



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



Subject:

Youth Grievance Process - Facility

<i>Section – Policy Number:</i> F: Justice – 1.1	<i>Supersedes:</i> II-F-1.1 (09/13) II-F-1.1 (10/10) II-F-1.1 (11/07) II-F-1.1 (01/05)	<i>Effective Date:</i> 01/30/2020	<i>Date of Last Revision:</i> 12/08/2022 (replaced “hotline” with “reporting line”)
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Related Standards and References:	<ul style="list-style-type: none"> ▪ OAR 416-020 Youth Grievance Process ▪ Performance-based Standards (PbS), <i>Juvenile Correction and Detention Facilities</i>; Programming; Justice ▪ American Correctional Association, <i>Standards for Juvenile Correctional Facilities</i>: 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 Form
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Related Procedures:	<ul style="list-style-type: none"> ▪ None
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Policy Owner: Facility Services Assistant Director	Approved: _____ Joseph O'Leary, Director
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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 (Offender Grievance Process).

II. POLICY DEFINITIONS:

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.

Grievance coordinator: A staff member designated by the superintendent or camp director that coordinates the grievance response process.

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.

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.

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 forms (YA 1300) must be available to all youth within a common area.
The Youth Grievance 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.
3. Designated staff that 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 forms so youth may seal their forms prior to dropping them in the locked boxes.

4. Designated staff must deliver all collected Youth Grievance forms to the facility grievance coordinator. The grievance coordinator must assess the nature of the grievance and assign a tracking number and appropriate responder to each grievance.

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.

5. Staff members who receive grievances directly from youth must ensure the grievance is delivered to the grievance coordinator 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 receiving the grievance and provide the youth a written resolution. The original Youth Grievance form containing the written resolution must be forwarded to the grievance coordinator for tracking and retention.
 - a) If it appears the process may take longer than this timeline, 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.
 - b) 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 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 written response to the youth within 30 calendar days of receiving the grievance. The written response must be forwarded to the grievance coordinator for tracking and retention.
- c) The written response must include instructions to the youth 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)

G. Records

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

V. LOCAL OPERATING PROCEDURE REQUIRED: NO