


**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH SERVICES**

Subject: Youth Discipline	Policy Number: 38
Number of Pages: 15	Section:
Attachments: A. Disciplinary Violations B. Notice of Violation C. Youth Right Regarding Discipline D. Witness Statement E. Mental Health Recommendations F. Review of Evidence G. Disposition Report H. Disciplinary Appeal I. Conducting A Disciplinary Hearing	Related Standards & References:
Effective Date: 10-1-11	Approved:  Kathy Pittman, Director

I. POLICY

It is the policy of the Mississippi Department of Human Services, Division of Youth Services (DYS), that there will be a consistent, responsive and fair disciplinary process used within the group homes. The disciplinary process shall protect the constitutional rights of youth, assuring that due process is followed. This disciplinary process will be the sole document governing the discipline of youth justice. Discipline shall be applied as a constructive tool to help youth learn to follow the rules and conform to societal expectations. Discipline shall not be applied as a retaliatory measure and no form of corporal or degrading punishment, cruel or unusual punishment, punishment that interferes with eating or sleeping, or punishment that endangers a youth physically or psychologically shall be imposed.

Youth shall be provided with written rules of conduct that specify acts prohibited within the facility and penalties that can be imposed for various degrees of violation; these written rules shall be reviewed annually and updated as needed. These rules should prohibit only observed behavior that can be shown clearly to have a direct, adverse effect on a youth or on facility order and security. Also, these rules should specify the range of penalties that can be imposed for violations. Penalties should be proportionate to the importance of the rule and severity of the violation.

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II. DEFINITIONS

As used in this policy and procedure, the following definitions apply:

- A. **Disciplinary Hearing** - A non-judicial administrative procedure to determine if substantial evidence exists to find a youth guilty of a rule violation.
- B. **Rule Violation, Major** - Major violations are violations that cause harm to others and which represent a threat to the safety, control, and security of the facility.
- C. **Rule Violation, Minor** - Minor rule violations are behaviors that are forbidden by the rules and are unacceptable within the program, but which are not immediately threatening or dangerous to self, others, or the security of the facility.
- D. **Designated Investigator** - The Group Home staff member assigned to investigate incidents where disciplinary charges are being brought against a youth.
- E. **Disciplinary Hearing Officer** - A DYS Regional Director assigned to conduct major disciplinary hearings.
- F. **Disciplinary Hearing Committee** - Consists of a DYS Regional Director, the A-team, a member of the treatment team and the Institution/Training School Transitional Counselor.
- G. **A-Team** - is a placement team and is responsible for recommending an appropriate system of care in the community for those youthful offenders for whom such a system of care can be identified. The A-Team is not a placement team for 24- hour treatment centers or hospitals nor are they authorized to recommend placement in a training school. The A-Team consist of a Youth Services Counselor, Mental Health Professional, School Counselor or School Attendance Officer and Family and Children Services.
- H. **Treatment Team** - An appointed group of staff members responsible for developing and coordinating the implementation of a youth's determined Service Plan. This team shall encourage youth, while monitoring the youth's progress and revise the youth's Service Plan as needed. The Team shall also be responsible for linking the youth to the appropriate programming and resources to address individual therapeutic risk and/or needs.
- I. **Confidential Witness** - A youth brought before the Hearing Officer/A-Team to testify against or on behalf of another youth whose identity must remain unknown to the youth against whom the charges have been brought, in order to ensure the safety and protection of the testifying youth.
- J. **Room Restriction** - Instances in which a youth is confined for cause or punishment in the room in which he or she usually sleeps. Room restriction may occur in unlocked rooms but cannot occur in large dormitories
- K. **Isolation** - Any instance when a youth is confined alone for over 15 minutes in a room other than the room in which he or she usually sleeps.

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III. PROCEDURE

The disciplinary process will be implemented using the following processes and guidelines:

- A. The disciplinary hearing will consist of a DYS Regional Director as the chair, the A-Team, a Treatment Team Member and the Training School Transitional Counselor or Representative. If the Regional Director serving on a hearing has a conflict of interest, the next Regional Director on the rotation list will serve as the hearing officer for that hearing.

This team will serve as a transitional placement committee for those youths whose disposition is to be transferred or discharged from the group home. The hearing committee will act as a transitional placement committee to ensure a seamless transition from the group home back to the training school or community.

- B. **Prohibitions** - The following prohibitions shall apply to the disciplinary process:

1. **Retaliation** - Disciplinary action shall not be capricious or used for purposes of retaliation or revenge.
2. **Corporal Punishment** – No form of corporal punishment shall be used as discipline or for any other purpose.
3. **Mail** – A youth shall not be prohibited from receiving or sending mail as a discipline sanction.
4. **Services** – Youths shall not be denied educational, vocational, counseling, medical, dental, psychiatric, psychological, recreational or dietary services as discipline. However, privileges such as television time, movie time, and participation in competitive sports may be temporarily withdrawn.
5. **Visiting** – Visitation restrictions may not be used as discipline for a discipline for a disciplinary violation unless the disciplinary violation occurred in the visiting area. Restriction may also be placed on any visitor who violates campus rules and regulations.
6. **Removal from Population** – Youths shall not be separated from the general youth population, except that:
 - i. **Isolation** – Youth who needs to be restricted for safety and/or to control behavior may be temporarily placed in isolation.
 - ii. **Room confinement** – Youth found guilty of a major disciplinary violation and given a disposition of room

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C. Informal Resolution – Prior to referring an incident for formal disciplinary action, staff should attempt to resolve minor rule violations informally. If a minor incident takes place, staff should attempt to resolve the incident through informal means. The actions taken and staff should attempts to resolve the incident through informal means. The actions taken and the results of those actions shall be documented on the Disciplinary Report filed. If the Disciplinary Report does not describe informal steps taken, the administrator/designee may, to the staff person submitting the report and instruct that staff person to discuss the issue with the youth and attempts to resolve it informally.

1. Room Restriction – A youth may be asked to return to their room or bunk, sit quietly at a table, or move to another area where they can calm down and regain control of their emotions. Any instance where a youth is placed under room restriction up to 14 minutes a notation should be made in the Supervisor Log and any instance beyond 15 minutes requires the completion of a Disciplinary Report. The room may not be locked.

2. Verbal Counseling - The incident may be discussed with the youth to make the youth aware of the problem, discuss the appropriateness of the behaviors exhibited, and resolve the situation.

3. Loss of Privileges/Extra Work - Staff may restrict minor privileges or assign additional work assignments.

D. Reporting and Classifying Violations - The following process shall be used to initiate the youth disciplinary process.

1. Disciplinary Reports - Staff observing an instance of youth misconduct shall report the violation using the Division's Disciplinary Reporting process. A Disciplinary Report Form shall be completed detailing what was observed. This completed Disciplinary Report shall serve as the staff member's written statement regarding the incident.

2. Classification – A copy of all Disciplinary Reports shall be given to the Facility Administrator (or a staff member designated by the Administrator). After reviewing the Disciplinary Report, a decision shall be made as to whether or not the incident should be referred for disciplinary action.

3. Violations - Violations of the rules that justify the use of the formal disciplinary process shall be divided into two categories - major violations and minor violations. (A list of violations is found in Attachment A.)

i. Major Violations - Major violations are violations that cause harm to others and which represent a threat to the safety, control, and security of the facility.

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ii. **Minor Violations** - Minor rule violations are behaviors that are forbidden by the rules and are unacceptable within the program, but which are not immediately threatening or dangerous to self, others, or the security of the facility.

4. **Disciplinary Tracking Number** - Once the decision has been made to refer the incident for formal disciplinary action, a tracking number shall be assigned to the incident. A master log shall be maintained of all disciplinary infractions. This log should contain the date the offense was classified as a formal disciplinary violation, the date of the offense, the nature of the violation, the name of the youth, and the ultimate disposition of the violation.
5. **Notice of Violation** - If the incident is to be referred for disciplinary action, a Notice of Violation (Attachment B) must be completed and given to the youth being charged within two working days, excluding the day of the incident. A staff member shall provide the youth with a list of the youth's rights regarding discipline (Attachment C) and a copy of the Notice of Violation (Attachment B). The youth shall sign both forms. A copy of the forms shall be given to the youth and a copy shall be forwarded to the Investigator, A-Team Team, or Hearing Officer.

E. Investigating a Violation - An investigation shall be conducted on all major violations where the youth has pleaded not guilty. No medical, mental health and behavioral health staff can be used as an investigator. The following guidelines shall be used for conducting the investigation.

1. **Time Frame** - The investigation shall be completed within 4 working days of the incident.
2. **Youth Statement** - The youth shall be asked to provide a statement of what happened. (Attachment D – Witness Statement is provided for obtaining statements.)
3. **Witnesses** - The Hearing Investigator shall talk to the youth and review the list of the witnesses the youth would like to have appear, or from whom statements are to be obtained and question the witnesses who have been requested. If multiple witnesses have been identified who will all testify to the same thing, two or three shall be selected by the Hearing Investigator to be witnesses at the hearing or to give statements. (For example, the incident took place at school and was witnessed by fifteen youths.)
4. **Report** - When the investigation has been completed, the investigator shall prepare and submit a report summarizing the investigation using Attachment F - Review of Evidence. This report should summarize the evidence and list the witnesses who have been schedule to appear. The report shall have all relevant statements attached.
5. **Recommendation** - As part of the report, the Hearing Investigator shall recommend that the charge be dismissed or that a hearing be held. If the

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Disciplinary Hearing Officer rejects the recommendation to dismiss the charge, the report shall be returned to the Hearing Investigator and a hearing shall be scheduled. If a hearing is recommended, the Disciplinary Hearing Officer shall schedule the hearing and arrange for witness and the youth to be present.

F. Pre-hearing Confinement/Detention - Youth whose behavior creates a significant risk to the safe operation of the facility may be placed in room confinement or detention. This confinement shall occur in isolated area or detention. The detention detainment will be at the local detention center of the group home. This pre-hearing confinement shall not be considered part of the disciplinary process.

G. Youth Advocate/Staff Representative - The youth may request any staff member to act as a youth advocate to provide assistance during the disciplinary process. If youth is on a mental health caseload, the mental health case manager or therapist will act as the advocate. If the requested youth advocate is not available, the hearing officer shall appoint another staff member to represent the youth.

1. The youth advocate shall meet with the youth at least four hours before the scheduled disciplinary hearing.
2. The youth advocate shall discuss the disciplinary process with the youth to assure that the youth understands the disciplinary process and is able to make informed decisions and present a defense. The representative should refrain from giving advice such as "waive the time requirement" or "plead guilty."
3. While the youth advocate is provided to assist the youth with the disciplinary process, the youth advocate shall not act as an "attorney" and engage in actions such as questioning witnesses or presenting arguments during the hearing – except in situations described in the following subsection.
4. If it is determined the youth is unable to understand the proceedings or present a defense because of a disability, the staff member may serve as an advocate and assist or represent the youth during the hearing.

H. Mental Health Input - If, during the course of the investigation, the Hearing Investigator finds that the youth has been diagnosed as being mentally ill and is receiving psychiatric medication, input shall be solicited from mental health staff before proceeding with the disciplinary process.

1. A qualified mental health professional shall receive the youth's medical and program file and assess the youths' ability to understand and participate in the disciplinary process.
2. A qualified mental health professional shall complete Attachment E – Mental Health Recommendations.

I. Disciplinary Hearings - Unless extenuating circumstances require it (example - a youth is in the hospital), youth not in pre-hearing confinement, the disciplinary hearing shall be held within 7 working days of the violation. Youth in pre-hearing confinement disciplinary hearing will be held within 72 hours.

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1. Chair - The disciplinary hearing shall be chaired by a DYS Regional Director or a member of the A-Tam assigned by the Regional Director. Any staff person directly involved in the incident may not serve as chair or a member of the team.

a. Major Violations - Major violations shall be heard by a DYS Regional Director to chair major disciplinary hearings for the facility.

b. Minor Violations - Minor violations will be heard by the DYS Regional Director, the A- Team, a Transition Counselor and a member of the Treatment Team assigned to the youth.

2. Location of Hearing – The location of the hearing will be held in a private setting. The location must have seating for staff and youth involved in the hearing. The hearing can only be in a locked room when there is substantial evidence and clear documentation that the youth is or could be an imminent threat to self or others.

3. Dismissal of Disciplinary Report

The Disciplinary Report may be dismissed for any of the following actions:

- Youth was not provided a copy of the Disciplinary Report within 24 hours of the report being written;
- Investigation was not completed within 72 hours, excluding weekends and holidays (or 24 hours if youth was in pre-hearing confinement);
- A staff person involved in the incident completed the investigation;
- A staff person required to sign the Disciplinary Report completed the investigation;
- The disciplinary hearing was not completed within 7 calendar days (or 72 hours if youth was in pre-hearing confinement);
- Required staff did not sign the Disciplinary Report within the required timeframes;
- All required documentation is not attached, including staff and youth statements; or
- The rule violation indicated is not supported by the narrative description.

4. Youth Rights

Youth has the following rights:

- A fair and impartial hearing

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- Notice of the alleged rule violation within 24 hours of the Disciplinary Report being written
- 24 hours notice of the hearing date, time, and place
- Be present for the hearing
- Be represented by a youth advocate
- Present evidence at the hearing
- Request witnesses on his/her behalf
- Question witnesses, as long as it does not jeopardize their safety
- Appeal the findings of the hearing officer
- Waive hearing

5. Scheduling of the Disciplinary Hearing- The hearing must be scheduled within 7 calendar days of the Disciplinary Report being written. For youth in pre-hearing confinement, the hearing must be held within 72 hours of the Disciplinary Report being written. Youth must be notified of the time and place of the hearing at least 24 hours in advance. If the hearing is postponed more than 4 hours beyond the time indicated in the notice, the youth must be provided a new notice of at least 24 hours. (Hearing must still occur within the required timeframe.)

J. Conduct Hearing - A youth charged with a disciplinary violation shall receive a disciplinary hearing.

The steps for conducting a disciplinary hearing are the following:

Step 1: Introduction of Participants

All youth and staff are introduced and the role that they play in the hearing process.

Step 2: Explain Purpose

The purpose of this disciplinary hearing is to determine if there is probable cause to believe that youth violated a rule of the facility. The results of this hearing may cause the youth to be placed (or continued) in confinement or detention. If the youth admits to the charges, he or she may be placed (or continued) in confinement or detention.

The hearing officer shall check the youth's understanding of probable cause at this time. If he/she claims to not understand or does not appear to understand, an advocate is assigned and the hearing is re-scheduled.

Step 3: Explain All of Youth Rights:

a. Fair Hearing- Youth has the right to a fair and impartial hearing.

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- b. **Youth Advocate** – Youth has the right to staff representation. The youth may choose which staff member to be an advocate. If the staff member chosen is unavailable, the hearing officer will appoint a staff member as a representative.
- c. **Notice** - A youth has the right to twenty-four (24) hours advance notice of disciplinary.
- d. **Presence** – The youth has the right to be present and to present documentary evidence at the hearing.
- e. **Statement/Evidence** – Youth shall have an opportunity to make a statement of what took place during the course of the incident.
- f. **Witnesses** – The youth has the right to request witnesses and to have them present at the hearing or to have statements from those individuals presented at the hearing.
- g. **Questioning Witnesses** – The youth may present questions to the Disciplinary Hearing Officer to ask to the witnesses. If given permission, the youth’s or youth advocate may ask witnesses questions.
- h. **Confidential Witness** – The Disciplinary Hearing Officer may exclude the youth from the hearing during the testimony of confidential witnesses in order to assure the safety of witnesses. The youth advocate may be present during the testimony of confidential witness, but shall protect their confidentiality.
- i. **Right to Remain Silent** – Youth has the right to remain silent. Youth do not have to admit anything and it cannot be held against the youth.
- j. If none of the above requirements are met, the Hearing Officer shall note such in the Disposition Report including an explanation and the case will be dismissed.

Step 4: Review Documents with Youth

The hearing officer tell the youth what rule violation he or she has being accused of violating and the date. The youth should have already received a copy at this time.

Step 5: Allow Youth to Respond

The youth is given an opportunity to call witness, present any evidence and explain his side of the story. The youth is then asked if he or she admits or deny the violation.

Step 6: Determine if Probable Cause Exists

Based on the evident and information that has been presented at the hearing, the Hearing Officer and Disciplinary Hearing Committee shall determine if the violation is founded or

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unfounded. Only facts and information presented at the hearing may be used when making a ruling.

There will be two questions answered to determine probable cause. Are the facts and circumstances presented about the case of a reasonably trustworthy nature?
 Would the known facts and circumstances about the case lead a reasonable person to believe that the youth committed the rule violation?

If no probable cause exists, the youth would be found not guilty and returned to general population. The document will have to be marked not guilty and filed. All the information pertaining to this violation will be removed from the youth's master file.

If probable cause is found, youth will be found guilty. The youth will be explained why he or she was found guilty and what evidence led the hearing officer and committee to believe that he /she committed the rule violation. The hearing officer will review the youth's previous history of rule violations with the youth.

Step 7: Determine a Disposition

The following factors must be considered when determining a disposition:

- Youth's age
- Youth's mental condition
- Youth's prior history of misconduct
- Other extenuating circumstances
- Severity of the offense

Documented Findings – The actions taken during the hearing and the results of the disciplinary hearing shall be documented using the Disposition Report (Attachment G). The findings shall include a summary of the facts used to reach a finding, and the Hearing Officer's decision of guilty or not guilty, and the disposition that is to be imposed as a result of the guilty ruling. A copy of the completed form shall be given to youth.

Special Education – When a youth who has been identified as special education youth is brought before the Disciplinary Committee, the youth's Functional Behavior Assessment should be reviewed, and a member of the education staff that is familiar with the needs of special education youths, should be present to act as a liaison.

Administrative Review – Following the conclusion of the disciplinary hearing, the Disciplinary Hearing Officer shall forward all hearing records to the Facility Administrator for review, to assure that disciplinary hearings and action taken conform to MDHS/DYS policy and procedures.

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K. Dispositions - The following dispositions may result from a major or minor disciplinary hearing. The application of two dispositions is allowed. For example, a youth may be required to write a letter of apology (repair of harm) and complete four hours of service cleaning in the housing unit (Work/Service) following an incident in which food was thrown on the floor of a housing unit. Some dispositions apply only to major disciplinary offenses.

1. **Dismissal** - The charges may be dismissed if, in the judgment of the hearing chairman or the administrator handling the appeal, the evidence does not support a finding of guilty, the timelines for completing the disciplinary process were not followed, and/or the rights of the youth were violated at any point in the disciplinary process.
2. **Reprimand (Written or Verbal)** - The youth may be given a written reprimand as a disposition. The completed disciplinary form showing a reprimand as a disposition shall constitute the written reprimand.
3. **Repair of Harm** - A youth may be required to take steps to repair harm that has been done. For example, a youth who insults another youth, staff member, or visitor may be required to apologize verbally or in writing to the individual for the inappropriate act.
4. **Learning/Written Assignment** - A youth may be required to complete a learning assignment provided the learning assignment is related to the incident. For example, a youth may be required to write a description of the incident that took place, provide an analysis of the thinking errors that occurred, and identify steps that should be taken in the future to avoid further similar incidents. The length of time required to complete the assignment shall not exceed the following time frames: major discipline - four hour, minor discipline - one hour.
5. **Loss of Privileges** - The loss of privileges should relate to the violation that was committed. For example, a youth who damaged a television set may be deprived of watching television. The period of loss of privileges shall not exceed the following time frames: major discipline - seven days, minor discipline - one day.
6. **Work/Service** - A youth may be required to complete a specified number of hours of work or service. Work or service may include, but is not limited to, the following: cleaning, painting, grounds maintenance, and picking up trash. The number of hours of work shall not exceed the following time frames: major discipline - eight hours, minor discipline - two hours.
7. **Credit for pre-hearing confinement time served** - Youth who are held in pre-hearing confinement and is giving a disposition of confinement time can be credited to their time given at disposition.

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8. **Coaching** – The staff member is assigned to work individually with the youth on improving behavior by teaching and showing them new ways of to handle situations.

9. Reduction of positive behavior points

10. Up to 7 days of non-purchasing status on behavior modification program

11. Restriction from a specific activity

12. Referral to facility case manager for review/update of Positive Behavior Strategies

13. Counseling session with staff/youth affected by rule violation

14. Referral back to court of Jurisdiction for revocation of probation

15. Referral back to the training school with time credited

16. Referral back to the training school without time credited

17. Referral to a specialized group

18. Filing of formal legal charges in juvenile or adult court (See Concurrent/Subsequent Actions Section M).

19. Remain at the Group Home.

20. Room Confinement - Following a conviction for a major disciplinary violation, a youth may be placed in room confinement for a period not to exceed seventy-two (72) hours. This period of room confinement shall be served in the Observation Unit. During the period of room confinement, the following guidelines shall be used.

Confinement over 72 hours (including time in pre-hearing) requires the approval of the designated mental health authority and Director of Behavioral Health Services, in consultation with the Director and Director's supervisor. The request must be made at least 12 hours prior to expiration. All required approvals must be issued in writing prior to the confinement being extended over 72 hours. Confinement over 120 hours (including time in pre-hearing) requires the approval of the Administrator, in consultation with the Director of the Behavioral Health Services, designated mental health authority, Director, and Director's supervisor. The request must be made at least 12 hours prior to expiration. All required approvals must be issued in writing prior to the confinement being extended over 120 hours. Approval must be re-issued every 24 hours.

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- a. **Services** - Youth shall continue to receive the medical, dental, psychiatric, psychological and dietary services provided to the general population.
 - b. **Assessments** - Youths shall be visited daily by a member of the psychology and/or counseling staff, medical staff, the Supervisor and the Administrator.
 - c. **Education** - Youth shall be provided with study materials that they can complete in the rooms during the period of confinement. If a youth damages or misuses the study materials, they may be removed from the room.
 - d. **Clothing** - Youth shall remain in regular clothing.
 - e. **Bedding** - The mattress and bedding normally provided to a youth shall be made available twenty-four hours a day. If a youth damages or misuses the mattress or bedding, they may be removed from the room during the hours a youth would normally be awake.
 - f. **Exercise** - Youth shall receive one hour of large muscle exercise a day.
 - g. **Religious Materials** - Youth may request and receive religious study materials. If a youth damages or misuses the study materials, they may be removed from the room.
 - h. **Visual Checks** - Staff on duty shall conduct visual checks of the youth at least six times hourly at staggered intervals during waking hours
 - i. **Alternative Confinement** - The youth should be released from room confinement if the youth's mental or medical condition deteriorates. Medical and counseling staff should assist in the development of a plan for alternative confinement if the period of disciplinary confinement is terminated for medical or mental reasons.
 - j. **Termination** - The Facility Administrator may terminate the period of room confinement at any time.
8. The youth may be discharged from the group home to the community or back to training school. The youth will only be transferred back to the training school if he/she was transferred from the training school.

The A-Team and the Transitional Counselor for the institution will ensure an appropriate transition from the group home back to the institution. The A-Team and the Transitional Counselor will serve as Transitional/Alterative Placement Counselors.

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Suspending a disposition Any disposition may be suspended up to 30 days. Further rule violations with a guilty finding will result in the suspended disposition being imposed along with any possible disposition for the new offense. (Any room confinement over 72 hours requires approval.)

At the end of 30 days, the probation will be discontinued and the disposition may no longer be imposed. The facility Director or designee will review all disciplinary hearings and dispositions. Disposition resulting in room confinement will be reviewed and approved by the facility Director or designee prior to imposition. The suspended disposition will be indicated on the youth's Positive Behavior Strategies.

L. Appealing a Disposition - The youth has the right to appeal the findings of any disciplinary hearing to the Community Services Director.

1. **Appeal to Director** - The youth has one week to submit an appeal to the Administrator of the facility where the youth is housed. The appeal shall be submitted on the Disciplinary Appeal form (Attachment H). The reasons for the appeal must be provided on the appeal form.
2. **Community Services Director's Response** - The Community Services Director must provide a written response within five working days. The determination of the charge may be upheld, reversed or modified.
3. Disposition will be carried out while the appeal is pending. Any reversal of the decision will result in the information about the hearing being removed from the youth's record.

M. Concurrent/Subsequent Actions - The application of the youth disciplinary process does not prohibit the use of civil and/or formal judicial processes. For example, a youth who damages state property may be found guilty of a major misconduct violation and may also be referred to juvenile court for a formal hearing, the collection of restitution and/or certification to the adult court system. The state may also proceed civilly to collect restitution from the youth and the youth's family for the cost of medical services related to injuries caused to staff and/or damage to state property.

N. Training - All staff who comes in regular contact with youth shall receive pre-service (initial) training in the disciplinary process. In-service training requirements shall be determined annually through the training needs assessment process.

O. Documentation - Staff shall fully document all activities related to the disciplinary process. The following documentation should take place:

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1. All forms related to the disciplinary process which are described in this procedure shall be completed by staff at the appropriate times.
2. If a youth is found guilty of a disciplinary violation, copies of all disciplinary forms related to that violation shall be placed in the Youth Master File and given to youth. When a youth is found to be guilty of only some of alleged the rule violations in connection with a single incident, and when that incident is described in a single Disposition Report, the Youth Master File should clearly exhibit the violations that were not proved.
3. If a youth is found to be not guilty of an alleged rule violation, all documentation related to that alleged violation shall be removed from all of the Youth's files. When multiple incidents/charges are listed in a single report, charges resulting in not guilty findings may be marked over or blacked out.
4. All Disposition Reports, regardless of disposition, may be kept and used for statistical or research purposes so long as all reference to a youth's identity is removed.
5. The Disciplinary Hearing Officer, a DYS Regional Director shall maintain a bound master logbook, which notes violations filed, the tracking number assigned to that violation, the date the violation was received, and the findings and disposition.
6. The Group Home Administrator or Designee at each facility shall maintain copies of all disciplinary violations and the forms associated with each violation, subsequent hearings, and dispositions. This should include violations that were dismissed as well as violations where the youth was found guilty.
7. Monthly, a summary report shall be prepared by the Disciplinary Hearing Officer, a DYS Regional Director and submitted to the Community Services Director. The report should include information about the number of disciplinary violations filed in a given month; the types of violations that have taken place; trends observed regarding the types of violations, thoroughness of reports and/or common errors in Disciplinary Reports and other forms; and any other items felt noteworthy.
8. Disciplinary Hearing Officer, a DYS Regional Director shall review monthly the Master Files of youth found innocent to verify that documents are no longer being retained.