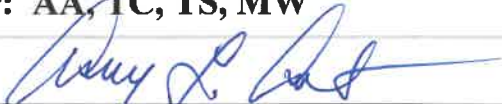


**Arkansas Juvenile Assessment and Treatment Center
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Policy Number:	300.202	
Policy Name:	Student Disciplinary Hearings-Secure Programs	
Standard:	ACA 4-JCF-3B-02, 03, 05, 08, 09; 4-JCF-3C-01, 04-17	
Creation Date: 08.01.2016	Author: MM	
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Approval Date: 03.20.2019	ROP: 	

POLICY

It is the policy of Rite of Passage that the Arkansas Juvenile Assessment and Treatment Center (AJATC) has a student disciplinary process that is clearly defined, provides due process rights, and has procedural safeguards.

PURPOSE

The purpose of this policy is to provide guidance and direction to staff who are involved in the student disciplinary process.

PROCEDURE

A. Disciplinary Hearing Referral Process

1. The disciplinary process for a student will begin if the student is alleged to have violated a major rule of AJATC, documented through an Incident Report.
2. An Incident Report will be completed and entered into RITE TRACK (and ROP's ROPSTAT database). If a student is alleged to have violated multiple major rules during the same incident, one report will be written and submitted to the Shift Supervisor.
3. By the end of the shift, the Shift Supervisor will review all incident report packets to ensure all statements and applicable documentation is included. The Shift Supervisor's review shall include an assessment of the event, a review of witness statements, and review of video surveillance, when applicable. The Shift Supervisor then submits the packet to Administration.
 - a. Depending on the seriousness of the violation, a student may allegedly commit a crime and the case may be referred to the appropriate law enforcement officials for possible prosecution. [3C-16]
 - b. In these situations, the student has the right to remain silent relating to the alleged criminal/delinquent conduct. No student shall be questioned by AJATC staff about the pending case. Students may only be questioned after receiving full advisement of their rights and in the presence of their parent(s), legal guardian, and/or attorney.
4. Each incident packet is reviewed daily by the Administrative Team. For those students who are alleged to have violated a major rule, the Administrative Team will determine if the student will be sent through the disciplinary hearing process by reviewing all factors related to the incident.

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5. If it is determined the student will proceed to a Disciplinary Hearing, a member of Administration will complete the Disciplinary Review Referral Sheet.
6. The Disciplinary Review Referral Sheet includes the alleged rule violation(s) and will be provided to the student within 24hours of the infraction(s).
 - a. The student has an opportunity to write a statement regarding the alleged violation. If the student needs assistance writing his/her statement, assistance shall be provided.
 - b. The student shall be given the opportunity to sign an acknowledgement that they have been given written notice of the alleged violation but their acknowledgement that a Disciplinary Hearing will be scheduled, is not an admission of guilt.
 - c. The student shall be provided the date, time, and place of the Disciplinary Hearing.
7. Students shall be scheduled for a Disciplinary Hearing as soon as practical but not to exceed five days, excluding weekends and holidays. The Disciplinary Hearing may be held within 24-hours, with the students written consent.

B. Disciplinary Hearing

1. A Disciplinary Hearing shall be conducted by an impartial person or panel of staff. Positions trained to conduct hearings are Unit Managers, Shift Supervisors, Case Managers, Education personnel, Director of Group Living, or other Administrative staff.
2. The Director of Group Living is responsible for scheduling the Disciplinary Hearing and assigning the impartial panel.
3. Disciplinary Hearings shall be conducted at a time that does not disrupt other critical programming (i.e.-education, treatment group).
4. One person on the committee shall be identified as the Disciplinary Hearing Officer. This person is responsible for facilitating the Disciplinary Hearing and for accurately completing the Disciplinary Hearing Report.
5. The student will be present at the Disciplinary Hearing except when his/her behavior prior to or during the hearing justifies exclusion. Exclusion shall be documented on the disciplinary hearing report and shall only be for one of the following:
 - a. A witness of the incident is testifying to the disciplinary hearing panel and the witnesses' information must remain confidential
 - b. The student being charged with alleged rule violation is displaying aggressive/disruptive behavior at the time of the hearing
 - c. The student being charged with the alleged rule violation waives his/her right to be present for the hearing.
6. The student being charged with the alleged rule violation will have the opportunity to make a statement, present evidence and have witnesses present at the hearing. Witnesses shall only be permitted to attend if they were present at the time of the alleged rule violation.

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- a. For students who are classified with intellectual disabilities or other cognitive disorders, they will automatically be assigned a staff member to represent and attend the disciplinary hearing on their behalf. Education staff is responsible with providing a monthly list of those students who would need assistance.
 - b. Students may at any time request a staff member be present at the disciplinary hearing with them.
 - c. Any denial of the above shall be documented in writing on the disciplinary hearing report and the justification for the denial shall be clear.
7. A disciplinary hearing panel's decision will be based solely on the information obtained at the hearing process, including the student's statement, staff reports, statements of witnesses and evidence.
8. If a student is found innocent of the alleged rule violation, all documentation shall be removed from the student's file.
- a. If removal of the incident is not possible, a notation shall be made in the record by the Administrative Assistant that the disciplinary hearing process found the student innocent.
 - b. All rights, statuses and privileges are restored, and if possible, any accumulated privileges will be returned.
8. If a student is found guilty of the alleged rule violation, the Disciplinary Hearing Panel shall provide a sanction to the student. Approved sanctions include:
- a. Refocus for a designated time frame that may include any/all of the following interventions:
 - i. Individualized counseling or therapy
 - ii. Individualized educational and treatment assignments,
 - iii. Daily journaling related to the major rule infraction and how it is related to one's identified criminogenic risk factors
 - iv. Work detail that may include productive chores, grounds keeping, etc.
 - b. Privilege suspension for a designated time frame to be determined at the time sanctions are issued.
 - c. Placement on a newly assigned unit.
 - d. Letter to Judge describing incident.
9. For any Disciplinary Hearing that results in a student being sanctioned to Refocus, that information must be immediately provided to the Shift Supervisor who shall include the information in that day's Shift Report.
10. The Para Professional assigned to Re-Focus is responsible for the following:
- a. Complete the Re-Focus Log and submit it to the school office at the end of each day
 - b. Submit all daily academic work to the school office at the end of each day

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c. Submit all therapeutic work to the school office at the end of each day

11. The Disciplinary Hearing Panel members are prohibited from issuing the following sanctions:

a. Any action that humiliates, harasses, causes injury, or is punitive or cruel in nature

b. Any action that causes student personal property damage or destruction

c. Any form of seclusion

d. Any action of withholding or altering the student's food

e. Any action of withholding or altering the student's sleep schedule

f. Placement in a more restrictive setting

10. The Disciplinary Hearing Report shall be scanned into the RITE TRACK database. A copy of the record will be given to the student and a copy will be placed in his main file in the Records Department. To ensure communication and understanding among the staff working directly with the youth, a summary e-mail will be sent to each staff by the Administrative Assistant regarding the outcome of the Disciplinary Hearing.

11. The Program Director or designee shall review all completed Disciplinary Hearing Reports and approve disposition and sanctions assigned. The Program Director or designee shall sign the Disciplinary Hearing Report as an acknowledgement of their review.

12. For any student who is transferred to a more restrictive setting, such as temporary placement at a Detention Center, the Program Director and a DYS representative, shall complete an Administrative Review of the incident that lead to the request for transfer.

13. A record of the disciplinary hearing shall be maintained for at least six months.

C. Appeal of Disciplinary Process

1. The student shall be informed of his right to appeal the hearing decision to the Program Director at the time he is provided with the decision.

2. The appeal shall be made in writing by the student within fifteen days of the receipt of the Disciplinary Hearing Panel's decision and shall include the reason for the appeal. The student may request assistance from a staff member in completing the appeal. Student appeals shall only be based on one of the following reason(s):

a. There is new evidence that wasn't presented at the time of the hearing

b. The Disciplinary Panel did not follow all requirements of the Disciplinary Hearing process

c. The sanctions are unsuitable for the violation committed

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3. The appeal shall be decided by the Program Director within 10 calendar days of receipt and the student shall be promptly notified of the decision in writing. Consideration of the appeal shall be based on the following information:
 - a. Was there substantial compliance with facility policies and procedures on the disciplinary process?
 - b. Was the Disciplinary Hearing Panel's decision based on substantial evidence?
 - c. Was the sanction imposed proportionate to the rule violated?
4. Appeal decisions are final.

Process Indicator: (Reference to supporting documentation that demonstrates compliance to standard)

- **Student Handbook**
- **Incident Report**
- **Disciplinary Hearing Referral**
- **Disciplinary Hearing Report**
- **Refocus Intervention Assignments**
- **Police Report**
- **DYS Correspondence Regarding Student Transfer**