

1 ~~13-130-008. Resident Publications (983)~~

2

3 ~~SUBJECT AREA \_\_\_\_\_ EFFECTIVE DATE:~~

4 ~~950-999 Civil Rights~~

5 ~~and Opportunities \_\_\_\_\_ UNITS AFFECTED: All~~

6 ~~\_\_\_\_\_ Correctional Facilities~~

7

8

9 ~~INTRODUCTION~~

10

11 ~~Free expression, and the diffusion of pertinent information among residents, staff and the~~  
12 ~~community can be helpful rehabilitative tools. Resident publications such as newspapers,~~  
13 ~~magazines or newsletters may play a positive role in this process. The Department therefore is~~  
14 ~~willing to consider requests for resident publications subject to cost factors and provided specific~~  
15 ~~articles do not pose a threat to security, order and programs.~~

16

17 ~~OBJECTIVES~~

18

19 ~~To provide uniform guidelines for the initial approval to publish and subsequent regulation of~~  
20 ~~resident publications.~~

21

22 ~~GROUP SERVED~~

23

24 ~~All residents and all facilities.~~

25

26 ~~POLICY DESCRIPTION~~

27

28 ~~From time to time, authority to publish resident authored newspapers, newsletters, magazines~~  
29 ~~and similar periodicals is requested. These proposed publications often require State financial~~  
30 ~~support either by direct grants or supervision by Department personnel or both. Uniform~~  
31 ~~guidelines are necessary for the evaluation of requests to publish and ongoing regulation of~~  
32 ~~approved periodicals within the requirements of applicable law.~~

33

34 ~~A. NEW PUBLICATIONS~~

35

36 ~~No new resident newspaper, newsletter, magazine or similar periodical may commence operation~~  
37 ~~without specific written approval by the Superintendent of the facility concerned and the~~  
38 ~~Commissioner of Corrections. A request for approval to publish shall include at least the~~  
39 ~~following:~~

40

41 ~~1. Name of the proposed publication and a description of its purpose and the anticipated~~  
42 ~~readership field.~~

43

44 ~~2. Names of residents proposed as editors or chief officers and the method by which replacement~~  
45 ~~editors or officers will be chosen.~~

1  
2 ~~3. A description of what services the proposed publication offers which are not provided by~~  
3 ~~existing resident or Department publications.~~  
4

5 ~~4. An estimate of cost to the Department of the proposed publication, including but not limited to~~  
6 ~~reproduction, materials, distribution expenses and time required for employee supervision.~~  
7

8 ~~If the Commissioner approves publication, operations may commence subject to the publication~~  
9 ~~guidelines set forth below.~~  
10

## 11 ~~B. GUIDELINES FOR APPROVED PUBLICATIONS~~

12  
13 ~~1. Any resident periodical approved for publication which ceases publication may not resume~~  
14 ~~operations without written approval of the Commissioner. Failure to publish an issue of an~~  
15 ~~approved resident periodical for six consecutive months shall be deemed a cessation of~~  
16 ~~operations.~~  
17

18 ~~2. The Superintendent of each facility having a resident periodical shall establish an advisory~~  
19 ~~committee for the publication within the facility consisting of at least two staff members. This~~  
20 ~~committee will provide advice and assistance to the resident publication staff and review each~~  
21 ~~issue prior to publication to insure that it does not contain material constituting a threat to~~  
22 ~~security, order and rehabilitation, and that the publication is otherwise in order (e.g. contains the~~  
23 ~~disclaimer specified below). The committee shall normally complete this review within fifteen~~  
24 ~~days after submission of the proposed publication. If the committee finds that all or a part of the~~  
25 ~~publication is a threat to security, order and program of the facility, then the editors will be~~  
26 ~~provided a written explanation of the reasons and publication may be temporarily halted. The~~  
27 ~~editors may, within fifteen days, appeal this determination to the Superintendent who will affirm~~  
28 ~~or reverse in whole or in part the decision of the committee within fifteen days of receipt of the~~  
29 ~~appeal. If no appeal is taken within the allotted time the decision of the committee shall be final.~~  
30 ~~If the decision of the Superintendent on appeal is adverse to the editors, they may within fifteen~~  
31 ~~days appeal to the Commissioner who shall make a final determination. If no appeal is taken~~  
32 ~~from the decision of the Superintendent within the allotted time, his decision shall also be final.~~  
33

34 ~~3. The Commissioner may, in his discretion, permit appeals by editors to be filed later than the~~  
35 ~~allotted time. In case of serious institutional emergency, the time permitted for review at the~~  
36 ~~facility level may be extended by the supervising officer until termination of the emergency.~~  
37

38 ~~4. Within the procedural framework discussed above, the following rules shall apply:~~  
39

40 ~~a. No material will be suppressed unless it presents a threat to security, order and rehabilitation.~~  
41

42 ~~b. No publication will be permitted regardless of content unless it contains the following~~  
43 ~~disclaimer prominently displayed on the first page: "Any article, editorial or other writing~~  
44 ~~appearing herein should not be considered the policy or opinion of the Commissioner of~~

1 ~~Corrections, the Vermont Department of Corrections, the (name of facility), or any other~~  
2 ~~Department or State official or employee."~~

3  
4 ~~5. The Supervising Officer of each Department facility shall annually at the time he submits his~~  
5 ~~initial budget proposal to the Commissioner, present a complete analysis of present and~~  
6 ~~anticipated annual costs to the Department of each resident publication then in existence at his~~  
7 ~~facility. As a minimum this analysis shall include costs of reproduction, materials, distribution~~  
8 ~~and time required for employee supervision. Following consideration of this information a~~  
9 ~~decision will be made concerning what if any resident publications shall continue to receive~~  
10 ~~Department approval and support for the next budgeted fiscal period.~~

11  
12 ~~Cornelius Hogan, Commissioner~~

13  
14 ~~LEGAL REFERENCE~~

15 ~~T.28 V.S.A., Sec. 102(b)(2)~~

16 ~~T.28 V.S.A., Sec. 102(c)(1)~~

17 ~~T.28 V.S.A., Sec. 601(7). Statutory Authority: 28 V.S.A. §§ 102, 601~~

18  
19 ~~Effective Date: May 6, 1979 (SOS Rule Log # 79-39)~~

20