



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 501.01

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Effective Date: October 1, 2012

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Approved by: Derrick D. Schofield

Subject: INMATE GRIEVANCE PROCEDURES

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, and TCA 41-24-110 and Title 28 CFR 115.
- II. PURPOSE: To establish a standard procedure for the expression and resolution of inmate complaints.
- III. APPLICATION: To Tennessee Rehabilitation Initiative in Correction (TRICOR) employees, employees and inmates of the Tennessee Department of Correction (TDOC), and privately managed facilities, except those offenders assigned to and actively participating in a Special Alternative Incarceration Unit (SAIU) program.
- IV. DEFINITIONS:
 - A. Advocate: An inmate who is selected by a grievant from his/her peers or from those appointed by the Warden to assist in the filing and/or appeal of a grievance.
 - B. Calendar Days: A time limit that begins to run at 12:01 a.m. on the day following the date of the triggering event. Example: if an inmate files a grievance and the alleged triggering event occurred on April 1st, the seven calendar day's time limit for filing grievances set by Section VI.(C)(1) below would begin to run at 12:01 a.m. April 2nd, and end at 11:59 p.m. on April 8th.
 - C. Central Office Review: Review of Title VI allegations by the Central Office Title VI Coordinator.
 - D. Central Office Title VI Coordinator: The TDOC employee appointed to adjudicate Title VI allegations and monitor compliance for the Department.
 - E. Commissioner's Designee: TDOC employee(s) authorized by the Commissioner to serve as the approving authority for specific actions occurring at privately managed facilities. In the absence of the CD, the contract monitor (CM) assigned to that facility will serve that function. In the absence of both the CD and CM at privately managed facilities, the necessary notification/request for authorization will be made by telephone to the CD. If the CD is not reachable via phone, the CM will be contacted. If both the CD and CM are unavailable by telephone, the ranking shift officer at Turney Center Industrial Complex (TCIX) shall be contacted for required authorizations or notifications.
 - F. Emergency Grievance: The resolution of a grievance that if subjected to the normal time limits could cause the grievant substantial risk of personal injury or irreparable harm.
 - G. Grievance: A written complaint concerning the substance or application of a written or unwritten policy or practice, any single behavior or action toward an inmate by staff or other inmates, or any condition or incident within the Department or institution which personally affects the inmate complainant.
 - H. Grievance Chairperson: The individual assigned by the Warden to supervise the inmate grievance process within the TDOC and privately managed facilities.

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- I. Grievance Committee: A committee composed of a staff chairperson appointed by the Warden and members consisting of elected staff and inmates. This committee provides a forum in which an inmate may resolve a grievance at Level II of the inmate grievance process.
 - J. Prison Rape Elimination Act (PREA): A federal law establishing a standard of zero tolerance for incidents related to sexual assault and rape on inmates and/or offenders.
 - K. Reprisal: Any action or threat of action against anyone for the good faith use of or good faith participation in the grievance procedure.
 - L. Title VI Site Coordinator: The Associate Warden at TDOC facilities and the Assistant Warden at privately managed facilities.
- V. POLICY: The TDOC shall ensure that every inmate has the right to utilize the grievance procedure without fear of reprisal. All grievances shall be considered in a fair and impartial manner and resolved at the lowest possible level in the grievance procedure.
- VI. PROCEDURES:
- A. A handbook entitled *TDOC Inmate Grievance Procedures* shall provide detailed instructions for the filing and processing of inmate grievances and appeals, and for the election, appointment, and removal of grievance committee members. Copies of the handbook and any current departmental and institutional policies concerning inmate grievances will be available to inmates in the institutional legal library. Access to copies of the handbook shall be provided to all grievance committee members and alternates. All living units for housing segregated inmates shall also be provided with a copy of the handbook and policies regarding inmate grievances.
 - B. Access to the grievance procedure: Inmate Grievance, CR-1394, and locked grievance depositories shall be made available for use by all inmates. Inmates shall have unimpeded access to these grievance forms. If required to ask staff for the form (i.e., an inmate in segregation), an inmate shall be given the form without question or discussion. All inmates will be informed of grievance procedures during orientation.
 - C. Grievance Review Process: Except as otherwise provided in VI.(L) and (M), inmate grievances shall follow the following process
 - 1. First Level: Grievances must be filed utilizing CR-1394 within seven calendar days of the occurrence or the most recent occurrences giving rise to the grievance. The chairperson shall review all grievances received and logged them as received and enter them on Grievance screen (LIBG).

All copies of the form must be legible and intact. Grievance forms which are improperly completed or contain insufficient information for processing shall be returned to the inmate with instructions as to proper completion. It should not be logged as received (which starts the deadline times running) until the corrected version is submitted.

If more than one inmate files a grievance on the same incident, the hearing and responses may be consolidated. This shall be noted on the grievance response forms and on Grievance (LIBG) on the Description Detail Screen.

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The chairperson's response shall be written on CR-1394 following the chairperson's receipt and review of the supervisor's response. There will be a seven working-day time limit at Level I beginning on the day the grievance begins to be processed. If a grievant accepts the supervisor's response, the grievance chairperson shall enter the approval on Grievance (LIBG).

2. Second Level: Within five calendar days of being notified of the Level I response, the grievant may appeal the response to the grievance committee and Warden. A hearing shall be held within five working days of an appeal's filing. Within five working days of the hearing, the committee's proposed response shall be forwarded to the Warden. Within seven working days of receipt, the Warden shall forward his/her decision to the chairperson. Within five working days of receiving the Warden's response, the chairperson will allow the grievant to review the grievance materials and responses. If the grievant accepts the Level II response, the grievance chairperson shall enter the approval on Grievance (LIBG). The failure of staff to comply with a directive by the Warden as a result of the Warden's review of the grievance may result in disciplinary action. If the Warden agrees to the grievant's requested solution, the grievant shall not have the right to appeal to Level III.

Grievances concerning TRICOR, over which the Warden has no line authority, shall be forwarded from the committee to the Warden for any comments. The grievance then proceeds to Level III of the process. The Deputy Commissioner of Operations/designee shall review and, if necessary, may forward the grievance for review/response to TRICOR's Chief Executive Officer.

3. Third Level: A grievant may appeal the Level II response within five calendar days of receipt of that response. The chairperson shall forward one legible copy of the grievance and all documentation to the Deputy Commissioner of Operations/designee. The Level III response shall be sent to the grievance chairperson for distribution within 25 working days of the date the appeal was received. The chairperson shall enter the final decision on Grievance (LIBG). This response is final and is not subject to appeal. Failure of staff at TDOC managed facilities to comply with a directive by the Deputy Commissioner of Operations or the Assistant Commissioner of Rehabilitative Services as a result of the Level III review may result in disciplinary action. (At privately managed facilities, the Deputy Commissioner of Operations will make a determination as to the appropriate action to be initiated.) The Commissioner's Designee at privately managed institutions shall receive a copy of all directives issued by the Deputy Commissioner of Operations or the Assistant Commissioner of Rehabilitative Services.
- D. If a time limit expires at any stage of the process without the required response, the grievant may move the grievance to the next stage of the process, unless the inmate agrees in writing to a fixed extension of the time limit for response.
 - E. Committee election and hearing procedures shall be developed at each institution and shall be forwarded to the Deputy Commissioner of Operations for review.
 - F. Any subsequent revisions to said procedures shall also be forwarded to the Deputy Commissioner of Operations for approval. The Warden/designee shall enter elected committee members' names on Board/Committee Members (LIBM).

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- G. The good faith use of, or good faith participation in, the grievance process will not result in formal or informal reprisals against an inmate. An inmate shall be entitled to pursue, through the grievance procedure, a complaint that a reprisal occurred as the result of the filing of a prior grievance.
- H. Matters Inappropriate to the Grievance Procedure: If the chairperson determines a matter to be non-grievable, the grievant may appeal that decision as outlined in the handbook *TDOC Inmate Grievance Procedures*. Inappropriate grievance notification, CR-3689, shall be used to inform the inmate of an inappropriate grievance. The grievance process is inappropriate for:
1. Appealing or seeking review of procedures or punishment imposed under established disciplinary procedures of the TDOC. These issues may be appealed pursuant to Policy #502.01. When this determination is made, the chairperson shall cite the incident number associated with the disciplinary report.
 2. Appealing decisions or actions of the Board of Parole or any other agency, other than TRICOR, outside the TDOC.
 3. Addressing classification matters such as institutional placement and custody level, which may be appealed through other avenues outlined in the #400 policy series, except where policy violations are alleged. Cell assignments not due to a classification or reclassification are grievable.
 4. Appealing or seeking review of any decision regarding the awarding of sentence credits. Sentence credit procedures shall be as provided in Policy #505.01.
 5. Seeking monetary compensation for injuries or property loss. Monetary claims against the TDOC or its employees based upon negligent care of persons or personal property should be filed with the Tennessee Claims Commission pursuant to TCA 9-8-101 et seq. Monetary claims by inmates against employees of privately managed facilities shall be filed with the managing company in accordance with TDOC approved CCA Policy.
 6. Addressing questions regarding sentence structures. Such problems should be addressed to the counselor, institutional records office and Sentence Information Services (SIS) through established inmate inquiry procedures.
 7. Any visitor's behavior resulting in disciplinary action is not grievable by an inmate.
 8. Diagnoses by medical professionals, medical co-payments where Policy #113.15 has been adhered to, and requirements of substance abuse therapeutic programs.
 9. Security Threat Group (STG) program placement which may be appealed as described in Policy #506.26.
 10. Mail rejection, which may be appealed as described in Policy #507.02.
- I. Matters Inappropriate to the Grievance Procedure: If the chairperson determines a matter to be non-grievable, the grievant may appeal that decision as outlined in the handbook *TDOC Inmate Grievance Procedures*. Inappropriate grievance notification, CR-3689, shall be used to inform the inmate of an inappropriate grievance. The grievance process is inappropriate for:

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J. Abuse of the Grievance Procedure

1. Inmates shall not be permitted to submit more than one grievance arising out of the same or similar incident.
2. Inmates shall not be permitted to have more than one grievance pending at the first level of review.
3. Profanity, insults, and racial slurs, unless an alleged direct quote of another party, shall not be permitted in grievances. Threats may result in disciplinary action.

K. Emergency Grievances

1. Grievances deemed to be emergencies shall be expedited. The grievance chairperson or designee shall immediately bring emergency grievances to the attention of the appropriate person by whom corrective action may be taken. The action taken on any emergency grievance may be appealed through expedited emergency grievance procedures, as outlined in the handbook.
2. The determination that a grievance is not an emergency may be appealed through normal grievance procedures.

L. Additional Procedures Applicable to Title VI Grievances:

1. All Title VI complaints must be filed within 180 days of the occurrence of an alleged discriminatory act (See Policy #103.10).
2. The grievance person shall review all grievances received and enter those listed as Title VI on Grievance screen (LIBG) with a flag indicating Title VI if the grievant alleges discrimination on the basis of race, color, or national origin. The chairperson shall then forward the grievance to the Title VI Site Coordinator for review and investigation; the investigation should begin within 24 hours and completed with five working days.
3. Grievances shall remain flagged until the investigation is complete. Upon completion of the investigation, the Title VI Site Coordinator shall notify the grievance chairperson of his/her findings within 24 hours of the results. The inmate shall be notified of the results within 24 hours by the grievance chairperson and given the opportunity to appeal the decision to the Central Office Title VI Coordinator. All appeals must be submitted within in five working days upon notification; the inmate shall specify the reason for the appeal. The grievance number must be included on all documentation submitted to central office for review or appeal.
4. All complaints received in Central Office will be assigned a TDOC Title VI tracking number. Only one Title VI allegation received from a complainant will be processed at a time.
5. Upon receipt of a Title VI allegation, the Central Office Title VI Coordinator will notify the Title VI Site Coordinator via email requesting information concerning the allegation. Responses must be submitted via email within ten working days upon receipt of the notification.

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6. The Central Office Title VI Coordinator will review all information received. If a determination is made that the allegation is a Title VI violation, the Title VI Site Coordinator shall be notified within ten working days to seek a remedy to redress the violation. Once a remedy is identified, the Title VI Site Coordinator shall enter the information on TOMIS screen LIBG and notify the Central Office Title VI Coordinator.
7. If a determination is made that the allegation is not a Title VI violation, the Title VI Site Coordinator shall be notified to remove the Title VI flag and make the appropriate notations on TOMIS screen LIBG. This shall be done within one working day of receipt of such notification by the grievance chairperson.
8. The decision of the Central Office Title VI Coordinator shall be final.

M. Additional Procedures Applicable to PREA Grievances:

1. A PREA grievance must be filed within 20 days of the alleged sexual abuse incident. A 90 day extension may be granted when the inmate, staff and/or health care provider submit documentation to indicate that filing a grievance within the normal time limit was impractical due to extenuating circumstances arising out of a sexual abuse incident or the inmate having been held outside of the facility.
2. After an investigation, a decision shall be rendered within 90 days of the initial filing of the grievance. An extension of up to 70 days may be applied if the normal time period for review and response is insufficient to render a decision. The inmate shall be notified in writing of any such extension.
3. If notification is received that an inmate has been sexually abused, an investigation shall be initiated if applicable.
4. The parent or legal guardian of a juvenile may file a grievance regarding allegations of sexual abuse on behalf of the juvenile.

N. Records

1. Records concerning inmate grievances shall be kept confidential. Only the chairperson shall process grievances after they have been answered by the Warden. Grievance (LIBG) should be available only to employees who have a need for access because of their assigned duties.
2. Records shall be kept regarding inmate grievances as detailed in the handbook, *TDOC Inmate Grievance Procedures*.
3. Upon resolution, grievances shall be distributed as indicated on Inmate Grievance Response, CR-1393, and entered on Grievance (LIBG). An extra copy of health-related grievances shall be supplied to the institutional health administrator by the chairperson.

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- O. Each institution will submit an annual evaluation of the grievance procedures as outlined in the handbook, *TDOC Inmate Grievance Procedures*. Staff preparing these reports may review actual grievances.
- P. Documentary Evidence: Any TDOC policy referred to in any description of problem or response shall be cited by number, paragraph and section. Copies of any institutional policies, post orders, or documents referred to, will accompany all grievances to the third level. The grievant shall be furnished with a copy of all documentation unless deemed inappropriate by the chairperson for security reasons.

VII. ACA STANDARDS: 4-4016, 4-4180, 4-4284, and 4-4344.

VIII. EXPIRATION DATE: October 1, 2015.



TENNESSEE DEPARTMENT OF CORRECTION
INAPPROPRIATE GRIEVANCE NOTIFICATION

TO: _____ INMATE NAME (Printed) _____ TDOC NUMBER _____ HOUSING UNIT _____
FROM: _____, Grievance Chairperson
DATE: _____
SUBJECT: _____

THIS GRIEVANCE IS INAPPROPRIATE TO THE GRIEVANCE PROCEDURE. Your Grievance is being returned to you due to the following reason(s):

- 1. Disciplinary matters are inappropriate to the Grievance Procedure. [Policy #501.01 VI.(H)(1)]
2. Appealing decisions or actions of any agency outside the Tennessee Department of Correction (TDOC) is inappropriate to Grievance Procedure. [Policy #501.01 VI.(H)(2)]
3. Classification matters/institutional placement are inappropriate to Grievance Procedure. [Policy #501.01 VI.(H)(3)]
4. Appealing or seeking review of sentence credits. [Policy #501.01 VI.(H)(4)]
5. Grievance Procedure cannot award monetary compensation for injuries or property loss. [Policy #501.01 VI.(H)(5)]
6. Addressing questions regarding sentence structures. [Policy #501.01 VI.(H)(6)]
7. Visitor's behavior which results in disciplinary action. [Policy #501.01 VI.(H)(7)]
8. A diagnosis by medical professionals and medical co-pay is inappropriate. [Policy #501.01 VI.(H)(8)]
9. Security Threat Group (STG) Placement. [Policy #501.01 VI.(H)(9)]
10. Mail rejection. [Policy #501.01 VI.(H)(10)]
11. You have already filed a grievance on this issue. Inmates shall not be permitted to submit more than one grievance arising out of the same or similar incident. [Policy #501.01 VI.(I)(1)]
12. Abuse of Grievance Procedure. You can only have one grievance pending at Level 1 for review. [Policy #501.01 VI.(I)(2)]
13. Profanity, insults, and racial slurs, unless an alleged direct quote of another party, shall not be permitted. Threats may result in disciplinary action. [Policy #501.01 VI.(I)(3)]
14. Grievances must be filed within seven calendar days of the occurrence giving rise to the grievance. A complaint shall not address multiple issues. [Policy #501.01 VI.(C)(1)]

THIS GRIEVANCE IS UNABLE TO BE PROCESSED DUE TO YOU NOT FOLLOWING POLICY. Grievance forms not properly completed or contain insufficient information for processing shall be returned to the Inmate with instructions as to proper completion. [Policy #501.01 VI.(C)(1)] Your grievance is being returned to you due to the following reason(s):

- 1. No specific details, i.e. dates, times, names of persons involved as mandated in Inmate Grievance Handbook, Page 7, First Level of Review.
2. You did not: a) Sign and date, and/or b) state your "Requested Solution"
3. Grievance shall be submitted on Form CR-1394 pages 1 and 2. All copies must be legible and in tact. [Policy #501.01 VI.(C)(1)]

Reminder: You have SEVEN CALENDAR DAYS FROM THE DATE THE INCIDENT OCCURRED to submit a grievance. If you are still interested in filing this grievance, please make the necessary corrections and return to Grievance Office for further processing immediately. If you would like to appeal this response, sign the bottom of your grievance, check "yes" then date it and place (with this coversheet) back in the grievance box. If you have any questions regarding this memo, please have your Unit Officer contact me at Ext. _____ to schedule an appointment. TDOC Policy and Procedure are available in the library.

Grievance Chairperson

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POLICY CHANGE NOTICE 13-38

INSTRUCTIONS:

Please change Section VI.(L)(3-8) and add (9-10) to read as follows:

- “3. Upon completion of the investigation, the Title VI Site Coordinator shall notify the Grievance Chairperson of the results of his/her findings within 24 hours.
4. The Grievance Chairperson shall then forward the complaint to the Central Office Title VI Coordinator, electronically, within 10 working days of their decision.
5. The Central Office Title VI Coordinator shall enter all Title VI complaints into a database and assign each complaint a tracking number. Only one Title VI allegation received from a complainant will be processed at a time.
6. The Central Office title VI Coordinator shall review and make a determination based on the findings of the investigation conducted by the Title VI Site Coordinator and shall notify the Title VI Site Coordinator of a response and/or decision within 15 working days.
7. If the Central Office Title VI Coordinator determines that the allegation is not a Title VI violation, the Title VI Site Coordinator shall be notified to make the appropriate notations on TOMIS screen LIBG. This shall be done within one working day of receipt of such notification by the Grievance Chairperson.
8. If the Central Office Title VI Coordinator determines that the allegation is a Title VI violation, the Title VI Site Coordinator shall be notified to seek a remedy to redress the violation immediately. Once a remedy is identified, the Title VI Site Coordinator shall notify the Central Office Title VI Coordinator who shall concur or not concur. The remedy and/or plan of action shall be entered on TOMIS screen LIBG.
9. Appeals may be appealed to the Deputy Commissioner of Operations. All appeals must be submitted within five working days upon notification; the inmate shall specify the reason for the appeal. The grievance number must be included on all documentation submitted to Central Office for review of an appeal.
10. The decision of the Deputy Commissioner of Operations shall be final.”

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POLICY CHANGE NOTICE 13-10

INSTRUCTIONS:

Please add the following to Section I. to read as follows:

“Prison Rape Elimination Act of 2003 standard 115.52(b)(1), (e)(1), and (3).”

Please change Section VI.(M)(1) to read as follows:

- “1. An inmate may submit a grievance regarding an allegation of sexual abuse at anytime. Applicable time limits shall apply to any portion of a grievance that does not allege an incident of sexual abuse.”

Please change Section VI.(M)(4) to read as follows:

- “4. Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates. If a third party files a grievance on behalf of the inmate, the inmate may agree to pursue or withdraw the grievance. If the inmate chooses not to pursue the grievance, his/her decision shall be documented.”

TDOC INMATE GRIEVANCE PROCEDURES

This handbook, as revised, has been compiled in conjunction with TDOC Policy #501.01, *Inmate Grievance Procedures*, and in compliance with federal standards for inmate grievance procedures. The policy and handbook have been developed with the input of both TDOC and CCA staff and inmates.

The procedures provide a forum where inmates may formally raise concerns over incidents or conditions that personally affect them and allows complaints to be considered and addressed at both the institutional and departmental level.

This procedure is most beneficial when used as a means of resolving problems through joint cooperation of staff and inmates in considering complaints rather than as an adversarial system.

The continued good faith efforts of all persons involved in the inmate grievance procedure is appreciated.

Derrick D. Schofield, Commissioner

GRIEVANCE PROCEDURE

COMPOSITION OF COMMITTEE

The grievance committee at each hearing shall be made up of five people. They shall include a chairperson who is a full-time staff member, two other full-time staff members, and two inmates who shall serve as members.

The grievance committee at the annex may consist of three people, one chairperson who is a full-time staff member, one other staff member, and one inmate who shall serve as members of the committee.

The actual number of members and alternates elected and their scheduling shall be determined by each institution and approved by the Deputy Commissioner of Operations as part of the election procedures.

STAFF CHAIRPERSON(S)

The Warden shall appoint a chairperson(s) from among the institutional staff to serve a 12-month term subject to reappointment for a period not to exceed three consecutive years. The chairperson shall be a non-voting member, unless there is a tie vote, whose function is to facilitate consensus among the members. The chairperson shall have the full authority of the Warden to conduct investigations/hearings, and all inmates/employees shall appear at the appropriate time for hearings and investigative questioning at the chairperson's request. The chairperson shall have the authority to ensure grievants that there will be no retaliation or other reprisals as a result of a grievance. If the chairperson knows of such retaliation, he/she shall report this to the Warden immediately, and shall process any grievance filed by an inmate alleging reprisal resulting from grievances.

ALTERNATE STAFF CHAIRPERSON

The Warden shall appoint (an) alternate chairperson(s) from among the institutional staff to serve as chairperson in the absence of the regular chairperson, as needed.

STAFF MEMBERS

These individuals shall be voting members of the committee. They shall be elected by the inmate population from a list of employees nominated by the institutional staff. TRICOR and contract employees are excluded from serving on the committee. Institutional staff includes all personnel on the institutional payroll. This list should represent a cross section of the institutional staff, i.e., security, treatment, and administration. Each staff member shall serve a 12-month term. Staff members shall not be elected to consecutive terms. An alternate/alternates shall serve when a scheduled staff member/members of the committee is directly involved in the grievance or is absent or unable to attend the committee meeting.

INMATE MEMBERS

These individuals shall be voting members of the committee. They shall be elected by popular vote of the institutional staff from a list of inmates nominated by the inmate population. Each inmate member shall serve for 12 months. In case a regular inmate member becomes unable to serve, the alternate who received the highest number of votes shall replace that regular member. If attrition for any reason reduces the number of inmate members available for hearings below the required number, an election will be held to fill vacancies.

The alternates shall not serve unless a regular inmate member is directly or indirectly involved in a grievance or is unable to attend the meeting. No inmate shall participate in the resolution of any other inmate's grievance over the objection of the grievant. Such objection shall be made, in writing, to the chairperson at least 24 hours prior to the scheduled meeting. In such case, the remaining board members seated for that hearing shall decide the grievance.

The grievant does not have the right to request the participation of members or alternates who were not duly elected. Any inmate on administrative segregation, or who does not have reasonable movement inside the prison, shall be ineligible to serve as a member. Any inmate elected to be on the committee shall possess the below listed qualifications and shall be screened by the chairperson prior to being elected to committee membership:

1. Desire to serve and ability to receive release from the present job assignment on hearing days.
2. Has been permanently assigned to the particular institution for at least one year.
3. Has not been convicted of a Class A or Class B or two Class C disciplinary infractions during the 12 months prior to election. Conviction of one Class A or Class B, or two Class C disciplinary infractions during an inmate member's tenure may be grounds for removal from the committee.

ELECTION PROCEDURE

Every inmate in the assigned count of an institution who is at the institution at the time of the election shall receive a ballot and shall have the opportunity to vote. Inmates who do not wish to vote shall return their ballot marked "no vote".

The Warden/designee shall establish election procedures for his/her institution and forward them to the Deputy Commissioner of Operations for approval. Any subsequent revisions to said procedures shall also be forwarded to the Deputy Commissioner of Operations for approval. The chairperson shall enter elected committee members' names on Board/Committee Members (LIBM). The procedure shall ensure that each inmate and each employee has the opportunity to vote. The election procedures shall be reviewed annually as shown on page 10, "Review of Procedures".

Votes shall be counted and certified by current grievance committee members (inmate and staff) and totals shall be posted for review by the population.

REMOVAL FROM THE GRIEVANCE COMMITTEE

A staff committee member may be permanently removed for cause, but only on the recommendation of the Warden with approval of the Deputy Commissioner of Operations. The alternate who received the most votes in the election shall serve the unexpired term of any removed member.

MATTERS INAPPROPRIATE TO THE GRIEVANCE PROCEDURE

An inmate may not use the department grievance procedure to:

1. Appeal or seek review of the processing of, or punishment imposed under, established disciplinary procedures of the Tennessee Department of Correction (TDOC). These issues may be appealed pursuant to Policy #502.01, Uniform Disciplinary Procedures. When this determination is made, the chairperson shall cite the incident number associated with the disciplinary report.
2. Appeal decisions or actions of the Board of Parole or any other agency, other than TRICOR, outside the TDOC.
3. Address classification matters such as institutional placement and custody level, which may be appealed through other avenues, outlined in the TDOC #400 policy series. Alleged violations of classification policies which may not be addressed in classification appeals may be addressed in the grievance process. Cell assignments or reassignments not due to a classification or reclassification are grievable.
4. Appeal or seek review of any decision regarding the awarding of sentence credits. Sentence credit procedures shall be as provided in Policy #505.01.
5. Seek monetary compensation for injuries or property loss. Monetary claims against the department or its employees based upon negligent care of persons or personal property should be filed with the Tennessee Claims Commission pursuant to TCA 9-8-101 et seq. Monetary claims by inmates against employees of privately managed facilities shall be filed with the managing company in accordance with CCA Policies which have been approved by TDOC.
6. Address questions regarding sentence structures. Such problems should be raised with an inmate's counselor, institutional records office and Sentence Information Services (SIS) through established inmate inquiry procedures.
7. Visitors' behavior which results in disciplinary action is not grievable by an inmate.
8. Diagnosis by medical professionals, medical co-payments when Policy #113.15 has been adhered to, and requirements of substance abuse therapeutic programs.
9. Security Threat Group (STG) program placement, which may be appealed as described in Policy #506.26.
10. Mail rejection, which may be appealed as described in Policy #507.02.

ACCESS TO THE GRIEVANCE PROCEDURE

The institution shall make grievance forms available in each housing unit and at the operations office which shall be given to any inmate, upon request, by the officer in charge. The institution may also designate additional locations at which grievance forms are available. Inmates shall have unimpeded access to grievance forms (CR-1394). If required to ask staff for the form (i.e., an inmate in segregation), the inmate shall be given the form without question or discussion.

Locked depositories shall be made available to the population at locations to be specified by the institutions. Forms shall be collected daily by a responsible staff member. Inmates who do not have access to the grievance depository, i.e., in segregation, medically detained, etc., shall give their completed grievance forms to any staff member. That staff member is personally obligated to deposit that grievance in the depository before the end of shift and/or working day. Inmates shall be informed of the grievance procedure during the orientation period. Copies of Policy #501.01, Inmate Grievance Procedures, and this handbook shall be placed in the inmate law library, as well as institutional policies concerning inmate grievance procedures.

Appropriate provisions shall be made to communicate these procedures to non-English speaking, handicapped, or impaired inmates by staff members. The staff person in charge of orientation shall ensure that this is accomplished and documented.

INMATE CLERK DUTIES

An inmate clerk may be appointed by the warden to serve a term of one year, subject to reappointment. This may be a full-time or part-time position. The duties of this clerk, a non-voting grievance committee member, may include the following:

1. Log all grievances on CR-3516 "Inmate Grievance Log" and maintain in a binder.
2. Forward new grievances to the chairperson.
3. Deliver or mail grievances to which the chairperson has responded to the inmate or inform the grievant that the chairperson's response is available for review by the grievant.
4. Deliver all appealed grievances to the next level of hearing within the institution.
5. Take detailed minutes of each hearing, to be submitted with appeals to the warden and/or Deputy Commissioner of Operations. The grievant and respondent may review the minutes prior to submission to the Deputy Commissioner of Operations.
6. Perform other related duties as requested by the chairperson.
7. If the grievant or respondent objects to participation by the inmate clerk, this shall be noted at the top of the grievance and these duties will be performed by the chairperson or another committee member.

8. The clerk shall not participate in any discussion of grievances with the committee, and shall keep all grievance information confidential.
9. Conviction of a Class A, Class B, or 2 Class C disciplinary infractions in a 12-month period may be grounds for removal of a grievance clerk.

RECORDS

A written record of all grievances filed shall be maintained by the chairperson in a binder entitled "Inmate Grievances." This record shall include the following information: inmate name and number, institution grievance number (if utilized by the institution), TOMIS grievance number, date received, response due date, brief description of the problem, brief description of disposition, dates of all responses, level obtained, and action taken, if any, to resolve the problems. The final disposition column of CR-3516 will reflect one of three resolutions: withdrawn/settled (WI), resolved in favor of the inmate (RI), or resolved not in favor of the inmate (RN). Additionally, the grievance chairperson must enter all grievances as received and reviewed on Grievance Screen (LIBG).

For all grievances appealed to Level III, the Deputy Commissioner of Operations shall maintain the following information in a binder: inmate name and number, institution involved, institution grievance number (if utilized by the institution), TOMIS grievance number, date received, date of disposition, brief description of the problem, and response. The final disposition column of CR-3516 will reflect one of three resolutions: withdrawn/settled (WI), resolved in favor of the inmate (RI), or resolved not in favor of the inmate (RN).

All grievances, records concerning the participation of an individual in the grievance proceedings, the above binders, and documentation returned to the chairperson pursuant to Policy #501.01, Section VI. (C) shall be confidential. They shall be maintained for at least three years from the date of final disposition and shall be available only to the Commissioner, Deputy Commissioner of Operations, Warden, their designees, and official inspectors/auditors. No persons other than the grievant, chairperson, the employee whose actions or department are the subject of the grievance, and official inspectors/auditors shall have access to the grievance after it has been delivered to the warden for response. At this point, only the grievance chairperson may handle the grievance as it is processed.

WITHDRAWAL OF GRIEVANCE

Informal resolutions of grievances shall be encouraged. An inmate may make written withdrawal of a grievance at any level of the procedure. Grievances withdrawn by inmates will be considered settled to the satisfaction of all parties. The grievance and the notice of withdrawal shall remain on file for review by the Warden, chairperson, and Commissioner, or his/her designee.

ADVOCATES

The inmate shall be entitled to assistance from an advocate representative in preparing grievances and appeals. Participation of an advocate is voluntary or may be a paid job at an institution at the Warden's discretion.

The advocate must be an inmate with reasonable movement within the perimeter; inmates on administrative segregation will not be eligible. Death row inmates in program participation Level A may serve as advocates for other death row inmates.

HEARING PROCEDURES

The committee shall adopt procedures for the conduct of its hearings. The Warden shall forward a copy of the procedures to the Deputy Commissioner of Operations for review and approval. These procedures shall be available to inmates in the institutional law library. These procedures shall be reviewed annually and submitted with the grievance review report as shown on page 10 "Review of Procedures". If the procedures have been revised, an approval signature line will be included for use by the Deputy Commissioner of Operations. Otherwise, only the cover memo under which these documents are forwarded will contain a signature line for the Deputy Commissioner of Operations' use in indicating his/her annual review has been completed.

EXTENSION OF GRIEVANCES

Each level of review must be conducted within the time limits specified herein. Extensions of such time limits may be granted only upon an inmate's written request. Unless an extension is granted in writing, for a fixed period, a grievance which has not been processed within the time guidelines at any level shall be forwarded to the next level by the chairperson, with the reason(s) for that action noted on the grievance form.

FIRST LEVEL OF REVIEW

All grievances, with the exception of those alleging Title VI violations, must be submitted on form CR-1394, Inmate Grievances, with all copies intact and legible within seven calendar days of the occurrence that gave rise to the complaint. Complaints regarding continuing practices or policy must be submitted within seven calendar days of the most recent time the inmate was affected. The grievant shall describe the problem in detail, including times, dates, names, etc., when appropriate. Policies, etc., mentioned in the description of problems shall be cited by number, section, and paragraph. Grievances shall be signed and dated by the grievant at all levels. Grievants who fail to be at a designated place or time to sign or review the grievance at this level shall not have the grievance resolved at that level but be allowed to appeal the first level of review for future litigation purposes.

The chairperson shall review all grievances or complaints and forward those for action to the first line supervisor of the employee or department involved in the grievance for the supervisor's signed written response on form CR-3148. The chairperson shall enter on TOMIS LIBG (Grievance) under the Supervisor Comments section the TOMIS Staff ID of the Supervisor of the Grievied Employee. The supervisor shall return his/her signed response to the chairperson within three working days of receipt. The chairperson shall report to the Warden any supervisor who fails to respond within three working days. Resolution will be attempted at that level within seven working days after the complaint was filed. The supervisor's response and the chairperson's actions and/or findings shall be kept on file and logged on Grievance (LIBG). The chairperson will submit his/her response, which shall include a summary of the supervisor's attached response, any evidence the investigation has revealed, the chairperson's findings, and the reasons for those findings.

If the grievant disagrees with the response of the chairperson and wishes to appeal, he/she may do so by checking "yes" and signing and dating the grievance in the space provided. Procedures for allowing grievants to review Level I responses shall be developed by the institution as part of the institutional hearing procedure. If the grievant wishes to appeal the Level I response, he/she must notify the chairperson within five calendar days of being notified of that response.

If more than one inmate files a grievance on the same incident, the hearing and response shall be consolidated. This shall be noted on the grievance response form.

Matters deemed to be inappropriate to the grievance process, an abuse of procedure, or non-grievable at Level I may be appealed by the inmate. Such grievances being forwarded to Level III should include legible copies of the signed response of the supervisor of the employee or area that is the subject of the grievance, if applicable, and should cite the number and date of the previous grievance, if it has been appealed to Level III, or a copy of the previous grievance if it was not appealed to Level III. The Deputy Commissioner of Operations' office shall then make a final response, and return the grievance to the chairperson for normal processing, if grievable, or for logging and return to the grievant if non-grievable. Copies of all grievances deemed inappropriate shall be kept on file at the institution.

Expiration of the time limit for this level shall require the grievance to move to the next level of the process, unless the grievant has agreed in writing to an extension of the time for a response.

SECOND LEVEL OF REVIEW

Within five working days after the filing of an appeal to Level II, the grievance committee shall conduct a hearing. The hearing and results shall be logged on Grievance (LIBG). The chairperson shall notify the inmate grievant and the staff respondent involved of the time, place, and members of the committee scheduled to participate at least 48 hours prior to the meeting. The hearing shall be scheduled so as to permit the inmate to be present. If the grievant fails to appear at the grievance hearing after proper notification and without just cause for not appearing, the grievance shall be considered as dismissed because of an unwillingness of the grievant to participate in the grievance process, the grievant may appeal this decision for litigation purposes. The committee will hear verbal presentation from the grievant, respondents, and their witnesses and review any pertinent written material. If a hearing is not held within five days, and the grievant refuses to grant an extension, the grievance shall be forwarded to the Warden.

Within five working days of the hearing, the chairperson shall send to the Warden the original complaint of the inmate and the proposed response using form CR-1393, Inmate Grievance Response. The response shall summarize the investigation conducted, information gathered, testimony to the committee, the committee's recommendation, and supporting reasons.

If the Warden is the subject of the grievance or is directly involved, he/she shall review the grievance, following the committee hearing and response, and add his/her comments. The Warden shall return the grievance to the chairperson within ten working days of receiving it. The chairperson will then forward the grievance to the Deputy Commissioner of Operations for response.

If the Warden is not directly involved in the grievance, he/she shall review the original complaint of the inmate and proposed response of the grievance committee. He/she may conduct further investigation and hearings if such appears useful. Within seven working days of receiving the grievance material, the Warden or designee shall provide written response to the inmate via the chairperson summarizing any

investigation conducted, information gathered, the Warden's/designee's decision, and supporting reasons. The Warden/designee shall use form CR-1393. The chairperson shall notify the grievant and respondent of the response within five working days of receipt of the Warden's response, and allow the grievant to appeal that response. Failure of staff to comply with a directive by the Warden as a result of the Warden's review of the grievance may result in disciplinary action.

Expiration of the time limit for this level shall entitle the grievant to move to the next level of the process. If the grievant wishes to appeal, he/she shall indicate this in the space provided, sign, and date the grievance in the appropriate spaces. The grievant and/or respondent may attach a clarification of the issues and/or any reaction/rebuttal to the Warden's/designee's response.

Grievances concerning TRICOR issues over which the Warden has no line authority shall be forwarded from the committee to the Warden for his/her comments (if any) and then to Level III. The Deputy Commissioner of Operations shall review, and if necessary, may forward for review/response of the CEO of TRICOR.

THIRD LEVEL OF REVIEW

Appeals to the Deputy Commissioner of Operations must be filed within five calendar days of receipt of the warden's/designee's decision by the grievant. The chairperson shall ensure that the Deputy Commissioner of Operations receives one legible copy of all pertinent written materials and information, including committee hearing minutes. When the description of problem, or any response, refers to a departmental policy, it shall be cited by number, section, and paragraph. When an institutional policy, post order, memorandum, or supporting documentation is referred to, copies shall be attached to the grievance for review at Level III. All materials sent to Level III on appeal shall be retained at that level. Only a copy of the Level III response shall be returned to the chairperson and then logged on Grievance (LIBG.) A supervisor response for any grievance may be requested by the Level III designee to review grievances if it is deemed that a supervisor response is needed to complete the Level III process. If the institution does not receive a response from a Level III appeal within the time limits mandated, the Grievance Chairperson shall contact the Deputy Commissioner of Operations via e-mail advising that the Level III response has not been received.

A grievance received at Level III that concerns health services, food service, education, or inmate jobs, substance abuse or religious services shall be reviewed by the appropriate director/inmate jobs specialist for a Level III response and returned to the Deputy Commissioner of Operations/designee.

The Deputy Commissioner of Operations may either hear the case or review the grievance and make recommendations. Within 25 working days of the date the appeal or referral to Level III is received, a written response summarizing any investigation conducted and the decision, with supporting reasons if that decision differs from the Warden's response, shall be returned to the chairperson for distribution. The Level III response is the final step in the grievance process, and is not appealable. The Deputy Commissioner of Operations/Designee reserves the option of modifying TOMIS LIBG (Grievances) under description the Category or the Grievance Type if deemed appropriate.

Failure of institutional staff to comply with a directive of the Deputy Commissioner of Operations as a result of Level III review may result in disciplinary action. The Commissioner's Designee at all privately managed facilities shall receive a copy of any directive issued at Level III to a privately managed facility (At privately managed facilities, the Deputy Commissioner of Operations will make a determination as to appropriate action to be initiated.) The Warden shall be responsible for implementing the final response of

all grievances, the resolution of which call for action to be taken at the institutional level. The action taken shall be noted on form CR-1393, Inmate Grievance Response, and shall be kept on file in grievance committee records.

GRIEVANCE REGARDING TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Federal law requires that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The grievance person shall review all grievances received and enter those listed as Title VI on Grievance screen (LIBG) with a flag indicating Title VI if the grievant alleges discrimination on the basis of race, color, or national origin. The chairperson shall then forward the grievance to the Title VI Site Coordinator for review and investigation; the investigation should begin within 24 hours and completed within five working days.

Grievances shall remain flagged until the investigation is complete. Upon completion of the investigation, the Title VI Site Coordinator shall notify the grievance chairperson of his/her findings within 24 hours of the results. The inmate shall be notified of the results within 24 hours by the grievance chairperson and given the opportunity to appeal the decision to the Central Office Title VI Coordinator. All appeals must be submitted within five working days upon notification; the inmate shall specify the reason for the appeal.

All complaints received in Central Office will be assigned a TDOC Title VI tracking number. Only one Title VI allegation received from a complainant will be processed at a time.

Upon receipt of a Title VI allegation, the Central Office Title VI Coordinator will notify the Title VI Site Coordinator via email requesting information concerning the allegation. Responses must be submitted via email within ten working days upon receipt of the notification.

The Central Office Title VI Coordinator will review all information received. If a determination is made that the allegation is a Title VI violation, the Title VI Site Coordinator shall be notified within ten working days to seek a remedy to redress the violation. Once a remedy is identified, the Title VI Site Coordinator shall enter the information on TOMIS screen LIBG and notify the Central Office Title VI Coordinator.

If a determination is made that the allegation is not a Title VI violation, the Title VI Site Coordinator shall be notified to remove the Title VI flag and make the appropriate notations on TOMIS screen LIBG. This shall be done within one working day of receipt of such notification by the grievance chairperson.

GRIEVANCE REGARDING THE PRISON RAPE ELIMINATION ACT (PREA)

An inmate may submit a grievance regarding an allegation of sexual abuse at any time. Applicable time limits shall apply to any portion of a grievance that does NOT allege an incident of sexual abuse.

After an investigation, a decision shall be rendered within 90 days of the initial filing of the grievance. An extension of up to 70 days may be applied if the normal time period for review and response is insufficient to render a decision. The inmate shall be notified in writing of any such extension.

Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates

If a third party files a grievance on behalf of the inmate, he/she may agree to pursue or withdraw the grievance. If the inmate chooses not to pursue the grievance his/her decision shall be documented.

The parent or legal guardian of a juvenile may file a grievance regarding allegations of sexual abuse on behalf of the juvenile.

EMERGENCY GRIEVANCES

Each institution shall develop procedures for delivering grievances marked "emergency" to the chairperson or a designee before the end of any shift during which an inmate makes it known that he/she wishes to file one.

The grievance chairperson or designee shall immediately review any grievance marked "Emergency" to determine its status. If emergency status is determined, the chairperson/designee will immediately forward the grievance to the person/level at which corrective action can be taken for immediate action/response.

If the grievance is determined not to be an emergency, it shall be logged and processed in the normal manner. The chairperson must ensure that a grievance is known to be an emergency by the person to whom it is forwarded for response. Emergency grievances may be handled verbally if the situation requires. Appropriate documents shall be completed showing actions taken.

If the grievant wishes to appeal the response to a grievance determined to be an emergency, it shall be forwarded to the warden or designee within 24 hours of that decision. Response shall be made to the grievant within 24 hours of receipt. Appeals of the Warden's/designee's response shall be communicated within five days to the Level III reviewer for response. That response shall be forwarded to the chairperson for communication to the grievant within five working days of receipt.

A grievant filing an emergency grievance alleging he/she is subject to a substantial risk of sexual imminent abuse shall be given an initial decision within 48 hrs and a final decision within five calendar days.

NOTIFICATION

The grievant shall be notified, either verbally or in writing, when a grievance has been sent to another level of review, or when a grievance is determined not to be an emergency grievance and is to be processed normally. Inmates shall be notified of inappropriate grievances and grievances deemed to be an abuse of the grievance procedure by using Form CR-3689 (Inappropriate Grievance Notification).

GRIEVANCE REGARDING TITLE I (FORMERLY CHAPTER 1) PROGRAM

Federal law requires that every local or state educational agency receiving Title I funds develop and implement a procedure for the resolution of complaints made by students, parents, teachers, advisory councils, or other concerned organizations. The Director of Education shall be provided a copy of all grievances involving educational issues.

TDOC grievance procedures may be followed to resolve such a grievance or the complaint may be forwarded directly by the aggrieved to the Tennessee Department of Education Office of Compensatory Education or to the United States Office of Education under certain circumstances.

DISTRIBUTION

When a grievance is finalized, copies of CR-1393, CR-1394, and CR-3148 are to be returned to the grievant, the chairperson, and warden with copies of all related documentation, including committee hearing minutes. Committee copies of all resolved grievances shall be kept in chronological order according to the date the grievance was originally filed. An additional copy of all grievances of matters pertaining to health care will be retained by the health administrator in a separate file. The chairperson shall be responsible for ensuring that the health administrator receives a copy of all such grievances. The chairperson shall also notify the respondent, through his/her first-line supervisor, of all final responses.

REVIEW OF PROCEDURES

The Warden shall be responsible for ensuring that an evaluation of the credibility and effectiveness of the grievance procedure is performed annually. Members of the evaluation committee shall include the grievance committee chairperson and members (staff and inmate), grievance clerk, two inmate council members chosen by the council, and two staff members chosen by the warden. This committee will review the implementation of final responses to grievances, and will submit their evaluation and proposals for changes in the procedure to the Deputy Commissioner of Operations for review (and approval, when changes in hearing or election procedures are recommended) annually with the second quarterly report of the fiscal year. A copy shall also be sent to the commissioner's designee at privately managed facilities.

INSTITUTIONAL TRANSFERS

An inmate who has filed a grievance and who has a hearing date set should not be transferred, if at all possible, until the Level II hearing is complete. If the grievant must be transferred, the chairperson at the institution where the grievance was filed will conduct an investigation and hearing in the routine manner in the absence of the grievant. The written responses of the supervisor, chairperson, and committee will be forwarded to the warden for response. The grievance shall then be forwarded to the chairperson at the grievant's new location to determine if the grievant wishes to appeal to Level III.

The following procedures will be adhered to if an inmate files a grievance against the sending institution after he/she is transferred:

1. The chairperson at the grievant's new (receiving) institution will log the grievance and forward it to the chairperson at the original (sending) institution.

2. The chairperson at the original institution will obtain the supervisory/Level I response, will hold an in absentia committee hearing, and will obtain the response of the Warden of the original institution.
3. The chairperson of the original institution will return the grievance to the chairperson at the new institution, who will determine if the grievant wishes to appeal to Level III. The grievant, in this way, will be able to attach additional information or rebuttal for consideration at Level III at the original (sending) institution.

WAIVER OF LEVEL I FILING TIME LIMIT

In instances in which the grievant has had a 1983 court action continued by a Federal District Court in order to exhaust administrative remedies, the seven day time guideline for filing a grievance shall be waived. The grievant must provide documentation to invoke this provision.

ABUSE OF PROCEDURE

Inmates shall not be permitted to submit more than one grievance arising out of the same or similar incident.

Inmates shall not be permitted to have more than one grievance pending at Level I review. A grievance improperly submitted under this provision will be logged and held by the grievance clerk until any grievance previously submitted has been forwarded to the warden for review of the chairperson's ruling. Time guidelines for grievances held under this provision begin running the day the prior grievance leaves Level I.

Profanity, racial slurs, or insults shall not be used by the grievant unless necessary, in context, to describe the complaint. Threats against staff or other inmates may result in disciplinary action.

FORMS

Please refer to Policy #501.01, Inmate Grievance Procedures, for copies of forms to be used in processing inmate grievances.