

TITLE: DISCIPLINARY HEARINGS	POLICY #: 69
Department: Program/Services	Effective Date: 07/24/03
	Applicable Standards:
	3-JCRF-3C-04, 06, 09, 10, 15, 16
Revisions: 7-30-03; 10-30-03; 9-1-06; 12-31-12	

Policy: McCrossan Boys Ranch will hold a disciplinary hearing when a juvenile has been charged with a severe violation of agency rules and the juvenile requests a hearing.

Definitions: Severe rule violation – Major assault, major theft, major property damage, running away, possession of illegal substances, chemical use, or any other felonious behavior.

Behavioral point system- A system of expected behaviors which are scored by staff on a daily basis to provide the juveniles with feedback on their treatment progress.

Procedures:

1. Juveniles who are charged with severe rule violations have the right to a disciplinary hearing.
2. Upon receipt of the disciplinary report for a severe rule violation, if the juvenile requests a disciplinary hearing, all juvenile privileges are suspended pending the outcome of the disciplinary hearing.
3. The hearing will occur as soon as possible, but no later than 7 days after the alleged violation, excluding weekends and holidays. Juveniles will be notified in writing of the time and place of the hearing at least 24 hours in advance of the hearing. Juveniles may request a staff member who was not involved in the alleged incident to attend the hearing. Hearings may be held within 24 hours with the written consent of the juvenile.
4. The juvenile has a right to make a statement and present documentary evidence. The juvenile may also request witnesses on his behalf. Denied requests must be in writing.
5. The Executive Director will develop a pool of McCrossan Boys Ranch employees to serve as hearing officers. Scheduling of disciplinary hearings is the responsibility of the hearing officer scheduled to facilitate the hearing. Hearing officer(s) will be impartial and not directly involved in the incident leading to the restriction.
6. Hearing postponements or continuance may be granted by the hearing officer for a reasonable period of time for such cause as preparation of a defense, illness, or unavailability of the resident, the need for further investigation, or pending juvenile court prosecution. All postponements and continuances and reasons for postponements and continuance will be documented in writing and placed in the juvenile's working file.

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7. The juvenile has the right to be present at their hearing unless he waives that right in writing or his behavior does not allow for his presence. The reason for absence will be documented.
8. The decision of the hearing officer will be based solely on information obtained in the hearing process including, but not limited to: staff reports, juvenile statements, witness statements, and the evidence from the investigation.
9. The hearing officer will prepare a written record of the disciplinary hearing decision with the supporting reasons. The juvenile will receive a copy of the written decision. The written record and supporting documents will be placed in the juvenile's file.
10. Juveniles have the right to appeal disciplinary decisions to the Executive Director or his/her designee. Appeals must be made within fifteen days of the juvenile's receipt of the hearing decision. The Executive Director or designee has up to thirty days to respond to the appeal. Notification in writing of the appeal decision will be given to the juvenile within seven days of the decision and a copy will be placed in the juvenile's permanent file.
11. The following factors will be considered in all appeals: 1) Was the hearing conducted in substantial compliance with McCrossan Boys Ranch policies and procedures? 2) Was the hearing decision based on substantial evidence? 3) Was the disposition of the hearing officer appropriate?