involved in the youth grievance process.