

<p style="text-align: center;">STATE OF VERMONT</p> <p style="text-align: center;">AGENCY OF HUMAN SERVICES</p> <p style="text-align: center;">DEPARTMENT OF CORRECTIONS</p>	<p style="text-align: center;"><u>INTERIM MEMO:</u></p> <p style="text-align: center;">STAFF DISCIPLINE WITH REGARDS TO THE PRISION RAPE ELIMINATION ACT (PREA)</p>	<p style="text-align: right;">Page 1 of 2</p>
<p>Local Procedure(s) Required: No.</p> <p>Applicability: All staff (including contractors and volunteers)</p> <p>Security Level: "B" – Anyone may have access to this document.</p>		
<p>Approved:</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div data-bbox="131 630 730 781">  <hr/> <p>Andrew A. Pallito, Commissioner</p> </div> <div data-bbox="730 630 1136 781"> <p style="font-size: 1.2em;"><i>Jan 6, 2015</i></p> <hr/> <p>Date Signed</p> </div> <div data-bbox="1136 630 1497 781"> <p style="text-align: right;">01/20/2015</p> <hr/> <p style="text-align: right;">Date Effective</p> </div> </div>		

In addition to the administrative rules and remedies identified through collective bargaining and the Department of Correction's (DOC) work rules, the following additional disciplinary sanctions are applicable to all DOC staff members:

Staff shall be subject to disciplinary sanctions up to and including termination for violating sexual abuse or sexual harassment policies.¹ Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.² However, any disciplinary sanction up to and including termination shall be based on the application of the factors set forth in Grievance of Colleran and Britt, 6 VLRB 235 (1983).³

All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.⁴

Material omissions regarding sexual misconduct, whether involving inmates, staff, or both, or the provision of materially false information⁵, shall be grounds for termination.⁶ However, any disciplinary sanction up to and including termination shall be based on the application of the factors set forth in Grievance of Colleran and Britt, 6 VLRB 235 (1983).⁷

¹ 28 C.F.R. §115.76(a)

² 28 C.F.R. §115.76(b)

³ The factors set forth in Grievance of Colleran and Britt, 6 VLRB 235 (1983) include the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories as required by 28 C.F.R §115.76(c).

⁴ 28 C.F.R. §115.76(d)

⁵ This directive incorporates policies and procedures outlined in DOC Policy 126.

⁶ 28 C.F.R. §115.17(g)

⁷ The factors set forth in Grievance of Colleran and Britt, 6 VLRB 235 (1983) include the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories as required by 28 C.F.R §115.76(c).

Unless prohibited by law, DOC shall provide information on substantiated allegations⁸ of sexual abuse or sexual harassment involving former employees upon receiving a request from an institutional employer for whom such employee has applied to work.⁹

⁸ In determining this DOC will use the preponderance of the evidence standard in determining substantiated allegations.
⁹ 28 C.F.R §115.17(h).