

## NOTICE OF RIGHT TO GRIEVE

The Department of Corrections (DOC) realizes that many complaints or issues of an individual under custody or supervision of the DOC may be 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 DOC and its representatives. While you may write the Commissioner at any time, the grievance system will be the administrative process for resolving conflicts or issues in a timely manner. If you wish to exercise this right, you must follow the procedures outlined below and in Policy #320.01, *Grievance System*.

**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 *Complaint & Plan for Resolution Form* (also known as “Grievance Form 1”).

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

### a. General

- In Vermont facilities, all forms relating to the grievance system are in the law library, the main library, and all living units.
- In out-of-state facilities all forms relating to the grievance system are in the law library.
- In field offices, these forms are in the waiting area.
- You may ask staff for any grievance form, and staff will provide one by the end of their shift.
- You may ask 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 Facilities Manager, any supervisor, or the Department of Human Resources Investigation Unit as soon as possible.
- If English is not your preferred language, you are entitled to written translations of the grievance policy and its accompanying documents. The responses to any grievances you file will be provided in the language in which the grievance was submitted. An interpreter may be used to convey the response, when appropriate.

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 *Complaint & Plan for Resolution Form* (also known as “Grievance Form 1”).
- If a plan is agreed upon, you must record it using the *Informal Complaint & Plan for Resolution Form* (also known as “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 file a formal grievance using the *Formal Grievance Submission Form* (also known as “Grievance Form 2”).

c. Formal Grievance

- You must file a formal grievance within 14 business days of the unsuccessful outcome of the informal resolution process.
- You must complete the *Formal Grievance Submission Form* (also known as “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 site staff).

d. Eligible Grievances

You may file a grievance for conditions of confinement such as:

- An alleged violation of civil, constitutional, or statutory rights, including the right to health care, or of a departmental policy;
- An alleged criminal or prohibited act by a staff member, volunteer, contractor or another offender/inmate;
- Unsafe or unsanitary conditions; and
- Any other matter relating to access to privileges, programs and services, conditions of care or supervision under the DOC, including rights under the federal Americans with Disabilities Act.

**Note:** Grievances that allege staff misconduct, including abuse and criminal or sexual activity, will be forwarded up the chain for investigation, but you will not receive a substantive response.

e. Ineligible Grievances

Grievances may not:

- Contain profanity, or derogatory or obscene statements;
- Contain threatening language or tone;
- Be repetitive or identical to another grievance you already filed;
- Involve actions or events that have another existing appeals process or are already under formal investigation or appeal;
- Concern matters previously resolved through another adjudicative process, such as parole board or judiciary; or
- Be filed outside the grievance system timeline.

f. Emergency Grievances

- An emergency grievance is an issue that presents:
  - A threat of physical or emotional harm, injury or death;
  - A threat of disruption of facility or field operations; or
  - A need for prompt resolution in order to carry out meaningful action or decision.
- You should file emergency grievances immediately.
- Complete either the *Complaint & Plan for Resolution Form* or the *Formal Grievance Submission Form* (“Grievance Form 1” or “Grievance Form 2”), and:
  - Check the “Emergency” box at the top; and
  - Tell a staff member that you have a written “emergency grievance.”
- You will receive an initial response within 8 hours.
- Final resolution may take up to 10 calendar days.

g. Appeals:

You may appeal a grievance decision to the Commissioner of Corrections, but it must be done within 10 business days of receiving a response to your formal grievance.

- You complete the *Decision Appeal to Commissioner* (also know as “Grievance Form 3”).
- The appeal may be mailed to the Central Officer Grievance Coordinator or submitted to the site Grievance Coordinator.

- The Commissioner will respond to you within 20 business days.
- The Commissioner’s decision is considered final for purposes of administrative remedies.

**Individuals under the custody or supervision of the DOC must exhaust administrative remedies provided by the DOC grievance system before beginning litigation.**

**I have received this notice and information about the Grievance System.**

Individual’s Printed Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Date: \_\_\_\_\_

Individual’s Signature: \_\_\_\_\_

Signature of Staff Witness: \_\_\_\_\_ Date: \_\_\_\_\_