

## Code of Conduct

**Purpose of Form:** To provide youth volunteers with an understanding of the program's expectations of their conduct and the consequences for breaking the code.

**Reason for Form:** Youth volunteers in youth court programs are privy to confidential and personal information that should not be conveyed to individuals outside the youth court. They also are considered role models within their schools and communities. Youth courts need to define what their expectations are of their volunteers. Youth need to be educated about the provisions of the code and be informed of consequences for breaking the code.

### **Suggested Ways to Use Form:**

- Determine what the rules or expectations of volunteers will be.
- Determine a procedure for how allegations of youth breaking the code of conduct will be handled.
- Outline the possible consequence(s) for breaking provisions outlined in the code.
- Involve youth in determining the Code of Conduct and the consequences of violating the code.
- Educate youth about the code and provide a written copy of the Code of Conduct to youth during the training.
- A sample code of conduct is included after the Code of Conduct form.

**[INSERT NAME OF YOUTH COURT PROGRAM]  
[CONTACT INFORMATION FOR YOUTH COURT]**

## **Code of Conduct**

### **Rules of Conduct**

### **Disciplinary Action**

## **Sample Code of Conduct and Disciplinary Procedures for Youth Court Members/Volunteers**

### **I. Preamble**

Youth Court membership is a privilege, not a right. That privilege can be lost if you fail to act in a responsible manner and within the confines of the law. As a youth court member, you are expected to serve as a role model for your peers at all times. You therefore must maintain high standards of conduct and encourage other members to do the same. You should be temperate and dignified and refrain from all illegal and morally reprehensible conduct. Because of your position, even minor violations of law may tend to lessen public confidence in the entire youth court program. Since youth court is designed to promote law-abiding behavior, your behavior must be consistent with that purpose,

Listed below are a number of Rules of Conduct, which you must follow. If you fail to conduct yourself in conformity with these rules, you shall be deemed guilty of misconduct, which will be subject to disciplinary action, according to the procedures set out below, which can include removal from the youth court program.

### **II. Rules of Conduct**

As a member of youth court you must abide by the following rules:

- Rule 1** You must not engage in illegal conduct.
- Rule 2** You must not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.
- Rule 3** You must not knowingly use perjured or false testimony or statements.
- Rule 4** You must reveal any false statements, testimony or other evidence used, or any other fraud perpetrated, in any Youth Court proceeding.
- Rule 5** You must maintain the confidentiality of the Youth Court proceedings.
- Rule 6** You must not violate the rules and regulations adopted by your school district.
- Rule 7** You must participate free of bias or prejudice toward any other person's age, race, sex, religion, national origin, or disability.
- Rule 8** You must appear promptly and prepared for all Youth Court training sessions and court appearances, unless excused.
- Rule 9** You must perform your role as effectively and competently as possible.
- Rule 10** You must not engage in undignified or discourteous conduct during Youth Court session.
- Rule 11** You must not ask any question that is intended to harass or degrade witness.
- Rule 12** You must not let any outside influence, such as other members, parents, fellow students or your own self-interest, affect your actions and decisions in how to proceed,
- Rule 13** As a defense attorney, unless an offender otherwise directs, you must not reveal a confidence or secret of an offender or use such confidence or secret to the disadvantage of an offender.
- Rule 14** You must treat with courtesy and consideration all persons involved in youth court proceedings.

- Rule 15.** You must not knowingly fail to disclose or exchange evidence which you are required by the youth court training to reveal to your opponent.
- Rule 16.** A prosecutor must not communicate with the offender in the case. (Except, of course, during cross-examination).
- Rule 18.** A youth court member serving as a prosecutor, defender or judge, other than during the performance of your role during a court proceeding, must not communicate with a juror about the case under consideration.
- Rule 19.** You must abide by all your obligations and responsibilities as specified in the youth court training manual.
- Rule 20.** A youth court member must dress appropriately when participating in a youth court proceeding.
- Rule 21.** You must notify the youth court director immediately if you are arrested, convicted of a crime or suspended from school.
- Rule 22.** You must report to the youth court staff or any board member conduct of other members you believe to be in violation of these Rules of Conduct.
- Rule 23.** You must cooperate with the board of directors or any disciplinary committee in any investigation involving a violation of these rules of conduct.

### **III. Disciplinary Procedure**

#### **A. General Power and Authority of Youth Court Board**

The Youth Court Board is authorized to censure, suspend or remove a member from its Youth Court program who is guilty of violating the **RULES OF CONDUCT** promulgated by Youth Court.

#### **B. Creation of a Disciplinary Committee**

The Youth Court Board shall establish a Disciplinary Committee to investigate allegations that a Youth Court member failed to comply with the **RULES OF CONDUCT**, whether by complaint or otherwise, and to issue a report and recommendation to the Board after its investigation.

The Committee shall consist of at least two (2) Board members and at least one (1) Youth Court member. A majority of the members of the Disciplinary Committee must agree on a course of action before any such action to be recommended. A report and recommendation should be issued within 30 days of the alleged misconduct.

#### **C. Complaints**

Investigation of misconduct may be commenced by the Disciplinary Committee upon receipt of a specific complaint, or by the Committee upon its own motion. Regardless of how the investigation commenced a COMPLAINT form shall be completed.

The COMPLAINT form will include the member's name, the date, time, and place of the alleged misconduct, the nature of the alleged misconduct, and the names and addresses of any witnesses. A copy of the COMPLAINT form will be distributed to each member of the Committee.

#### **D. Initial Action By the Disciplinary Committee On the Complaint**

The Disciplinary Committee will initially review the allegations in the COMPLAINT and determine whether, if true, they are sufficient to establish a charge of misconduct. If they are not, the COMPLAINT shall be summarily dismissed.

If sufficient, the Committee shall forward a copy of the COMPLAINT to the Youth Court member. The committee may also request that the Youth Court member respond in writing, in person, or both. In response, the member is entitled to assert a claim that a truthful response might tend to incriminate him. A member's failure to respond, without just cause, within this time period, is tantamount to an admission of the charges and will result in the member's immediate suspension, and possible removal, from the program.

#### **E. Disciplinary Proceedings Before the Committee**

Upon either the receipt of the Youth Court member's response or the expiration of the 20-day period without a response, the Disciplinary Committee will schedule a hearing and inform the member of the date, time and place of the hearing.

##### **1. Mitigation Hearing/Admitted Misconduct**

If the member, in response to the complaint, admits the charges in full or admits the charges and only raises issues in mitigation, the Committee shall provide the member an opportunity to bring any witnesses to the hearing and present their testimony. The Committee may also question witnesses, including the Youth Court Director, about the member.

##### **2. Factual Hearing/Misconduct Denied**

If issues of fact are raised by the Youth Court member's response, an evidentiary hearing should be held. The member must be notified of the date, time and location of the hearing. At least three (3) members of the disciplinary committee must be present. At the hearing, the member will have the right to call witnesses in his own behalf and to question any witnesses who the Committee may ask to attend and provide information. The Committee will also be given the opportunity to question the member or any other witnesses, including the Youth Court Staff. The Youth Court member will also be given the opportunity to present evidence in mitigation as outlined above.

#### **F. Report and Recommendation to the Board**

After the investigation and/or presentation of evidence, the Disciplinary Committee shall then either vote to dismiss the complaint, or censure, suspend or terminate the membership of the Youth Court member. The Committee shall then report to the Board. Said report shall state the facts as determined during the investigation, the position of the member, and a specific recommendation as the appropriate action it deems appropriate, including, but not limited to, any, or a combination, of the following:

- a. Removal from the Youth court program;
- b. Suspension from the program for a time certain;

- c. Supervision by the Youth Court Director for purposes of retraining;
- d. Probation for a specified period of time; or
- e. Dismissal of the complaint with reason.

In order to recommend the sanctioning of a Youth Court member, the Committee must find that the alleged acts of misconduct have been established by a preponderance of the evidence.

In the event that the Disciplinary Committee is deadlocked and unable to obtain the number of votes needed to recommend an action, the Committee will prepare its report without a specific recommendation and the Board, by majority vote, will determine the appropriate sanction, if any, for the Youth Court member.

#### **G. Review by the Board**

Upon receipt of the report and recommendation of the Disciplinary Committee, the Board shall vote, by simple majority, either to adopt, adopt with modifications, or reject the recommendation of the Committee. If the Disciplinary committee fails to make a recommendation, the Board, by majority vote, will determine the appropriate action to be taken. Any decision of the Board is final.

If the recommendations of the Committee are adopted, the youth Court member shall be notified of the decision. If the recommendations of the Committee are rejected because additional information is needed, the Board shall remand the matter back to the Disciplinary Committee. The Committee may then hold additional hearings and prepare a supplemental report and recommendation. If no additional evidence is needed, the Board shall, by majority vote, decide whether to dismiss the complaint or decide what sanction is appropriate.

#### **H. Obligation of Member Against Whom Complaint filed**

The Youth Court member accused of misconduct is required to cooperate with the Board and the Disciplinary Committee in the investigations and proceedings. The failure to answer or otherwise cooperate in and of itself constitutes misconduct. The member is, however, entitled to refuse to answer any inquiries by asserting a claim that his responses to the inquiries might tend to incriminate him. In the event such a claim is made, the Board and Committee may consider such claim when deciding the appropriate course of action.

Once the board communicates its final decision to the member, the member must abide by the Board's decision. The failure to comply with the decision of the Board will result in either immediate expulsion from the program or additional Disciplinary Committee actions as the Board deems appropriate.

#### **I. Confidentiality of the Proceedings**

Any meeting or hearing of the Disciplinary Committee or Board concerning allegations of misconduct shall be closed to the public. In addition, records relating to the investigation and sanction(s) shall be confidential.

**J. Suspension of Member Pending Consideration of Disciplinary Charges**

A Youth Court member who is the subject of an investigation into allegations of misconduct may be suspended from participation in Youth Court by any member of the Disciplinary Committee pending consideration of the charges. A notice of any suspension will immediately be sent to the member. Said notice will briefly state the reasons for the suspension.

Upon review of the complaint by the Disciplinary Committee, the suspension may be lifted in the interest of justice and upon a majority vote of the Committee, at any time.

**K. Suspension Upon Arrest**

Whenever a Youth Court member is arrested for a criminal offense, other than traffic infraction, said member will be automatically suspended from the Youth Court program pending the disposition of the criminal charges. A notice of the suspension will immediately be sent to the member. Said notice will briefly state the reasons for the suspension. Under such circumstances, the Disciplinary Committee need not hold any hearings or investigate the allegations in any way until the criminal charges have been resolved.

In the event the charges are ultimately dismissed, the Disciplinary Committee will meet, investigate and determine the appropriate sanction, if any, to impose upon the member.

**L. Removal Upon Conviction**

Any Youth Court member convicted of an offense, other than a traffic infraction, shall immediately be removed from the Youth Court program without a hearing. A notice of removal will be sent to the member.

If a conviction is subsequently reversed or vacated, the Board, upon application of the member, shall have the power to vacate or modify any sanction imposed.

**M. Reinstatement**

For good cause, the Board may set aside any sanction when it appears consistent with the maintenance of the integrity and honor of Youth Court, the protection of the public and the interests of justice.

**N. Resignation**

A member who is the subject of a disciplinary proceeding or an investigation may resign from Youth Court by tendering his or her resignation. Upon such resignation, any disciplinary proceeding or an investigation is terminated and all records will remain confidential.