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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|---------------------------------------------------------------|
| <b>POLICY TITLE: PRIVILEGE LEVEL SYSTEMS</b>                                                                                                                                                                                                                             |                                               | <b>PAGE <u>1</u> OF <u>12</u></b>                             |
| <b>POLICY NUMBER: 23.6 (AF)</b>                                                                                                                                                                                                                                          |                                               |                                                               |
| <b>CHAPTER 23: CLASSIFICATION AND CASE MANAGEMENT</b>                                                                                                                                                                                                                    |                                               |                                                               |
|  <b>STATE of MAINE</b><br><b>DEPARTMENT of CORRECTIONS</b><br><br><b>Approved by Commissioner:</b><br> |                                               | <b>PROFESSIONAL STANDARDS:</b><br><br><b>See Section VIII</b> |
| <b>EFFECTIVE DATE:</b><br>June 25, 2014                                                                                                                                                                                                                                  | <b>LATEST REVISION:</b><br>September 15, 2026 | <b>CHECK ONLY IF</b><br><b>APA [    ]</b>                     |

## I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

## II. APPLICABILITY

All Departmental Adult Facilities

## III. POLICY

It is the policy of the Department to use one or more privilege level systems at all adult facilities in order to provide an objective system for the provision of incentives to residents in response to prosocial behaviors and attitude, active participation in core programs, and other relevant factors.

## IV. DEFINITIONS

1. Core Programs – programs identified by a resident’s Unit Team as necessary to address high risk and criminogenic needs areas specific to the resident, e.g., education, substance use disorder treatment, domestic violence program, cognitive behavioral therapy, problematic sexual behavior treatment, etc.
2. Privilege level system – a system of progressive levels, with each level having specific behavioral, program, and other criteria that must be met by a resident in order to be advanced to the next level of privileges, this system reflecting the “four to one” positive reinforcement principle of behavior change, which applies four positive reinforcements for every one negative reinforcement whenever possible.

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## VII. PROCEDURES

### Procedure A: Privilege Level Systems, General

1. The Chief Administrative Officer, or designee, of each adult facility shall maintain a privilege level system for all residents housed in reception or general population housing units.
2. The Chief Administrative Officer, or designee, shall, if applicable, implement different privilege level systems for minimum, medium, and close custody housing units consistent with the Department's Privilege Level Charts (Attachment A).
3. A privilege level system shall be used to award additional privileges to a resident based upon prosocial behavior and attitude, core program participation, appropriate interaction with staff and others, and other relevant factors (e.g., educational or other program achievement and/or completion, volunteerism, resident facilitation of a program, positive support for other residents through peer support, mentoring, coaching, etc.). In minimum security facilities and minimum security housing units, consideration shall also be given to active participation in reentry planning, such as by applying to participate in the Supervised Community Confinement Program.
4. The facility Chief Administrative Officer, or designee, shall ensure that every resident for whom there is a privilege level system is provided information in writing regarding the privilege level system for their housing unit, the criteria and process for advancing in the level system, and the privileges and incentives associated with each level.
5. The general privilege level system shall consist of six levels. Levels 4, 5, & 6 shall apply to residents in minimum security facilities and minimum security housing units. Except as set out below for residents for whom the privilege level system is suspended, Levels 1, 2, 3, & 4 shall apply to all other residents.
6. The privileges associated with each level shall correspond to those listed in the relevant privilege level chart.
7. A resident who is on reception status shall initially be assigned to Level 2 and granted the privileges corresponding to those listed for Level 2 in the relevant chart (medium custody housing units chart for the Maine Correctional Center and the Mountain View Correctional Facility and close custody housing units chart for the Maine State Prison).
8. If available at the specific facility and to residents in the specific housing unit, and if consistent with applicable departmental policies, the additional privileges which may be

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granted to reception and general population status residents assigned to Levels 2, 3, 4, 5, and 6, as opposed to those assigned to Level 1, include, but are not limited to:

- a. access to additional visits;
  - b. access to special visits (e.g., video visits, family day visits);
  - c. additional state-issued tablet use time;
  - d. additional state-issued tablet functions;
  - e. additional unstructured out-of-cell recreation time;
  - f. extra recreational opportunities;
  - g. additional allowable personal property items, including electronics;
  - h. additional personal clothing;
  - i. additional commissary privileges;
  - j. on-grounds paid work assignments;
  - k. special work or volunteer opportunities;
  - l. assignment as peer support mentors and recovery coaches;
  - m. additional access to enrichment activities and rooms (e.g., library);
  - n. dining events (e.g., cookouts, orders);
  - o. staff distributed items (e.g., coffee);
  - p. higher level of autonomy and movement privileges; and
  - q. Earned Living Unit (ELU) housing.
9. Residents shall wear identification cards that are color-coded based on their privilege level as specified in the Privilege Level Charts.
10. The assignment to a specific level and/or awarding of privileges through a privilege level system shall not override other Departmental policies or decisions made pursuant to other policies (e.g., a prohibition on contact with a victim pursuant to Policy 6.3, Contact with Victims, a loss of privileges through the disciplinary process under Policy 20.1 (AF), Resident Discipline, etc.).

#### **Procedure B: Privilege Level Systems, Specialized**

1. The Warden, or designee, of the Maine State Prison shall authorize for residents in the Administrative Control Unit a specialized privilege level system that is consistent with the overall intent of this policy and is in accordance with Policy 15.5 (AF), Administrative Control Unit.
2. A resident placed in the Administrative Control Unit shall initially be assigned to Level 1 and while in that unit may have the privilege level advanced or reduced consistent with this policy. The resident shall receive the privileges associated with the applicable level in the specialized privilege level system for that unit. A resident removed from that unit and placed on general population status shall initially be assigned a privilege level as determined in the transition plan completed by the ACU Unit Team in consultation with the receiving housing unit's Unit Team.

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3. The facility Chief Administrative Officer, or designee, shall authorize for residents in an Intensive Mental Health Unit a specialized privilege level system that is consistent with the overall intent of this policy and is in accordance with Policy 18.6.1, Intensive Mental Health Unit.
4. A resident placed in an Intensive Mental Health Unit (IMHU) shall initially be assigned to a level determined by the IMHU Unit Team and while in that unit may have the privilege level advanced or reduced consistent with this policy. The resident shall receive the privileges associated with the applicable level in the specialized privilege level system for that unit. A resident discharged from that unit and placed on general population status shall initially be assigned a privilege level as determined in the transition plan completed by the IMHU Unit Team in consultation with the receiving housing unit's Unit Team.
5. The facility Chief Administrative Officer, or designee, may authorize specialized privilege level systems that are consistent with the overall intent of this policy for residents who are in a housing unit focused primarily on programming and treatment.
6. A resident placed in a housing unit focused primarily on programming and treatment shall initially be assigned the same privilege level as they had prior to the placement and while in that unit may have the privilege level advanced or reduced consistent with this policy. If there is a specialized privilege level system for the unit, the resident shall receive the privileges associated with the applicable level in the specialized privilege level system for that unit. If there is no specialized privilege system for the unit, then, to the extent practicable while in that unit, the resident shall receive the privileges associated with the applicable level for a resident of the same custody level in the general population. A resident discharged from that unit and placed on general population status shall initially be assigned the same privilege level as they had just prior to the release, except that if the resident was discharged prior to completion of the programming and treatment, they shall initially be assigned to Level 1 until the Unit Team for the receiving housing unit determines the appropriate privilege level for the resident at the team's next scheduled level review meeting.
7. A resident admitted to a Specialized Health Care Unit (SHCU) or an Infirmary shall initially be assigned the same privilege level as they had just prior to the admission and may have the privilege level advanced or reduced while in the SHCU or Infirmary consistent with this policy. To the extent practicable while in the SHCU or Infirmary, the resident shall receive the privileges associated with the applicable level as for a resident of the same custody level in the general population. A resident discharged from the SHCU or Infirmary and placed onto general population status shall initially be assigned the same privilege level as they had just prior to the discharge.
8. A resident placed on protective custody status shall initially be assigned the same privilege level as they had prior to the placement and while on that status may have the privilege level advanced or reduced consistent with this policy. To the extent practicable while on protective custody status, the resident shall receive the privileges associated with the applicable level as for a resident of the same custody level in the general population. A resident removed from this status and placed on general population status shall initially be assigned the same privilege level as they had just prior to the removal.

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9. Upon the recommendation of a resident's Unit Team and with the approval of the Chief Administrative Officer, or designee, and consistent with applicable departmental policies, a resident may be given an Individualized Behavior Plan which includes individualized privileges other than or in addition to those provided for in the applicable privilege level system.

#### **Procedure C: Privilege Level Suspension**

1. A resident on any of the following statuses is not eligible to participate in a privilege level system:
  - a. administrative status;
  - b. disciplinary segregation status; or
  - c. disciplinary restriction status.
2. If a resident is placed on disciplinary segregation status or disciplinary restriction status, their previous privilege level shall be suspended. A resident removed from one of these statuses and placed on general population status shall initially be assigned to Level 1 until the receiving housing unit's Unit Team determines the appropriate privilege level for the resident at the team's next scheduled level review meeting.
3. If a resident is placed on administrative status, their previous privilege level shall be suspended. A resident removed from this status and placed on general population status prior to or as a result of the first seven (7) day administrative status review shall initially be assigned to their previous level, until the receiving housing unit's Unit Team determines the appropriate privilege level for the resident at the team's next scheduled level review meeting.
4. If a resident whose retention on administrative status at the first and all subsequent seven (7) day reviews was based solely on there being a threat to their safety from another resident is placed on general population status at a later time, the resident shall initially be assigned their previous level, until the receiving housing unit's Unit Team determines the appropriate privilege level for the resident at the team's next scheduled level review meeting.
5. If a resident whose retention on administrative status at the first or a subsequent seven (7) day review was based at least in part on one or more of the other criteria set out in Department Policy 15.1 (AF), Administrative Status (escape risk, threat to safe and secure operation of the facility, or threat to the safety of another person) is placed on general population status at a later time, the resident shall initially be assigned to Level 1 until the receiving housing unit's Unit Team determines the appropriate privilege level for the resident at the team's next scheduled level review meeting.

#### **Procedure D: Transfer**

1. A resident transferred to a higher security facility or housing unit due to the resident's behavior (regardless of whether or not the resident was disciplined) who is on reception or general population status shall initially be assigned by their Unit Manager, or designee, at the receiving facility or unit to Level 1, 2, or 3 (but not to a level higher than the one the resident had at the sending facility or unit) until the Unit Team determines

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the appropriate privilege level for the resident at the team's next scheduled level review meeting.

2. Except as set out below, a resident transferred from one facility or housing unit to another for any other reason (e.g., due to a medical condition or enemy issues, upon the discovery of a detainer, or for population management reasons, etc.) who is on reception or general population status shall be assigned the same privilege level that the resident had at the sending facility or unit at the time of their transfer to the receiving facility or unit.
3. In the case of a resident transferred from a minimum security facility or minimum security housing unit to a higher security facility or housing unit for a reason other than their behavior (including for failure to advance to Level 5 as set out in Procedure G or H), the resident shall be assigned to Level 4.
4. In the case of a resident transferred to a minimum security facility or minimum security housing unit from a higher security facility or housing unit for any reason, if the resident has been in Department custody for fewer than four (4) months, or if they have been in Department custody for at least four (4) months but were not at Level 4 at the sending facility or unit, they shall be assigned to Level 4. If they have been in Department custody for at least four (4) months and were at Level 4 at the sending facility or unit, they shall be assigned to Level 5.
5. A resident transferred from one facility or housing unit to another for any reason who is not on reception or general population status shall be treated consistently with the applicable provisions of this policy (e.g., shall have their privilege level suspended while on disciplinary segregation status, etc.).

#### **Procedure E: Privilege Level Decisions, General**

1. Staff shall document in the Department's resident and client records management system positive resident behavior and attitude for review by the Unit Team when making privilege level decisions. Staff shall also provide a copy of positive notes to the resident.
2. Each level decision shall be individualized for the resident being considered and shall be goal-oriented, taking into account resident risk reduction and behavior management principles.
3. A privilege level decision shall be based on:
  - a. the totality of a resident's circumstances since the last level decision (or in the case of the first level decision for a reception status resident, the totality of the resident's circumstances since the resident's intake), including progress toward compliance with their case plan, behavior, attitude, and the other factors listed in Procedure A; and
  - b. other documented events and observations (e.g., interactions with staff and others).

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4. A privilege level reduction decision shall not:
  - a. generally be made based on a single incident, unless approved by the Chief Administrative Officer, or designee, after the Unit Team has reviewed a privilege level reduction request as set out in Procedure G; or
  - b. take into consideration a resident's convictions, history during a previous incarceration, prior convictions, etc.
5. At a minimum, each resident shall have their level reviewed every six (6) months by their Unit Team, and the resident's case manager shall update the resident's case plan, if necessary, to reflect the decision made upon the review.
6. All privilege level system decisions and relevant notes shall be documented in the Department's resident and client records management system and communicated in writing to the resident.
7. Decisions made under this policy are separate and independent of decisions made under other Departmental policies, including, but not limited to, Policy 11.5 (AF), Calculation of Adult Resident Sentences and Release Date, Policy 20.1 (AF), Adult Resident Discipline, Policy 23.1 (AF), Classification System, etc. Behavior resulting in the making of a decision under one or more of those policies does not either require or preclude the making of a decision under this policy.

#### **Procedure F: Privilege Level Advancement**

1. A resident may apply for a level advancement by submitting a completed Resident Request for Privilege Level Advancement form (Attachment B) to their case manager once the minimum time has elapsed for the level the resident is currently assigned, which is:
  - a. a minimum of two (2) weeks on Level 1 to apply to advance to Level 2;
  - b. a minimum of three (3) weeks on Level 2 to apply to advance to Level 3;
  - c. a minimum of four (4) weeks on Level 3 to apply to advance to Level 4;
  - d. a minimum of (4) weeks on Level 4 to apply to advance to Level 5; and
  - e. a minimum of (4) weeks on Level 5 to apply to advance to Level 6.
2. In addition to the above time requirements, the resident must have satisfied the following eligibility criteria since their last level review (or in the case of the first level decision for a reception status resident, since the resident's intake) to apply to advance to the next level:
  - a. demonstrated rehabilitative, responsible, and prosocial behavior through active participation in their case plan;
  - b. demonstrated prosocial behavior and attitude in interactions with facility staff and others;
  - c. refrained from engaging in disruptive or other negative behaviors;
  - d. not been actively involved in gang or security threat group activity (possessing or displaying any materials, symbols, colors, or pictures of any identified gang or security threat group or engaging in behavior that is uniquely or clearly associated

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with a gang or security threat group as set forth in Department Policy (AF) 20.01, Adult Resident Discipline). Note: A resident who is associated with a gang or security threat group is not presumed to be actively involved in gang or security threat group activity

- e. not been placed on administrative status, unless it was based solely on there being a threat to their safety from another resident.
  - f. met any goals and objectives that the Unit Team may have prescribed as part of the level advancement process;
  - g. for a resident in a minimum security facility or minimum security housing unit, demonstrated consistent, prosocial engagement within the facility, as evidenced by working in the facility gardens, volunteering to help staff and other residents, contributing to the implementation of new facility programs, or otherwise; and
  - h. for a resident in a minimum security facility or minimum security housing unit, shown a proactive commitment to reentry planning by taking meaningful steps, such as participating in off-grounds work crews and applying for furloughs, community transition release (work release, education release, and/or public service release), and the Supervised Community Program, including by securing housing and employment or education in the community, and otherwise actively preparing for release.
3. As well, if the resident has previously been denied the level advancement or their level has been reduced and they are asking for it to be advanced since the reduction, they may not reapply until after the time period set by the Unit Team for reapplication has elapsed and other steps prescribed by the team have been met.
  4. The resident's case manager shall review the form for completeness and accuracy. If completed accurately, and if the resident has met the time and other criteria set out above since the last level decision (or in the case of the first level decision for a reception status resident, since the resident's intake), the resident's case manager shall refer the completed form to the Unit Team for review at its next scheduled level review meeting.
  5. The facility Chief Administrative Officer, or designee, shall ensure that each Unit Team holds level review meetings at least every two (2) weeks to make decisions on privilege level advancement requests (as well as other level review decisions).
  6. In addition to the above privilege level decision eligibility requirements when considering a resident request for a privilege level advancement, the Unit Team shall review the following to include, but not be limited to:
    - a. behavior and attitude;
    - b. case plan compliance;
    - c. any incidents and notes;
    - d. documented interactions with staff and other residents;
    - e. observations of members of the Unit Team;
    - f. written input from the resident as requested by the case manager;
    - g. written input from work and/or program supervisor;

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- h. written input from health care staff as requested by the case manager;
  - i. level of engagement in supporting a pro-social culture in their housing unit, program and/or work location;
  - j. the resident's specific responsivity factors, including learning style, motivation, abilities, and strengths identified through appropriate assessments and case management practices;
  - k. length of time on a level (length of time, on its own, does not necessitate level advancement); and
  - l. any other relevant factors.
7. If appropriate, a resident's mental health and/or medical conditions and treatment plans as reported by health care staff shall be accounted for as a responsivity factor when reviewing a resident's request for a privilege level advancement.
  8. Program unavailability shall not preclude a resident from advancing to the next level.
  9. The Unit Manager (UM) may override a Unit Team decision to advance a resident's level if it is determined by the UM to be in the interest of safety or security to deny the advancement of the privilege level.
  10. Once a decision has been made, the UM, or designee, shall inform the resident of the decision and provide individualized, meaningful feedback in writing.
  11. If the decision is to deny the privilege level advancement, the Unit Team, or in the case of an override, the UM, shall establish a specific period of time for the resident to be eligible to reapply and shall prescribe goals and objectives that must be met as part of the level advancement process. The UM, or designee, shall ensure the resident is advised of the specific steps they must take to advance in level.
  12. The resident's case manager shall update the resident's case plan, if necessary, to reflect the decision made on the request, including, if applicable, the prescribed goals, objectives, and steps.
  13. In the case of a resident in a minimum security facility or minimum security housing unit, if the resident does not advance to Level 5 within two (2) months of transfer to the facility or unit, the Unit Team shall meet with the resident and prescribe the goals and objectives the resident must meet to advance to that level. The UM, or designee, shall ensure the resident is advised of the specific steps they must take to advance in level.
  14. The resident's case manager shall update the resident's case plan, if necessary, to reflect the decision made on the request, including, if applicable, the prescribed goals, objectives, and steps.
  15. If the resident does not advance to Level 5 within one (1) month after the meeting, the Unit Team shall recommend to the Director of Classification, or designee, that the resident be transferred to a higher security facility or housing unit.
  16. The Director of Classification, or designee, shall make the decision as to transfer, notify the UM, or designee, and, if applicable, ensure it is implemented.

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## **Procedure G: Privilege Level Reduction**

1. Any member of the Unit Team may submit a Staff Request for Privilege Level Reduction form (Attachment C) to the Unit Manager (UM) for a resident to be considered for a privilege level reduction.
2. The UM, or designee, shall decide whether the request for a level reduction will be considered by the Unit Team. The UM may also initiate a request for a privilege level reduction by completing the form.
3. The privilege level system shall not be used as an immediate response to an incident that the resident is involved in. There shall not be any expedited or emergency privilege level reduction processes. Instead, the resident's level shall be reviewed at the Unit Team's next regularly scheduled level review meeting.
4. In considering a staff request for a privilege level reduction, the Unit Team shall review the totality of a resident's circumstances since the last level decision (or in the case of the first level decision for a reception status resident, since the resident's intake), including, but not limited to, the following:
  - a. reason for the staff request;
  - b. behavior and attitude;
  - c. case plan compliance;
  - d. any incidents and notes (including, but not limited to, computer use agreement violations);
  - e. documented interactions with staff and other residents;
  - f. observations of members of the Unit Team;
  - g. written input from the resident as requested by the case manager;
  - h. written input from work and/or program supervisor;
  - i. written input from health care staff as requested by the case manager;
  - j. the resident's specific responsivity factors, including learning style, motivation, abilities, and strengths;
  - k. length of time on a level (length of time, on its own, does not prevent level reduction);
  - l. abuse of a privilege granted as result of being on the current level or abuse of any other privilege; and
  - m. any other relevant factors.
5. The UM may override a Unit Team's decision to not reduce a resident's level if it is determined by the UM to be in the interest of safety or security to reduce the privilege level.
6. Once a decision has been made, the UM, or designee, shall inform the resident of the decision and provide individualized, meaningful feedback in writing.

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7. If the decision is to reduce the privilege level, the Unit Team, or in the case of an override, the UM, shall establish a specific period of time for the resident to be eligible to apply for a level advancement and shall prescribe goals and objectives that must be met as part of the level advancement process. The UM, or designee, shall ensure the resident is advised of the specific steps they must take to advance in level.
8. The resident's case manager shall update the resident's case plan, if necessary, to reflect the decision made on the request including, if applicable, the prescribed goals, objectives, and steps.
9. In the case of a resident in a minimum security facility or minimum security housing unit, if a resident who has had their privilege level reduced to Level 4 does not advance to Level 5 within two (2) months of the reduction, the Unit Team shall recommend to the Director of Classification, or designee, that the resident be transferred to a higher security facility or housing unit.
10. The Director of Classification, or designee, shall make the decision as to transfer, notify the UM, or designee, and, if applicable, ensure it is implemented.

#### **Procedure H: Appeals**

1. A resident may appeal a denial of their request for a privilege level advancement, a privilege level reduction, or other privilege level decision by forwarding the Appeal of a Privilege Level Decision (Attachment D), to the facility Chief Administrative Officer, or designee.
2. In order to be reviewed, the appeal must be received by the facility Chief Administrative Officer, or designee within fifteen (15) days of when the resident received the decision.
3. An appeal shall not delay the implementation of the decision unless a level reduction would result in a resident being removed from a core program or an education or vocational program.
4. Upon review of a timely appeal, the Chief Administrative Officer, or designee, may:
  - a. approve the decision;
  - b. disapprove the decision; or
  - c. remand the decision to the Unit Team, or Unit Manager (UM) if applicable, for further consideration.
5. The Chief Administrative Officer, or designee, shall make a decision on a timely appeal within fifteen (15) days after receiving the appeal and forward the decision on the appeal (or notation that the appeal was not timely) to the UM, or designee. The UM, or designee, shall forward the response to designated staff, keeping a copy until the signed original is returned.
6. The Chief Administrative Officer, or designee, shall document the decision on the appeal in the Department's resident and client management system.
7. The designated staff shall meet with the resident without unnecessary delay and provide them with the appeal response, and the resident and the staff shall sign and date the

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form. If the resident refuses or is unable to sign, the staff shall note that on the form. The staff shall return the original of the signed form to the UM, or designee, and provide a copy to the resident.

8. The UM, or designee, shall ensure the signed form is placed in the resident's Administrative Record and Case Management Record.
9. The Chief Administrative Officer, or designee, is the final authority for these appeals (i.e., there is no further administrative level of appeal).

## **VIII. PROFESSIONAL STANDARDS**

None

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