Vermont Department of Corrections

Final Adopted Administrative Rule #06006, Effective March 15, 2006

Offender Grievance System

The Department of Corrections is committed to the use of alternative dispute resolution practices that promote problem resolution at the earliest possible level and that draw upon restorative practices for dispute resolution. Ideally, most grievances can be resolved at the lowest and earliest possible level, as a result of good communication between the offender and local departmental employees. However, because informal solutions to grievances are not always possible, the Department of Corrections has a responsibility to maintain formal procedures designed to resolve offender complaints in a timely and consistent manner.

Definitions

Department - The Department of Corrections, its Commissioner or designee

Chain of Command - Line of reporting authority

Grievance - A grievance is a formal written complaint filed by an offender concerning a departmental action, incident, policy or condition which affects that offender.

Emergency Grievance – A grievance processed by expedited methods to resolve an issue which presents: (1) a threat of death or injury; (2) a threat of disruption of facility operations; or (3) a need for prompt disposition because the time is lapsing when meaningful action or decision is possible.

Informal Complaint - An informal complaint is one that is made orally or in writing to a Department of Corrections staff person whereby an attempt at problem resolution is made prior to the initiation of formal grievance.

Alternative Dispute Resolution - Techniques other than formal appeals or judicial processes that include advanced verbal communication techniques, negotiation, mediation or other practices to resolve a dispute.

Business days - Monday through Friday, excluding weekends and recognized State holidays

Components of the Department of Corrections' Offender Grievance System

1. Education/Orientation: The Department will ensure that employees and offenders are educated and oriented to the practices and expectations regarding informal complaint resolution and the grievance process.

a. Employees

- Training on departmental offender grievance policy, procedures and associated administrative directives will be part of the departmental training curriculum.

- Individual work site managers will ensure that all staff knows how the policy, procedures and administrative directives are implemented at their assigned work site.
- Employees will be notified that they will be disciplined if they retaliate against offenders for using the grievance system.
- Employees will be trained in problem resolution techniques.

b. Offenders

- All offenders will receive notice of the offender grievance system as part of their orientation or at intake, whether facility or field, sentenced or detained. Notice will include a statement that they cannot be retaliated against for filing a grievance and information on what to do if they experience retaliation.
- Offenders will document the receipt of the notice, and the acknowledgment by the offender that they have received notice will be maintained by all work sites.
- Offenders will receive written instruction as well as oral presentation where necessary.
    - Any offender who requests help in filing a grievance will receive assistance as needed.
- Individual Facility Superintendents and Field Managers will ensure that offenders are informed about the grievance system.

2. Types of Grievances

a. Emergency Grievance: A grievance that, if processed through standard grievance procedures and timelines, would result in serious physical or psychological harm to the offender or constitute a threat to the safe, secure operation of an institution, unit or field office.

The Superintendent or Field Manager will regularly review the content of emergency grievances with the relevant Field and Facilities Executives to identify trends in type, staff, location and offender utilization.

b. Standard Grievances: All grievances that are not emergency grievances.

c. All grievances are considered part of the inmate's central file.

3. Grievances that Allege Serious Employee Misconduct

A grievance alleging serious employee misconduct, where if proven the behavior would likely result in disciplinary action being taken against the employee, will be forwarded to the Superintendent or Field Manager and the Department of Corrections Hearing Administrator, who will forward it to the Agency of Human Services Personnel Administrator for investigation and response.

4. Informal Resolution of Complaints

With the exception of grievances that are emergency in nature (see section 2a above) or that allege serious employee misconduct (see section 3 above), the staff and offender must make an attempt at informal problem resolution prior to the filing of formal grievance. An identifiable solution or plan to resolve the complaint shall be agreed on by the staff and offender within 48 hours of the complaint being identified. If no plan can be agreed on, the complaint will move to a formal grievance if desired by the offender. In these situations the Department will ensure that informal resolutions are agreed on in writing by the offender.

5. Departmental Timeframes

With the exception of grievances that allege staff misconduct or criminal activity (see section 3 above) all grievances investigated by the Department of Corrections will adhere to the following timelines.

a. Informal Complaints: Offenders must file an informal complaint immediately and not to exceed 10 business days after the event or discovery of the cause of the complaint.

b. Formal Grievance: If the offender chooses, a grievance may be filed within 14 business days of the outcome of the informal resolution process being communicated to the offender unless it is clearly demonstrated by the offender that it was not feasible to file within such a period.

c. Emergency Grievances: Emergency grievances will be reviewed by the chain of command immediately and responded to within 8 hours of receipt. The entire timeline for an emergency grievance will not exceed 10 calendar days. (Day 1 of 10 is the day upon which the emergency grievance was received.)

d. Standard Grievances: The response for a standard grievance will not exceed 20 business days. (Day 1 of 20 is the first full business day after the standard grievance was received by local facility or field office staff.)

e. Appeals by the Offender: If the offender chooses to appeal a local grievance response, the offender must file an appeal within 10 business days of the receipt of a decision by the local chain of command. Responses to appeals will not exceed the following timeframes:

- Appeal to the Commissioner will be responded to within 20 business days.
    - Appeals to the Commissioner involving Emergency Grievances will be screened for expedited response as needed.

f. Continuances

- With the exception of an Emergency grievance, extensions by the Department of Corrections may be made once at any given step.
- The grievant must be notified in writing of the continuance, the length of the continuance and the reason for the continuance.
- The length of the continuance will not exceed 20 business days.

g. Offenders must exhaust administrative remedies provided by the Department of Corrections' grievance system before commencing litigation.

6. Administrative Dismissal of Grievances that are Inappropriate

When a grievance is returned to the offender, they will be notified in writing of the reason why the grievance was not accepted and given the opportunity to rewrite and resubmit the grievance if they choose.

a. The Department may reject and return to the offender a grievance that:

- uses profanity; derogatory or obscene statements; or those that were meant simply to harass without mention of any grievable action or event;
- is repetitive or identical to a grievance already in process;
- involves actions and events that have another existing appeals process or are already under formal investigation or appeal;
- involves decisions made by the court that the department has no jurisdiction to overturn;
- involves decisions made by the Parole Board that the department has no jurisdiction to overturn;
- is incomplete in that it does not mention any grievable event or provide information that can be investigated.

b. No grievance that alleges criminal activity or sexual, physical or psychological abuse or assault will be returned to a grievant or otherwise administratively dismissed for any of the reasons listed above in 6. a.

c. All grievances that are administratively dismissed will be reviewed by the Department of Corrections Hearing Administrator or his/her designee.

7. Assignment of Grievance Duties

a. The Department will ensure that a person not directly responsible for the condition or actions giving rise to the grievance is appointed to handle the grievance.

b. Each facility and field office, including the Out of State Unit, will have a designated staff person to perform the following duties:

- investigation and assignment of grievances for investigation as needed
- ensuring that all timelines are met
- ensuring data system and related record maintenance
- ensuring coordination between facility and field offices as needed for grievances that involve circumstances or issues from both field and facility
- ensuring coordination between facilities as needed when an inmate is moved from one facility to another prior to the resolution of a grievance.

8. Tracking, Reporting and Trends Analysis

A Department-wide Grievance Data System will be maintained. The system will be capable of accurate recording and tracking of all written grievances and their status.

The Department of Corrections will generate, at a minimum, annual reports for review with the Executive Management Team and the Commissioner or his/her designee. Reports will include a review of the trends and frequency of grievances filed.

A review of departmental directives associated with this rule will be completed with any necessary updates of relevant documents and procedures within one year of this rule taking effect.

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State of Vermont Agency of Human Services Department of Corrections	Title: **Offender Grievance System for Field and Facilities**	Page 1 of 30
Chapter: **Correctional Services**	**# 320.01**	**Supersedes**: *#320.01, Offender Grievance, #320.01.01, Offender Grievance Procedure, #320.01.02, Offender Grievance Database Procedure*, all dated September 1, 2000.

Attachments & Companion Documents:
1. Offender/Inmate Notice of Right to Grieve
2. AHS Standards for Translation of Vital Documents for Persons with Limited English Proficiency
3. Informal Complaint & Plan for Resolution Form (*Grievance Form #1*)
4. Offender/Inmate Grievance Submission Form (*Grievance Form #2*)
5. Grievance Investigation & Superintendent's/District Manager/Supplemental Housing Manager Response (*Grievance Form #3*)
6. Grievance Submission Rejection Memo (*Grievance Form #4*)
7. Decision Appeal to Corrections Executive (*Grievance Form #5*)
8. Response to Appeal to Corrections Executive (*Grievance Form #6*)
9. Decision Appeal to Commissioner (*Grievance Form #7*)

Local Procedure Required: No
Applicability: All field and facility staff (including contractors and volunteers).
Security Level: "B" - Anyone may have access to this document.

Approved:

	November 9, 2006	January 1, 2007
Robert D. Hofmann, Commissioner	**Date Signed**	**Date Effective**

PURPOSE

The purpose of this directive is to describe the process and procedures for expression, recording, review and resolution of offender/inmate grievances that will be available to all individuals under the supervision of the Department of Corrections.

POLICY

It is the policy of the Vermont Department of Corrections to resolve conflicts at the lowest possible and most immediate level. When that is not possible, all offenders/inmates will have access to a grievance mechanism for the resolution of complaints arising from alleged actions by the Department and its representatives. While an offender/inmate may write the Commissioner at any time, the offender grievance system will be the administrative process which will enable the resolution of conflict in a timely manner and identify opportunities for quality improvement.

AUTHORITY & REFERENCE

28 V.S.A. § 854; 3 V.S.A. § 831 (a); APA Rule #06-006, *Offender Grievance System,* March, 2006; American Correctional Association, *Standards for Adult Correctional Institutions*, 4th Edition, January 2003, 4-4284; American Correctional Association, *Standards for Adult Probation and Parole Field Services*, 3rd Edition, August 1998, 3-3179; Vermont Agency of Human Services Limited English Proficiency Policy.

DEFINITIONS

Alternative Dispute Resolution (ADR): Techniques other than formal appeals or judicial processes that include advanced verbal communication techniques, negotiation, mediation or other practices to resolve a dispute; i.e., problem resolution techniques.

Business Days: Monday through Friday, excluding weekends and recognized State holidays.

Emergency Grievance: A grievance processed by expedited methods to resolve an issue which presents: (1) a threat of death or injury; (2) a threat of disruption of facility operations; or (3) a need for prompt disposition because the time is lapsing when meaningful action or decision is possible.

Formal (Standard) Grievance: A written complaint filed by an inmate/offender concerning a departmental action, incident, policy or condition which affects that person. The inmate/offender must file an informal complaint before initiating a formal grievance.

Grievance Coordinator: A DOC employee of a Correctional Facility, Field Office or Out of State Unit designated to coordinate the offender grievance process.

Hearings Administrator: A designee of the Commissioner who acts as a review authority for offender/inmate grievances.

Informal Complaint: An informal complaint is one that is made orally or in writing to a Department of Corrections staff person where an attempt at problem resolution is made prior to the initiation of a formal grievance.

PROCEDURAL GUIDELINES

This directive pertains to both incarcerated inmates and offenders under Department community supervision.

The offender/inmate grievance system is an internal administrative means for the resolution of complaints. It is designed to supplement, but not replace, the informal communication process. All staff, volunteers, contractors and offenders/inmates should strive to resolve issues at the lowest and most immediate level.

1. Assignment & Responsibilities of the Superintendent/District Manager/Out of State Unit and Grievance Coordinator

a. The Superintendent, District Manager and Out of State Supplemental Housing Manager will be responsible for ensuring that all offenders/inmates have access to the grievance system.

b. Each Superintendent, District Manager and Out of State Supplemental Housing Manager will appoint a permanent classified employee within their chain of command at each site to the administrative duty of "Grievance Coordinator" and officially assign the following duties.

c. The Grievance Coordinator will be responsible for:

- Investigating grievances, or the assignment of grievances for investigation, as needed;
- Ensuring that offender/inmate orientation materials include accurate information on the grievance system;
- Ensuring all timelines are met;
- Ensuring data system and related record maintenance;
- Providing inservice training on the grievance system to staff as needed;
- Submitting reports and other correspondence as needed to the Department's Hearings Administrator;
- Ensuring coordination between facilities and field offices as needed for grievances that involve circumstances or issues from both;
- Ensuring coordination between facilities when an inmate is transferred prior to the resolution of a grievance.
    - If an offender has a grievance regarding a matter at another DOC worksite (either facility or field), the Grievance Coordinator initially receiving the grievance will enter it into the database. The Grievance Coordinator will then forward the grievance to the Grievance Coordinator at the work site where the matter being grieved originated.

d. The Superintendent, District Manager and Out of State Supplemental Housing Manager will be responsible for ensuring that there is a designee to fulfill the responsibilities of Grievance Coordinator when the identified staff is on annual or any extended leave (e.g., sick leave, military leave).

2. Notice and Orientation for Offenders/Inmates

The Department will use a standard notice, *Offender/Inmate Notice of Right to Grieve, Attachment 1*. This notice will include the offender/inmate's right to write the Commissioner at any time, and will outline the grievance process.

a. Each offender/inmate will be issued a copy of this notice of right to grieve upon initial contact with the Department.

b. This administrative directive, the notice and accompanying forms will be available to individuals with limited English proficiency in their primary language.

- The Department's Central Office will issue forms in the four primary non-English languages spoken in Vermont (French, Spanish, Serbo-Croatian and Vietnamese).
- Local work sites will be responsible for individual translations beyond those four, as needed, using contract procedures as outlined in the *Agency of Human Services Standards for Translation of Vital Documents for Persons with Limited English Proficiency, Attachment 2.*

c. Offenders/inmates who are impaired or disabled will receive information in a format consistent with the federal Americans with Disabilities Act.

3. Inmate Orientation – Facilities

a. Individual Facility Superintendents will ensure that inmates are oriented and informed about the grievance system. All inmates will receive written instruction as well as oral presentation where necessary.

b. No later than two (2) weeks after admission to a facility, all inmates will receive orientation and instruction about the offender grievance system, including how to file a grievance, and how to obtain grievance forms. This instruction will encourage questions and will include notice that inmates cannot be retaliated against for filing or withdrawing grievances and what to do if they do experience retaliation or threat of retaliation by staff.

c. The grievance system will be described in the standard Inmate Handbook.

d. Inmates will sign that they have received notice and been oriented to the grievance system (*Offender/Inmate Notice of Right to Grieve, Attachment 1*), and staff will place this documentation in the inmate's core file.

f. Any inmate who requests help in filing a grievance will receive assistance as needed.

4. Orientation for Offenders under Community Supervision

a. Individual District Managers will ensure that offenders are informed about the grievance system.

b. No later than two (2) weeks after reporting to satisfy the Court's sentence, offenders will receive instruction about the offender grievance system, including how to file a grievance and how to obtain grievance forms, as part of their intake and orientation. This instruction will encourage questions and will include a notice that offenders cannot be retaliated against for filing or withdrawing grievances and what to do if they do experience retaliation or threat of retaliation by staff.

c. These offenders will sign that they have received notice and been oriented to the grievance system (*Offender/Inmate Notice of Right to Grieve, Attachment 1*), and staff will maintain this acknowledgement by the offender at all work sites.

d. These offenders will receive written instruction as well as oral presentation where necessary.

e. Any offender who requests help in filing a grievance will receive assistance as needed.

5. Staff Training

a. Each employee, volunteer and contractor will be issued a copy of the *Offender/Inmate Notice of Right to Grieve, Attachment 1,* upon initial contact with the Department.

b. Employees will be trained in problem resolution techniques.

c. Training on departmental offender grievance policy, procedures and associated administrative directives will be part of the Vermont Training Academy curriculum.

d. Utilizing the Grievance Coordinator, the individual work site managers will ensure that all staff know how the policy, procedures and administrative directives regarding offender/inmate grievances are implemented at their assigned work site.

e. The Grievance Coordinator will be utilized to provide inservice training as needed for their work site.

f. Employees will be notified that they will be subject to disciplinary action in accordance with the terms of the Corrections Bargaining Unit agreement if they retaliate or threaten to retaliate against offenders/inmates for using the grievance system.

6. Acceptable and Non-acceptable Grievance Issues

a. Acceptable Grievances: An offender/inmate may initiate a grievance for conditions of confinement such as, but not limited to:
   - An alleged violation of civil, constitutional or statutory rights, or of a departmental administrative directive;
   - An alleged criminal or prohibited act by a staff member, volunteer, contractor or another offender/inmate;
   - Unsafe or unsanitary conditions;
   - Any other matter relating to access to privileges, programs and services, conditions of care or supervision under the authority of the Department of Corrections, to include rights under the federal Americans with Disabilities Act.

b. Administrative Dismissal of Non-Acceptable Grievances

   Note: No grievance that alleges serious staff misconduct, criminal activity or sexual, physical or psychological abuse or assault will be returned to a grievant or otherwise administratively dismissed for any of the reasons listed below in 6. b. i.

   i. The Department may reject and return to the offender/inmate a grievance that:
      - has not used the informal complaint process first (see section 7), except in cases of 1) an emergency or 2) serious employee misconduct;

- uses profanity, derogatory or obscene statements or one that was meant simply to harass without mention of any grievable action or event;
- is repetitive or identical to a grievance already in process filed by the same offender/inmate;
- involves actions and events that have another existing appeals process or are already under formal investigation or appeal;
- involves decisions made by the Court that the Department has no jurisdiction to overturn;
- involves decisions made by the Parole Board that the Department has no jurisdiction to overturn;
- is incomplete in that it does not mention any grievable event or provide information that can be investigated;
- was not filed within the formal grievance timeline, without cause (see section 10 a. i.).

ii. When a grievance is returned to the offender/inmate, the Grievance Coordinator will notify them in writing (*Grievance Submission Rejection Memo, Attachment 6*), listing the reason(s) why the grievance was not accepted. The offender/inmate may rewrite and resubmit the grievance if they choose.

iii. If a grievance is not accepted by the Grievance Coordinator, the Coordinator will forward a copy of the grievance, along with a copy of the *Grievance Submission Rejection Memo,* to the Department Hearings Administrator, the Superintendent in the facility or the District Manager in the field and the offender/inmate with the reason why it was not accepted. The Grievance Coordinator will log the non-acceptance of the grievance into the Department database system.

iv. All grievances that are administratively dismissed will be reviewed by the Department Hearings Administrator or their designee.

7. Informal Complaints and Resolution

NOTE: The Department has always encouraged inmates to attempt informal resolution of complaints before filing a formal grievance. Although this revised directive (based on 2005 rule language) now requires a documented informal process (see below and *Attachment 3*) before filing a grievance, the Department encourages staff and offenders/inmates to continue the daily positive process of discussing issues before they rise to the level of a documented informal complaint.

a. With the exception of grievances that 1) constitute an emergency (see section 9, a. and b.), or 2) allege serious employee misconduct (see section 14), the following must occur before an offender/inmate files a formal grievance:

i. Offenders/inmates must voice a verbal complaint or file a written complaint (*Informal Complaint & Plan for Resolution Form, Attachment 3*) immediately and not to exceed ten (10) business days after the event or discovery of the cause of the complaint. An extension of this timeline may be granted by the Grievance Coordinator if the offender/inmate was

incapacitated or otherwise physically unable to file an informal complaint within the above time frame.

ii. When presented with an informal complaint, the staff member may initiate resolution if the action is within the normal scope of that employee's responsibility. If the complaint is resolved at this level, staff will send the completed *Informal Complaint & Plan for Resolution Form* to the Grievance Coordinator.

iii. If the complaint goes beyond the scope of that employee's authority, the employee will notify a supervisor or designee of the complaint as soon as practical, but no later than the end of their shift.

iv. A supervisor or designee, when advised of an offender/inmate's informal complaint, will attempt to resolve the matter.

v. An identifiable, written solution or plan to resolve the complaint will be agreed on by staff and the offender/inmate within 48 hours of the complaint being brought forward, using the *Informal Complaint & Plan for Resolution Form.* The offender/inmate will complete this form and give it to a staff person for both to sign. Staff will give the signed copy of this form to the offender/inmate and forward a copy to the Grievance Coordinator for data entry.

vi. If a plan to resolve the informal complaint is not agreed upon within 48 hours, the offender/inmate may then proceed to the formal grievance process.

b. The Superintendent or District Manager is responsible for ensuring that supervisors, correctional officers, caseworkers and probation and parole officers have effective informal problem resolution skills and techniques available, emphasizing use of advanced verbal communication techniques.

c. A Superintendent or District Manager may initiate alternative dispute resolution techniques at any time that they deem it appropriate to facilitate resolution.

d. Staff will encourage offenders/inmates to communicate their problem to the staff person responsible for the area of the problem. Staff awareness of the need for prompt attention and response to these complaints will be emphasized.

8. Grievance Process – General

a. All offenders/inmates will have access to the offender grievance system.

b. **No staff member may retaliate or threaten to retaliate against an offender/inmate for filing or withdrawing a grievance.**

c. An offender/inmate may file only for themselves, although an offender/inmate may assist another in filing a grievance, or have assistance in filing by a third party, such as an attorney.

d. There are two (2) types of grievances, "Emergency" and "Formal" (standard).

9. Emergency Grievances and How to File

An emergency grievance involves a grievance of administrative decisions which allegedly present 1) a threat of death or injury, 2) a threat of disruption of facility operations, or 3) a need for prompt disposition because the time is lapsing when meaningful action or decision is possible. This may include, but is not limited to, allegations of sexual or physical assault.

a. Facilities

The following is the process for emergency grievances in facilities:

i. Inmates will fill out an *Offender/Inmate Grievance Submission Form, Attachment 4*, write EMERGENCY at the top of the form, and verbally notify correctional staff that they have a written emergency grievance to declare.

ii. The receiving staff member will sign and date the form and immediately notify the Shift Supervisor.

iii. If the Shift Supervisor determines that the grievance is an emergency as outlined above, they will take immediate appropriate action, as well as notifying the Superintendent of the emergency grievance.

iv. If resolved at this level, the Shift Supervisor who received and acted on the emergency grievance will send the completed *Offender/Inmate Grievance Submission Form* with the resolution to the Grievance Coordinator. The Grievance Coordinator will log this into the database.

v. Emergency grievances that cannot be resolved at the Shift Supervisor level will immediately be channeled through the Department chain of command until a level is reached where action can be taken. The Shift Supervisor will notify the Grievance Coordinator, who will log the progress of the grievance into the database.

vi. If resolved above the Shift Supervisor level, the Grievance Coordinator will document the resolution and log this into the database.

vii. Emergency grievances will receive an initial response within eight (8) hours of receipt. Final resolution may take up to ten (10) calendar days.

Note: If upon consideration the Shift Supervisor determines that the matter is **not** in fact an emergency issue, they will note the decision on the *Offender/Inmate Grievance Submission Form,* personally return it to the inmate by the end of the shift and advise them to use the informal process. The Shift Supervisor will, as soon as practical, forward a copy of the rejected emergency grievance to the Superintendent for review and to the Grievance Coordinator for data processing.

b. Field

The following is the process for emergency grievances in the field:

i. Offenders will fill out an *Offender/Inmate Grievance Submission Form, Attachment 4*, write EMERGENCY at the top of the form, and verbally notify correctional staff that they have a written emergency grievance to declare.

ii. The receiving staff member will sign and date the form and immediately notify their supervisor.

iii. If the supervisor determines that the grievance is an emergency as outlined above, it will be given immediate attention, and appropriate action will be taken at the Casework Supervisor level. The supervisor will notify the District Manager of the emergency grievance.

iv. If resolved at this level, the Casework Supervisor who received and acted on the emergency grievance will send the completed *Offender/Inmate Grievance Submission Form* with the resolution to the Grievance Coordinator. The Grievance Coordinator will log this into the database.

v. Emergency grievances that cannot be resolved at the Casework Supervisor level will immediately be channeled through the Department chain of command until a level is reached where action can be taken. The Casework Supervisor will notify the Grievance Coordinator, who will log the progress of the grievance into the database.

vi. If resolved above the Casework Supervisor level, the Grievance Coordinator will document the resolution and log this into the database.

vii. Emergency grievances will receive an initial response within eight (8) hours of receipt. Final resolution may take up to ten (10) calendar days.

Note: If upon consideration the Casework Supervisor determines that the matter is **not** in fact an emergency issue, then they will note the decision on the *Offender/Inmate Grievance Submission Form,* personally return it to the offender within 24 hours and advise them to use the informal process. The Casework Supervisor will, as soon as practical, forward a copy of the rejected grievance to the District Manager for review and to the Grievance Coordinator for data processing.

10. Formal Grievance Process

With the exception of grievances that constitute an emergency (see section 9, above) or that allege staff misconduct or criminal activity (see section 14, below) all grievances investigated by the Department of Corrections will adhere to the following steps and timelines for a formal grievance.

a. Facilities

i. If the inmate chooses to file a formal grievance, it must be filed within fourteen (14) business days of the outcome of the informal resolution process being communicated to the inmate, unless it is clearly demonstrated by them that it was not feasible to file within such a period.

ii. Department response to a non-emergency grievance will not exceed twenty (20) business days. (Day 1 of 20 is the first full business day after the formal grievance was received by local facility staff.)

iii. Only one (1) grievance may be filed at any one time, by the same offender, on a single incident or item of concern.

iv. All grievance forms and other attachments to this directive will be available in the inmate and main libraries and, except in out of state facilities, in all living units. The inmate may also request a grievance form by asking any staff member. This request should be fulfilled by the end of that staff person's shift.

v. Any inmate who needs assistance in using the offender grievance system will receive assistance upon request from any employee or trained volunteer.

vi. The inmate will complete the *Offender/Inmate Grievance Submission Form, Attachment 4,* attach the *Informal Complaint & Plan for Resolution Form, Attachment 3,* and present it to a Corrections staff person.

vii. The receiving staff member will sign and date the form, indicating they have received it, return the receipt copy of the grievance form to the inmate, and forward the grievance to the Shift Supervisor on duty.

viii. The Shift Supervisor may attempt resolution.
- If resolution is then achieved, the Supervisor will note that on the form, write out the agreed upon plan and file the grievance with the Grievance Coordinator.
- If the grievance is not resolved, the Supervisor will forward it, as well as all grievances for the shift, to the Grievance Coordinator.

ix. The Grievance Coordinator will review all written formal grievances.
- If the Grievance Coordinator determines that the grievance is about an acceptable issue (see section 6), they will investigate or assign it for investigation and enter it into the Department grievance database by the end of the following business day.
- If the Coordinator determines it is unacceptable, they will:
    - return the grievance to the inmate with written notice of the reason (*Grievance Submission Rejection Memo*, *Attachment 6*);
    - forward the *Grievance Submission Rejection Memo* to the Department Hearings Administrator; and
    - enter it into the Department grievance database. (See section 6 b. iii.)

x. The investigation of a formal grievance, (*Grievance Investigation and Superintendent's Response, Attachment 5*) including recommended action, will be completed and returned to the Grievance Coordinator within fourteen (14) business days. (Day 1 of 14 is the first full business day after the formal grievance was received by local facility staff.)

xi. Following the investigation, the Grievance Coordinator will review the investigation and findings with the Superintendent. The Grievance Coordinator will make one of the following recommendations to the Superintendent:

- *Denied:* There is no evidence to support the basis of the grievance, or that actions being grieved were unwarranted.
- *Sustained*: There is evidence to support the basis of the grievance. The Grievance Coordinator will offer a remedy.
- *Meritorious in part*: There is evidence to support part of the grievance. The Grievance Coordinator determines that a partial remedy should be offered.

xii. The Superintendent will review all formal grievances and make a decision to uphold or change the recommendation from the Grievance Coordinator and fill out and sign the *Grievance Investigation and Superintendent's/District Manager's/Supplemental Housing Manager's Response*. The response will not exceed twenty (20) business days from the inmate's filing of the grievance. (Day 1 of 20 is the first full business day after the formal grievance was received by local facility staff.)

Note: The Supplemental Housing Manager in the OOS Unit will only review formal grievances from inmates housed in out of state facilities which are relevant to Vermont.

xiii. Prior to the return of paperwork to the inmate, the Grievance Coordinator will complete data entry, including the type of grievance, the date the grievance was filed, a brief summary of the issue, the date the grievance was responded to, and the findings.

b. Field
All grievance processes listed above for facilities will be followed for field offices, except that the Casework Supervisor will replace the Shift Supervisor role, and the District Manager will replace the Superintendent role.

11. Non-Emergency Health Grievances (Medical or Mental Health)

These apply only to Vermont facilities.
If an offender has a complaint regarding a medical or mental health issue, the following processes apply.

a. Informal Complaint Process
This follows the same process as outlined in section 7, Informal Complaints and Resolution.

b. Formal Grievance Process – Facilities

i. Inmates will fill out the *Offender/Inmate Grievance Submission Form, Attachment 4*, write "HEALTH" (medical/mental health) at the top of the form and verbally notify correctional staff that they have a written health grievance to declare.

ii. Either correctional or health staff will forward the health grievance to the local Department Grievance Coordinator.

iii. The Grievance Coordinator will record the grievance in the database.

iv. If the grievance concerns medical issues, the Grievance Coordinator will assign the grievance to the Nurse Manager for investigation (unless the grievance is about the Nurse Manager or concerns mental health services or a mental health provider).
   - If the grievance concerns someone higher than the Nurse Manager, the Grievance Coordinator will forward it to the contracted Medical District Manager for investigation and recommendation.
   - The Medical District Manager will return their recommendation (*Grievance Investigation & Superintendent's Response, Attachment 5*) to the Grievance Coordinator within the standard timeline.

v. The Nurse Manager or other assigned investigator will return the completed investigation, with recommendations, to the local Department Grievance Coordinator who will review it with the Superintendent.

vi. If the grievance concerns *mental health services* or a *mental health provider*, the Grievance Coordinator will give it to the contracted Mental Health Program Administrator for investigation and recommendation.
   - The Mental Health Program Administrator will return their recommendation (*Grievance Investigation & Superintendent's Response, Attachment 5*) to the Grievance Coordinator within the standard timeline.

vii. If the inmate is not satisfied with the response, they may file an appeal using the regular formal grievance appeals process (see section 15, *Appeals*).

Note:

- Staff and contractors will follow the same timelines for a health grievance as for any standard formal grievance.

- The emergency health grievance process follows the same process outlined in section 9, *Emergency Grievances and How to File*.

12. Continuances

a. With the exception of an emergency grievance, extensions of the grievance process by the Department may be made once at each of the three levels in the process. The first level is the initial formal grievance, responded to by the Superintendent/District Manager/OOS

Supplemental Housing Manager; the second level is the appeal to the Corrections Executive; and the third level is the appeal to the Commissioner.

b. The grievant must be notified in writing of the continuance, the length of the continuance and the reason for the continuance.

c. The length of the continuance at any given step will not exceed twenty (20) business days.

d. The Grievance Coordinator will enter Superintendent/District Manager/OOS Supplemental Housing Manager continuances in the database.

e. The Hearings Administrator will ensure that Corrections Executive or Commissioner continuances are entered in the database.

13. Conflict of Interest

a. No staff involved with, or subject of the grievance, may act as the Investigator or participate in decision-making regarding the grievance resolution. This does not prohibit staff involvement in any alternative dispute resolution process.

b. A grievance involving the Grievance Coordinator will be forwarded, with written notice, to the Superintendent/District Manager/OOS Supplemental Housing Manager for assignment of investigation and processing.

c. A grievance involving someone higher in the chain of command than the Grievance Coordinator will be forwarded by the Grievance Coordinator with written notice to the Superintendent/District Manager/OOS Supplemental Housing Manager for assignment of investigation and processing.

d. A grievance involving the Superintendent/District Manager/OOS Supplemental Housing Manager will be forwarded with written notice to the Facility Executive, Field Services Executive or Director of Classification (whoever is appropriate) for investigation and processing.

14. Allegations of Staff Misconduct:

Staff receiving a grievance alleging serious employee misconduct will immediately forward it to their supervisor. The supervisor will immediately forward it to the Superintendent/District Manager/OOS Supplemental Housing Manager, with copies to the Grievance Coordinator and the Department's Hearings Administrator. The Department's Hearings Administrator will forward the grievance to the Agency of Human Services Personnel Administrator for investigation and response.

15. Appeals of Grievance Decisions

a. Appeals to the Corrections Executive

i. Offenders/inmates who are dissatisfied with a grievance decision of the Facility Superintendent/District Manager/OOS Supplemental Housing Manager need to appeal *(Decision Appeal to Corrections Executive, Attachment 7)* to the appropriate Corrections Executive (choose one from list below) within ten (10) business days of receiving the grievance decision. Such an appeal will be accompanied by all previous decisions on the part of departmental staff and any associated documentation.

Corrections Executive Positions

- Facilities Executive (responsible for all in-state facilities)
- Field Services Executive (responsible for all offenders supervised under probation, parole and furlough)
- Program Services Executive (responsible for correctional treatment programs; e.g., CSC, ISAP, etc.)
- Director of Classification (responsible for inmates housed out of state, classification issues, sentence computations)
- Community & Restorative Justice Executive (responsible for victim services, community issues/ panels/ boards and transitional housing)
- Health Services Director (responsible for medical and mental health issues)

ii. Offenders/inmates will mail (interoffice or U.S. mail) their appeal form to the Department Hearings Administrator.

iii. The Department Hearings Administrator or designee will log the appeal and forward it to the designated Corrections Executive for investigation and response.

iv. The Corrections Executive receiving the appeal will review the investigation and resolution.
- The Corrections Executive will make one of the following recommendations:
  - *Denied:* There is no evidence to support the basis of the grievance.
  - *Sustained*: There is evidence to support the basis of the grievance.
  - *Meritorious in part:* There is evidence to support part of the grievance, and a partial remedy is warranted.
- The Corrections Executive will provide a written response to the offender/inmate with their decision (*Response to Appeal to Corrections Executive, Attachment 8).* Grievances that are upheld will be given an appropriate and meaningful remedy.
- In the absence of a continuance, the Corrections Executive will respond within twenty (20) business days of receiving the appeal.
- The Corrections Executive may, with written stated reason to the offender/inmate, make a one-time twenty (20) business day continuance in order to pursue additional information, and will record the continuance in the Department grievance database.

b. Appeals to the Commissioner

i. Offender/inmates who are dissatisfied with the decision of the Corrections Executive may appeal to the Commissioner (*Decision Appeal to Commissioner, Attachment 9*) within ten (10) business days of receiving the response from the Corrections Executive.
- Such an appeal will be accompanied by all previous decisions on the part of departmental staff and grievance processes.

- The offender/inmate will also submit a copy of the appeal to the Department Hearings Administrator for investigation.
- The Department Hearings Administrator or designee will log the appeal.
- The Commissioner's office will respond to all appeals within twenty (20) business days of receiving the appeal.

ii. The Commissioner may, with written stated reason to the offender/inmate, make a one-time twenty (20) business day continuance in order to pursue additional information. The Hearings Administrator or designee will record the continuance in the Department grievance database.

iii. Upon return of a Commissioner's decision, the disposition is considered final in regard to administrative remedy. There are no further administrative appeals.

16. Out of State Facilities

a. Inmates placed in out of state facilities may grieve out of state conditions using the grievance process for that out of state facility.

b. Inmates placed in out of state facilities who have an emergency grievance related to that facility will use that facility's local emergency grievance process.

c. Inmates who are in out of state facilities who wish to grieve conditions, events or actions taken by Vermont staff must make an attempt at informal problem resolution with departmental staff prior to filing a formal grievance (see section 7).

d. After filing an informal complaint and receiving a response from the Vermont Out of State Unit, the inmate may file a formal written grievance by clearly labeling it and submitting it to either the Vermont Caseworker or the contract monitor on site, or by mailing it to the Corrections Supplemental Housing Manager at the Vermont Out of State Unit (interoffice or U.S. mail).

e. If the grievance is about the Caseworker, it will be submitted to the Casework Supervisor.

f. The OOS Supplemental Housing Manager will review the recommendations of the Grievance Coordinator, make a decision to uphold or change the recommendation, and fill out and sign the *Grievance Investigation and Superintendent's/District Manager's/Supplemental Housing Manager's Response (Attachment 5)*.

g. All out of state grievances and appeals processes will be handled using the same time frames as for instate grievances, except responses to informal complaints, formal grievances and appeals are based on the point at which the complaint, grievance or appeal is stamped as received by the Out of State Unit, Corrections Executive or Commissioner, as appropriate. See bulleted points below.

- Informal Complaint: The inmate must file an informal complaint immediately and not to exceed ten (10) business days after the event or discovery of the cause of the complaint. An

identifiable solution or plan to resolve the complaint shall be agreed upon by Vermont Out of State Unit staff and the inmate, in writing, within 48 hours after the complaint has been received by the Out of State Unit staff.

- Formal Grievance: If the inmate chooses, a formal grievance will be filed within fourteen (14) business days of the outcome of the informal resolution process being communicated to the inmate, unless it is clearly demonstrated by the inmate that it was not feasible to file within that period.

  The response for a formal grievance by the Out of State Unit will not exceed (20) business days. **Note:** Day 1 of 20 is the first full business day after the formal grievance was stamped as received at the Vermont Out of State Unit.

- Appeals: Inmates who are dissatisfied with a grievance decision of the Vermont Out of State Unit need to address their appeal to the appropriate Corrections Executive (see list, section 15) within ten (10) business days of receiving the grievance decision. The inmate will include with the appeal all previous decisions on the part of departmental staff and grievance processes.

  The appeals process to a Corrections Executive by an inmate out of state will follow the same timeline guidelines as for an inmate housed in a Vermont correctional facility. All response timelines will begin from the first business day after the Executive receives the appeal.

  The appeals process to the Commissioner will also follow the same timeline guidelines as for an inmate housed in Vermont. All response timelines will begin from the first business day after the Commissioner receives the appeal.

17. Training and Quality Assurance

a. The Hearings Administrator will work with the Director of Security Operations and Audits and the Director of Human Resources to ensure that all appropriate personnel are trained in the provisions of this Directive.

b. The Quality Management Unit will audit all facilities for compliance with accurate use and documentation of procedures and timeliness of responses.

18. Electronic Data Collection and Analysis

a. An electronic and Department-wide Grievance Data System will be maintained. The system will be capable of:
   - Accurate recording and tracking of all written grievances and their status;
   - Recording the principal subjects of the grievances based on a universal and consistent code scheme;
   - Producing reports that allow analysis from multiple perspectives, including timeliness of response, accounting for those resolved informally, those rejected, and those proceeding to resolution by type, location, individuals involved and issues.

b. The Superintendent/District Manager/OOS Supplemental Housing Manager will generate a quarterly summary report from the Grievance Data System and complete an analysis of the data for inclusion in the quarterly facility report and review and any other regular required report.

c. The Department Hearings Administrator will generate reports, no less than quarterly, for review with the Executive Management Team and the Commissioner's Office, including, but not limited to:
   - A summary of the facilities or field grievance data by type of grievance and by location of grievance;
   - A summary of the filed appeals by type of grievance and by location of grievance.

ATTACHMENT 1 – SAMPLE **Offender/Inmate Notice of Right to Grieve (p. 1 of 3)**

OFFENDER/INMATE NOTICE OF RIGHT TO GRIEVE

The Department realizes that many complaints or issues that an offender/inmate may have are resolved by talking to staff informally. We encourage you to continue to use this positive approach to problem-solving. Nevertheless, you do have the right to file grievances concerning alleged actions by the Department and its representatives. While you may write the Commissioner at any time, the offender grievance system will be the administrative process to try to resolve conflicts or problems in a timely manner. If you wish to exercise this right, you must follow the procedures outlined below.
NOTE: You must attempt an informal resolution with staff and document that before filing a formal grievance. You may ask for help in filling out the *Informal Complaint & Plan for Resolution Form (Attachment 3).*

With the exception of grievances that allege staff misconduct or criminal activity, all grievances investigated by the Department of Corrections will adhere to the timelines detailed below.

a. General Issues
- In Vermont facilities all forms relating to the grievance system are in the inmate law library, the main library and all living units.
- In out of state facilities all forms relating to the grievance system are in the inmate law library.
- In field offices, these forms are in the waiting area.
- You may ask Corrections staff for any grievance form, and staff will provide one by the end of the shift in a facility or the end of the day in the field.
- You may ask Corrections staff or a trained volunteer for help filing a grievance.
- No staff member may retaliate or threaten to retaliate against you for filing or withdrawing a grievance.
- You should report any time you believe you have suffered retaliation or the threat of retaliation regarding your use of the grievance system to the Superintendent/District Manager/OOS Supplemental Housing Manager, any supervisor, or the Agency of Human Services Investigation Unit as soon as possible.

b. Informal Complaint:
- **You must make an attempt at an informal resolution before filing a formal grievance.**
- It may be verbal or written.
- You must voice or file the informal complaint within 10 business days of the event or cause of the complaint.
- You write it using the *Informal Complaint & Plan for Resolution Form, Grievance Form #1.*
- If a plan is agreed upon, you must record it using the *Informal Complaint & Plan for Resolution Form (Grievance Form #1)* and have a staff member sign the form.
- If a plan to resolve the informal complaint is not agreed upon within 48 hours, you may proceed to the formal grievance process.

c. Formal Grievance:
- You must file a formal grievance within 14 business days of the unsuccessful outcome of an informal complaint.
- You must complete the *Offender/Inmate Grievance Submission Form (Grievance Form #2).*
- You will receive a response within 20 business days. (Day 1 of 20 is the first full business day after the formal grievance was received by local facility or field office staff or the Out of State Unit.)
- You may file only one (1) grievance at any one time on a single incident or item of concern.

d. Acceptable vs. Unacceptable Grievances
- You may file a grievance for conditions of confinement such as, but not limited to:
  - An alleged violation of civil, constitutional or statutory rights, or of a departmental administrative directive;
  - An alleged criminal or prohibited act by a staff member, volunteer, contractor or another offender/inmate;
  - Unsafe or unsanitary conditions;
  - Any other matter relating to access to privileges, programs and services, conditions of care or supervision under the authority of the Department of Corrections, to include rights under the federal Americans with Disabilities Act.

Note: No grievance that alleges serious staff misconduct, criminal activity or sexual, physical or psychological abuse or assault will be returned or otherwise dismissed for any of the reasons listed below.

- The Department may reject and return your grievance if:
  - You have not used the informal complaint process first unless the grievance is 1) an emergency or 2) alleges serious employee misconduct;
  - You use profanity, derogatory or obscene statements or the grievance is meant simply to harass without mention of any grievable action or event;
  - The grievance is repetitive or identical to another grievance filed by you which is already in process;
  - The grievance involves actions and events that have another existing appeals process or are already under formal investigation or appeal;
  - The grievance involves decisions made by the Court that the Department has no jurisdiction to overturn;
  - The grievance involves decisions made by the Parole Board that the Department has no jurisdiction to overturn;
  - The grievance is incomplete in that it does not mention any grievable event or provide information that can be investigated;
  - You did not file the grievance within the formal grievance timeline, without cause.
- If your grievance is rejected, you will receive a copy of *Grievance Submission Rejection Memo, (Grievance Form #4)*, listing the reason(s) why the grievance was rejected.
- You may rewrite the grievance and file it again, if you choose.

e. Emergency Grievances:
- An emergency grievance is an issue that presents (1) a threat of death or injury, (2) a threat of disruption of facility or field operations, or (3) a need for speedy resolution because the time is running out when meaningful action is possible.
- You should file it immediately.
- Complete the *Offender/Inmate Grievance Submission Form, (Grievance Form #2)* and
  - write the word "EMERGENCY" on the top of the form
  - tell correctional staff that you have a written "emergency grievance" to declare.
- You will receive an initial response within 8 hours.
- Final resolution may take up to 10 calendar days.

f. Appeals by the Offender/Inmate:
You may appeal the Superintendent's/District Manager's/OOS Supplemental Housing Manager's decision about your grievance. First, you would appeal to the appropriate Corrections Executive.
- Appeal to a Corrections Executive
  - You must file your appeal to a Corrections Executive within 10 business days of the outcome of a formal grievance.
  - You complete the *Decision Appeal to Corrections Executive, Grievance Form #5*
  - The Corrections Executive will respond to you within 20 business days.

If you are not satisfied with the decision of the Corrections Executive, you may appeal to the Commissioner.
- Appeal to the Commissioner
  - You must file your appeal to the Commissioner within 10 business days of receiving the appeal response from the Corrections Executive.
  - You complete the *Decision Appeal to Commissioner, Grievance Form #7*
  - The Commissioner will respond to you within 20 business days.
- Staff will screen appeals involving Emergency Grievances for as quick a response as needed.

g. Continuances:
- The Department of Corrections may apply continuances once during a formal grievance, once during the Appeal to a Corrections Executive and once during the Appeal to the Commissioner.
- A continuance will not be longer than 20 business days.
- You will be notified, in writing, of the length and reason for a continuance.

Offenders/inmates must exhaust administrative remedies provided by the Department of Corrections' grievance system before beginning litigation.

I have received this notice and information about the Offender/Inmate Grievance System.

Offender/Inmate Printed Name: DOB: Date:

Offender/Inmate Signature:

Signature of Staff Witness: Date:

ATTACHMENT 2 – SAMPLE

AGENCY OF HUMAN SERVICES

STANDARDS FOR TRANSLATION OF VITAL DOCUMENTS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

At a minimum, departments and offices within the Agency of Human Services should translate vital documents for persons with limited English proficiency. Departments and offices **must translate** all vital documents that a department or office is legally required to provide to an applicant or recipient about, among other things, information about eligibility, coverage, responsibility for payment of premiums and other costs, and fair hearings and other forms of review. On a case-by-case basis, other forms may need to be translated in addition to the vital documents. The following list provides examples of vital documents.

1. Consent Forms

2. Applications (to make available to the applicant; the application in the file would be completed in English by the worker)

3. Appeal Rights Information

4. Letters about Appointments (times and places of meetings, etc.)

5. Agreements, Acceptances of Services, Notices of Understanding, etc.

6. Notices of Decision

7. Program Requirements (requirements set forth in forms, brochures, etc., that affect a client's benefits, services, participation in a program, etc., especially if non-cooperation with the requirements has a consequence)

8. Regulations, if applicable (i.e., if participants or clients are given copies of regulations and expected to know and follow them, as they are in DAIL's Attendant Services Program, the regulations should be made available in the relevant language)

Departments and offices often send out other types of documents. For example, departments and offices may measure effectiveness through feedback supplied in surveys (routine, periodic, client and/or family satisfaction surveys, etc.). This type of document, while non-vital, is important. Departments and offices may wish to pay for the translation of this type of document.

The four most common languages in Vermont requiring translation are French, Spanish, Serbo-Croatian, and Vietnamese, followed by Russian and Swahili. Please refer to the AHS LEP resource sheet on how to arrange for the translation of the document in question with the contractor.

ATTACHMENT 3 - SAMPLE ***VT DOC GRIEVANCE FORM #1***

INFORMAL COMPLAINT & PLAN FOR RESOLUTION FORM

Time to file: 10 business days from incident *Time for staff response: 48 hours*

Facility: Field Office:

Offender/Inmate Name: DOB:
(print name)

Issue/Complaint:

Proposed Solution:

Received by: Date: Time:
Correctional Staff (Printed Name & Signature)

Plan for Resolution:

Responding Staff: Date: Time:
Correctional Staff (Printed Name & Signature)
I agree to the Plan for Resolution: Yes ☐ No ☐

Offender/Inmate Signature: Date: Time:
I agree to the Plan for Resolution: Yes ☐ No ☐

Cc: Offender/Inmate, Offender/Inmate Core File, Grievance Coordinator *11.06*

ATTACHMENT 4 – SAMPLE ***VT DOC GRIEVANCE FORM #2* (page 1)**

OFFENDER/INMATE GRIEVANCE SUBMISSION FORM

Time to file: 14 business days from informal complaint resolution *Time for staff response: 20 business days*

Facility: Field Office:

Offender/Inmate Name: DOB:

Date Grievance Submitted:

Living Unit:

Did you file an informal complaint about this issue? Yes ☐ No ☐

If so, with whom? What date?

The *Informal Complaint/Plan for Resolution Form (Grievance Form #1)* is attached: Yes ☐

State your grievance, including the names of any witnesses (who, what, when, where):

What do you think the outcome of this grievance should be and why?

Staff Person receiving this grievance:

(Printed Name & Signature)

Date received:

ATTACHMENT 4 – SAMPLE, ***VT DOC GRIEVANCE FORM #2* (page 2)**

This page to be completed by DOC staff.

Resolution by Supervisor: Yes ☐ No ☐

Action Taken:

_____

_____

Signature:_____
& Printed Name:_____Date:_____

Is this an Emergency? Yes [ ] No [ ]

- If yes, action taken by Shift Supervisor:

_____

_____

_____

_____

Signature:_____
& Printed Name:_____Date:_____

- If yes, action taken by staff beyond Shift Supervisor level, if any:

_____

_____

_____

_____

Signature:_____
& Printed Name:_____Title:_____Date:_____

Staff person assigned to investigate this grievance:

Date assigned:

Investigation deadline:

(14 Business Days)

Superintendent/District Manager/OOS Unit/Designee Signature Date

Cc: Offender/Inmate, Offender/Inmate Core File, Grievance Coordinator *11.06*

ATTACHMENT 5 - SAMPLE ***VT DOC GRIEVANCE FORM #3* (page 1)**

GRIEVANCE INVESTIGATION & SUPERINTENDENT/DISTRICT MANAGER/OOS SUPPLEMENTAL HOUSING MANAGER'S RESPONSE

Time for staff response: 20 business days from filing of Formal Grievance

Facility: Field Office:

Offender/Inmate Name: DOB:

Date Grievance Submitted:

Issue Grieved:

Staff Person assigned to investigate this grievance:

Date assigned: Investigation deadline:
(14 Business Days)

What Investigative Action did you take?

Findings and Recommendation to the Superintendent/District Manager/OOS Supplemental Housing Manager:

Printed Name & Signature of Investigator:

Date:

ATTACHMENT 5 – SAMPLE, ***VT DOC GRIEVANCE FORM #3* (page 2)**

Grievance Coordinator's Recommendation:

Denied ☐ Sustained ☐ Meritorious in Part ☐

Comments:

Superintendent/District Manager/OOS Supplemental Housing Manager's Decision:

Signature of Superintendent/District Manager/OOS Supplemental Housing Manager:

Date:

Date Response Returned to Offender/Inmate:

Cc: Offender/Inmate, Offender/Inmate Core File, Grievance Coordinator

11.06

ATTACHMENT 6 – SAMPLE ***VT DOC GRIEVANCE FORM #4***

GRIEVANCE SUBMISSION REJECTION MEMO

MEMO

TO: (Offender/Inmate Name) DOB:

(print)

FROM: , (Grievance Coordinator)

RE: Your Grievance Submission - Rejection

DATE:

The purpose of this memo is to inform you that I have rejected your attached grievance submission for one or more of the following reasons. The Department may reject and return to the offender/inmate a grievance that:

☐ *Uses profanity, derogatory or obscene statements or one that was meant simply to harass without mention of any grievable action or event;*

☐ *Is repetitive or identical to a grievance already in process;*

☐ *Involves decisions made by the Court that the Department has no jurisdiction to overturn;*

☐ *Involves decisions made by the Parole Board that the Department has no jurisdiction to overturn;*

☐ *Is incomplete in that it does not mention any grievable event or provide information that can be investigated;*

☐ *Has not used the informal complaint process first;*

☐ *Was not filed within the formal grievance timeline, without cause.*

You may resubmit your grievance if the reason for rejection has been removed from your submission.

(Cc w/ attachments: DOC Hearings Administrator, Offender/Inmate Core File, Grievance Coordinator)

Facility: Field Office:

11.06

ATTACHMENT 7 – SAMPLE ***VT DOC GRIEVANCE FORM #5***

DECISION APPEAL TO CORRECTIONS EXECUTIVE

Time to file: 10 business days from Formal Grievance response *Time for response: 20 business days*

This form may be used to file an appeal of a grievance decision to the appropriate Corrections Executive. Please check the title of the one Executive to whom you are appealing below:

☐ Facilities Executive ☐ Director Health Services

☐ Field Services Executive ☐ Program Services Executive

☐ Community & Restorative Justice Executive ☐ Director of Classification

Attach all previous DOC decisions and any other documentation. State briefly why you are not satisfied with the Superintendent/District Manager/OOS Supplemental Housing Manager's response to your grievance which was dated:_____.

_____

_____

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_____

(Use back if necessary.)

_____

Signature of Offender/Inmate Print Name & DOB

Facility: Field Office:

Date Appeal Submitted:

Mail to: Department Hearings Administrator, 103 South Main Street, Waterbury, Vermont 05671-1001

Cc: Offender/Inmate, Hearings Administrator

11.06

ATTACHMENT 8 – SAMPLE ***VT DOC GRIEVANCE FORM #6***

RESPONSE TO APPEAL TO CORRECTIONS EXECUTIVE

Time for response: 20 business days from receipt of appeal

Offender/Inmate Name: DOB:

Date of Appeal to Corrections Executive:

Denied ☐ Sustained ☐ Meritorious in Part ☐

Executive's Findings and Response:

Executive's Signature Date Signed

Date received by Offender/Inmate Employee Signature Date Signed

Original to Offender/Inmate Cc: Offender/Inmate Core File, Grievance Coordinator, Hearings Administrator

11.06

ATTACHMENT 9 – SAMPLE ***VT DOC GRIEVANCE FORM #7***

DECISION APPEAL TO COMMISSIONER

Time to file: 10 business days from Corr. Exec. Appeal response *Time for response: 20 business days*

Facility: Field Office:

This form may be used to file an appeal of a Department Executive's grievance decision to the Commissioner of Corrections. Attach all previous DOC decisions and any other documentation.

State briefly why you are not satisfied with the response to your grievance appeal from the Corrections Executive which was dated:_____.

(Use back if necessary)

Signature of offender/inmate Print name & DOB

Date appeal submitted:

Mail to the appropriate Corrections Executive at: 103 South Main Street, Waterbury, Vermont 05671-1001
Mail a copy to: Department Hearings Administrator, 103 South Main Street, Waterbury, Vermont 05671-1001

Cc: Offender/Inmate, Offender/Inmate Core File, Grievance Coordinator

11.06