



NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 291

DEPARTMENT OF CORRECTIONS

FILED: 07/29/2026 10:54 AM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Grievance Review System (Community Corrections)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/18/2026 12:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S):

The proposed rule updates are necessary to incorporate changes adopted in OAR 291-109 (Grievance Review System) to ensure grievance response procedures for adults on supervision align with those used for adults in custody. The updates also streamline and reorganize Division 171 to improve clarity, remove duplicative or outdated language, and maintain consistency with other Department rules. Terminology is updated throughout the division by replacing the term "offender" with "adult on supervision." Definitions are revised for clarity and alignment, and unnecessary definitions are removed. Grievance and grievance appeal filing instructions are integrated into their respective forms, and rules related to grievances involving sexual abuse or sexual harassment are aligned with other Department standards. All revisions are technical or housekeeping in nature and do not change underlying policy or operations.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

OAR 291-109 Grievance Review System
<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=946>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The Department of Corrections (DOC) anticipates that these proposed amendments to its administrative rules regarding Grievance Review System (Community Corrections), OAR 291-171, will have a positive impact on racial equity in this state.

The Department of Corrections Division 171 rules establish department policy and procedures for adults on supervision to communicate with employees, and the administration of the department's internal grievance review and grievance appeal system for individuals under the supervision of the Department of Corrections. The proposed amendments to the departments Division 171 rules: (1) incorporate changes adopted in OAR 291-109 (Grievance Review System) in 2024 to align grievance response procedures for adults on supervision with those currently used for adults in custody, and (2) update definitions to ensure consistency with other Department rules.

The proposed amendments simplify and reorganize Division 171 by removing duplicative language, streamlining processes, and improving consistency and clarity. Revisions are limited to technical and housekeeping updates (including grammar and punctuation, or updating gendered language) and do not change underlying policy or operations. Because these amendments primarily align Division 171 with the 2024 updates to OAR 291-109, or because they are non-substantive, the Department anticipates a neutral impact on racial equity in the state.

In addition to the above-described amendments, the Department of Corrections has proposed amendments to its division 171 rules to replace the term "offender" with the term "adult on supervision" when referring to individuals under the supervision of the Department of Corrections, including while on short-term transitional leave. This change in terminology aligns with the department's mission and guiding principles by seeking to normalize and humanize the custodial and supervision experience for persons who are committed to its custody and supervision by the courts. The department understands that all adults in the custody or under the supervision of the Department of Corrections, including individuals who are members of minority racial groups, are positively impacted when a culture of inclusivity, normalization, and humanization is created, and that these proposed rule amendments represent another step toward creating this culture.

For all these reasons, DOC anticipates that these proposed rule amendments will have a positive impact on racial equity in this state.

FISCAL AND ECONOMIC IMPACT:

These changes align current language with department philosophy or definitions establishing department policy and procedures for adults on supervision to communicate with employees, and the administration of the department's internal grievance review and grievance appeal system for individuals under the supervision of the Department of Corrections.

DOC anticipates this rule change will have no fiscal impact the department, AICs, partners, and the general public.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules as they will not be impacted by these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The department has determined that use of an advisory committee would have not provided any substantive assistance in drafting these rule revisions because the changes are minor and of a technical nature.

RULES PROPOSED:

291-171-0005, 291-171-0010, 291-171-0015, 291-171-0020, 291-171-0025, 291-171-0030, 291-171-0035, 291-171-0040, 291-171-0045, 291-171-0050

AMEND: 291-171-0005

RULE SUMMARY: Amends rule to change the term "offender" to the term "adult on supervision"; align the rule with language in other departmental rules; and make minor grammatical edits.

CHANGES TO RULE:

291-171-0005

Authority, Purpose, and Policy

(1) Authority: The authority for these rules is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, and 423.075.-¶

(2) Purpose: The purpose of these rules is to establish department policy and procedures for ~~offender~~adults on supervision to communicate with ~~staff~~employees, and the administration of the department's internal grievance review and grievance appeal system for ~~offender~~individuals under the supervision of the Department of Corrections.-¶

(3) Policy:-¶

(a) It is the policy of the Department of Corrections to encourage ~~offenders~~adults on supervision to address their concerns informally with appropriate ~~staff and manager~~employees through either dialogue or informal written communication.-¶

(b) Recognizing that due to the complex nature of the community corrections setting some ~~issues or disputes~~ between ~~staff and offender~~employees and adults on supervision may not be readily resolved at an informal level, it is the policy of the Department of Corrections to permit and encourage ~~offenders~~adults on supervision to seek resolution of ~~issues or disputes~~ using the department's ~~offender~~internal grievance review and appeal system established in these rules.-¶

(c) Within the inherent limitations of resources, it is the policy of the Department of Corrections that all ~~offenders~~adults on supervision be treated fairly and equitably, and that ~~staff~~employee actions and decisions be consistent with the rules, policies, and procedures of the department.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

RULE SUMMARY: Amends rule to change the term "offender" to "adult on supervision"; make minor grammatical or punctuation edits; remove definitions that are no longer needed in these rules; and align the definitions with other departmental rules.

CHANGES TO RULE:

291-171-0010

Definitions

(1) Administrative Directive: A term used to describe, in general, a Department of Corrections rule or policy signed by the Director or Deputy Director.¶

(2) Adult on Supervision: For the purposes of these rules, any person under the supervision of the Department of Corrections who is on probation, parole, post-prison supervision, any other form of temporary or transitional leave from custody, or any form of conditional release.¶

(3) Communication: A process by which information is exchanged between individuals, usually through verbal or written messages.¶

(34) Contractor: Any person under contractual arrangement to provide services to the department; any person employed by private or public sector agencies who is serving under department-sanctioned assignment to provide services or support to department programs.¶

(45) Employee: Any person employed full-time, part-time, or under temporary appointment by the Department of Corrections.¶

(56) ~~Deviate Sexual Intercourse: Sexual conduct between persons consisting of contact between the sex organs of one person and the mouth or anus of another~~Grievance: A written complaint submitted by an adult on supervision in accordance with the department's rules on Grievance Review System (OAR 291-171).¶

(67) Grievance Coordinator: ~~TA designated employee within the Community Corrections Division staff member responsible for communicating directly with the offender about grievance related matter~~managing and facilitating all communications with adults on supervision pertaining to the grievance process, in accordance with established agency policies and procedures.¶

(78) Local State Director: A person within the Department of Corrections who reports to the Assistant Director of Community Corrections and has responsibility for managing a state community corrections office within a particular county.¶

(82) ~~Offender: Any person under the supervision of the Department of Corrections who is on parole, probation, post-prison supervision, or for the purposes of this rule only, on non-prison or short-term transitional leave status.¶~~

(9) ~~Sexual Contact: Any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sex~~Sexual Contact: Any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.¶

(10) Sexual Abuse: Sexual abuse includes any non-consensual sexual act involving contact between the penis and vulva or anus, oral contact with genitalia or anus, or penetration of the genital or anal opening by any object or body part. It also includes intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, either directly or through clothing, when such contact is unrelated to official duties. Additionally, sexual abuse encompasses voyeurism, indecent exposure by an employee, and any attempt, threat, or request to engage in such acts, when the individual does not consent, is coerced, or is unable to consent or refuse.¶

(101) ~~Sexual Intercourse: Has its ordinary meaning and oee~~Harassment: Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an adult on supervision directed toward another; and repeated verbal comments or gestures upon any penetration, however slight, emission is not requiof a sexual nature to an adult on supervision by an employee, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.¶

(112) Volunteer: An approved person who donates time, knowledge, skills and effort to enhance the mission, activities, and programs of the department.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-171-0015

RULE SUMMARY: Amends rule to change the term "offender" to "adult on supervision"; align the rule with language in other departmental rules; and make minor grammatical edits.

CHANGES TO RULE:

291-171-0015

Offender-Staff Communications (General Principles) Principles of Effective Communication in Community Supervision

(1) Proper and effective communication between ~~offenders and staff~~ adults on supervision and employees is an essential component of community supervision. ¶

(a) ~~Offenders and staff~~ Adults on supervision and employees communicate with each other not only with their choice of words (oral or written), but also non-verbally through their manner, tone, and approach ~~(commonly referred to as "body language").~~ ¶

~~(b) Offenders and staff.~~ ¶

(b) Adults on supervision and employees are jointly responsible for ensuring their choice of words, manner, tone, and approach are appropriate to properly and effectively convey their intended information and ideas to one another. ¶

(2) ~~Offenders~~ Adults on supervision shall communicate with ~~staff~~ employees in a civil and respectful ~~tone and~~ manner. ¶

(3) ~~Staff~~ Employees shall communicate with ~~offenders in a~~ adults on supervision professional manner ~~that~~ ly, fostering respect and confidence. ~~Staff~~ Employee directives ~~given to offenders~~ should be clear and concise.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

RULE SUMMARY: Amends rule to change the term "offender" to the term "adult on supervision"; make minor grammatical edits; align the rule with other departmental rules; and remove gendered language.

CHANGES TO RULE:

291-171-0020

Grievance Review System

(1) General Requirements:-¶

(a) If an ~~offender~~adult on supervision is unable to resolve an ~~issue through informal communications, dispute with an employee, contractor, or volunteer of the Department encourages the offender to seek resolution of the issue of Corrections through informal communication, they may seek resolution of their grievance through the department's internal grievance review system~~ by submitting a written grievance using the ~~Offender Grievance Form~~ (CD117 CC) in accordance with these rules. As with informal communications, ~~offenders~~adults on supervision should use a civil and respectful tone and manner in their written grievances to attempt to resolve the ~~issue~~problem or concern.¶

(b) An ~~offender~~adult on supervision initial grievance must include a complete description of the incident, action, or application of the rule being grieved, including ~~the~~the date and approximate time. Only supporting documentation that directly relates to the ~~issue~~problem or concern being grieved, such as official reports, action plans, etc., should be attached and submitted with ~~the~~a grievance. ¶

(c) ~~An offender~~Each grievance may request review of just one matter form may address only one specific problem, concern, action, or incident ~~per offender grievance form.~~¶

~~(d) An offender.~~¶

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(e) If an ~~offender~~adult on supervision attempts to grieve an ~~issue~~problem or concern by use of ~~ing~~any written communication other than the department's approved grievance form, the communication shall be returned ~~to the offender with instructions to resubmit the grievance on the department's approved grievance form.~~¶

(2) An ~~offender~~adult on supervision may file a single grievance concerning any of the following matters:-¶

(a) The misapplication of any administrative directive or operational procedure;-¶

(b) The lack of an administrative directive or operational procedure;-¶

(c) Any unprofessional behavior or action which may be directed toward an ~~offender~~adult on supervision by an employee, contractor, or volunteer of the Department of Corrections;¶

(d) Any oversight or error affecting an ~~offender~~adult on supervision;¶

(e) The loss or destruction of property as designated in ORS 144.404 to 144.409;-¶

~~(f) Sexual contact, solicitation or coercion between an employee, contr, and, where applicable, in act cor, volunteer of the department and an offender.~~¶

~~(3) An offender~~and with OAR 291-028.¶

(3) An ~~adult on supervision~~adult on supervision cannot grieve the following:-¶

(a) Grievances relating to actions or decisions not within the jurisdiction of the department (for example, actions by the Board of Parole and Post-Prison Supervision).-¶

(b) Incidents(s) or actions(s) for which ~~there exists a separate appeal or review process~~exists as identified by statute or by an OAR that an ~~offender~~adult on supervision may take part in. A ~~The~~The use of force review, as described in OAR 291-022-0210, is not a separate appeal or review process for purposes of this rule.-¶

(c) Incident(s) or problem(s) to which an ~~offender~~adult on supervision was not a party;-¶

(d) Claims or ~~issue~~problems for which the ~~offender~~adult on supervision has filed a Notice of Tort Claim with the ~~Oregon~~Oregon Department of Administrative Services, Risk Management Division;-¶

(e) Claims or ~~issues~~the offender has problems the adult on supervision pursued or is pursuing in pending litigation in state or federal courts; or-¶

(f) Group grievances ~~representing other offenders, or acts where an offender ifiled on behalf of other adults on supervision, or instances where an adult on supervision acts as a spokesperson for other offenders-s in the same status.~~¶

~~(54) An offender~~adult on supervision may not file more than one grievance regarding a single incident ~~or issue, problem, or concern~~unless more than one employee, volunteer, or contractor is directly involved in the incident. A separate grievance must be filed for each individual.¶

~~(65) An offender~~adult on supervision may file a grievance regarding the same ~~issue~~problem or concern as a previously filed grievance provided there is another incident and new information is available ~~about the issue.~~

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

NOTE: Attachments referenced are attached to this document. You may view the attachment 291-171-0020.pdf from the Attachments panel. Alternately, you may view the attachments at the following link:
<https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=337730>

RULE SUMMARY: Amends rule to change the term "offender" to the term "adult on supervision"; merge grievance filing instruction into the grievance form; make minor grammatical edits; further define process; and update to use current terminology.

CHANGES TO RULE:

291-171-0025

Filing a Grievance

(1) ~~Offender~~Grievances must be submitted to the Community Corrections Division grievance coordinator on the ~~Offender Grievance form (CD117 CC). Instructions for filing a grievance are found on the Offender Grievance Instruction f~~Form (CD117a CC). ¶

(2) To obtain a grievance review, the Community Corrections Division grievance coordinator must receive an ~~offender's~~the grievance within 30 calendar days of the ~~date of the incident giving rise to the grievance.~~ ¶

~~(a) An offender may file~~incident. ¶

~~(a) An offender may file~~(a) An adult on supervision may submit a grievance ~~past~~after the 30-~~days of the incident if the offender deadline if~~they can demonstrate why the grievance could not be filed within the ~~timelines established by rule.~~ ¶

~~(b) Unrequired timeline.~~ ¶

~~(b) Grievances submitted outside the established timeframes are considered untimely. Any untimely grievances that fail to make that showing shall be returned to the offender with a statement of the rule does not include a sufficient explanation for the delay will be returned to the adult on supervision, along with a statement citing the applicable rule and explaining that the grievance was not accepted for review due to its untimeliness.~~ ¶

(3) The grievance coordinator shall date stamp and log the grievance form upon receipt. ¶

~~(4) If an offender cannot~~adult on supervision is unable to complete the a grievance form due to ~~language~~a disability, limited English proficiency, or other communication barriers, physical, or competency and capacity barriers, another person ability, or cognitive capacity. ¶

~~(a) They may request assistance. Another individual may complete the form. However, the offender submitting the grievance must sign the grievance form. Translation services or other assistance for submission of a grievance form for non-English speaking offenders or offenders that have difficulty with reading and writing will be made available upon request, on their behalf. However, the adult on supervision must sign the grievance form to the extent they are able, unless a documented disability prevents them from doing so.~~ ¶

~~(b) The Department of Corrections will provide reasonable accommodation, including translation and interpretation services, auxiliary aids, or other appropriate assistance, to ensure effective communication and access to the grievance process. These services shall be made available upon request, in accordance with the Americans with Disabilities Act (ADA) and Department of Corrections policy.~~ ¶

(5) Local State Directors or designees shall ensure the approved ~~offender~~adults grievance forms are readily available to ~~offender~~adults under the supervision of the Department of Corrections.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

RULE SUMMARY: Amends rule to change the term "offender" to the term "adult on supervision"; align the rule with language in other departmental rules; remove gendered language; and make minor grammatical edits.

CHANGES TO RULE:

291-171-0030

Processing ~~Offender~~ Adult on Supervision Grievances-

(1) Upon receiving an ~~offender~~ grievance, the grievance coordinator will assign the grievance a number, date stamp, and record its receipt in an ~~offender~~ grievance log.-¶

(a) After the ~~offender~~ grievance has been logged, the grievance coordinator will send a grievance receipt to the ~~offender~~-adult on supervision.-¶

(b) The grievance coordinator will coordinate with the appropriate ~~staff~~employee or, if deemed more suitable, the appropriate manager by sending the grievance and a ~~Grievance Response Form~~ (CD-117b CC) to the ~~staff~~employee or manager respondent for reply.-¶

(c) The respondent will complete the form and submit it to his/their manager for review and signature. The response shall be returned to the grievance coordinator for processing within 21 calendar days.-¶

(2) After recording receipt of the receipt, the grievance coordinator will send the ~~offender~~ grievance and ~~employee's, contractor's, or volunteer's response to the offender~~the respondent's written response to the adult on supervision and retain copies for the file.-¶

(a) The grievance coordinator will complete processing of the grievance within 45 days from the date the grievance was received from the ~~offender~~adult on supervision, unless further investigation is necessary.-¶

(b) If the grievance is not processed within this timeframe, the grievance coordinator will ~~make an effort to~~ notify the ~~offender~~adult on supervision of the status of the grievance. If the ~~offender~~adult on supervision does not receive a response within the allotted time frame, ~~he/she~~they may contact the grievance coordinator.-¶

(3) Grievance responses may be consolidated.-¶

(4) If at any time the grievance coordinator determines the ~~offender has pursued his/~~adult on supervision has pursued or is pursuing their issue~~claim~~ through state or federal courts, or has filed a notice of tort claim, the grievance process will cease, and the grievance ~~will~~or appeal shall be returned to the ~~offender~~adult on supervision. The grievance coordinator will retain a copy of the ~~offender's grievance or grievance appeal~~ and document the date and reason for return of the grievance.-¶

(5) A grievance that has been returned to the ~~offender~~adult on supervision by the grievance coordinator for procedural reasons cannot be appealed. If a grievance is returned to the ~~offender~~adult on supervision because it does not comply with these rules, the ~~offender~~adult on supervision may elect to resubmit the grievance to the grievance coordinator within 14 calendar days from the date the grievance was sent back to the ~~offender~~adult on supervision if the procedural errors can be corrected.-¶

(6) Once an ~~offender~~adult on supervision is no longer under the supervision of the Department of Corrections, any pending grievances or pending appeal responses ~~wi~~shall be completed and held on file unless other arrangements have been made with the grievance coordinator. No further appeals ~~wi~~shall be accepted for processing once the ~~offender~~adult on supervision is no longer under the supervision of the Department of Corrections.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

NOTE: Attachments referenced are attached to this document. You may view the attachment 291-171-0030.pdf from the Attachments panel. Alternately, you may view the attachments at the following link:

<https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=337732>

RULE SUMMARY: Amends rule to change the term "offender" to the term "adult on supervision"; make minor grammatical edits; align the rule with language used in other departmental rules; and merge the grievance appeal filing instructions into the grievance appeal form.

CHANGES TO RULE:

291-171-0035

Grievance Appeals

(1) Appeals of the Initial Grievance (First Appeal Process):-¶

(a) An ~~offender~~adult on supervision may appeal the initial grievance response using the Grievance Appeal ~~f~~Form (CD-117c CC). The appeal must be submitted to the grievance coordinator ~~together along~~ with the original grievance, attachments, and ~~staff~~employee response(s).-¶

(A) The scope of the original grievance cannot be expanded. No additional information may be submitted unless the information was unavailable to the ~~offender~~adult on supervision at the time the original grievance was filed and ~~the information is~~ directly related to the ~~alleged issue~~problem or concern being grieved.-¶

(B) After the appeal has been date-stamped and logged, the ~~offender will be issued~~adult on supervision will receive a return receipt, ~~and t~~. The grievance appeal ~~wishall~~ be forwarded to the Local State Director ~~having authority to for~~ review and resolve the ~~issue~~issue.-¶

(b) Appeal Timelines: The grievance coordinator must receive an appeal within 14 calendar days from the date that the ~~g~~Grievance ~~f~~Response Form was delivered to the ~~offender~~adult on supervision from the grievance coordinator.-¶

¶

(c) A grievance appeal ~~that has been returned to the offender by the grievance coordinator~~adult on supervision for procedural reasons cannot be appealed. ~~If a grievance~~However, if the appeal is returned to the offender because it ~~does due to not n~~compliance with these rules, the ~~offender may elect to resubmit the grievance appeal to the grievance coordinator~~adult on supervision may resubmit the corrected appeal within 14 calendar days from the date ~~the grievance appeal was sent back to the offender if the procedural error can be corrected. it was returned~~¶

(d) The Local State Director shall respond to the ~~offender's~~ grievance appeal within 30 calendar days from the date ~~it~~the appeal was received by the Local State Director. The Local State Director will return the grievance appeal and the response back. The response shall be returned to the grievance coordinator.-¶

(2) Appeal of the Local State Director Decision (FINAL Appeal Process):-¶

(a) An ~~offender~~adult on supervision may appeal the Local State Director's decision using the Grievance Appeal ~~f~~Form (CD-117c CC). The appeal must be submitted to the grievance coordinator together with the original grievance, attachments, ~~staff~~employee responses and documentation related to the first grievance appeal.-¶

(A) The scope of the original grievance ~~can may~~not be expanded. No additional information may be submitted unless the information was unavailable to the ~~offender~~adult on supervision at the time the original grievance or first-level appeal was filed, and the information is directly related to the ~~alleged issue~~problem or concern being grieved.-¶

(B) After the appeal has been date-stamped and logged, the ~~offender wi~~adult on supervision shall be issued a return receipt. The grievance appeal ~~wishall~~ be forwarded to the Assistant Director of Community Corrections to review and resolve the ~~issue~~problem or concern.-¶

(b) The Assistant Director of Community Corrections or designee shall review the final grievance appeal. If ~~it~~is determined additional facts should have been gathered or additional witnesses interviewed, the grievance appeal ~~wishall~~ be referred back to the ~~functional unit~~grievance coordinator. Upon completion of the investigation, the Assistant Director of Community Corrections or designee shall complete the review.-¶

(c) Final Appeal Timelines: The grievance coordinator must receive the final appeal within 14 calendar days from the date that the first grievance appeal response was sent to the ~~offender~~adult on supervision from the grievance coordinator.-¶

(A) An ~~offender~~adult on supervision may file a grievance appeal past the 14-day timeline if the ~~offender~~adult on supervision can demonstrate why the grievance appeal could not be filed within the timelines established by rule.-¶

(B) Untimely grievances that fail to ~~make that showing~~demonstrate why the grievance appeal could not be filed within the timelines established by rule shall be returned to the ~~offender~~adult on supervision with a statement of the rule.¶

(d) A grievance appeal ~~that has been returned to the offender by the grievance coordinator~~ for procedural reasons cannot be appealed. If a grievance appeal is returned to the offender because it does not comply with these rules, the offender may elect to resubmit the grievance appeal to the grievance coordinator within 14 calendar days from the date ~~the grievance appeal was sent back to the offender~~returned for procedural reasons cannot be appealed. However, it may be resubmitted within 14 calendar days if the procedural errors can be corrected.¶

(e) The Assistant Director or designee shall respond to the ~~offender~~adult on supervision's grievance appeal within 30 calendar days from the date the appeal was received by the Assistant Director.¶

(f) The Assistant Director's or designee's decision on an ~~offender~~adult on supervision's grievance appeal is final, and is not subject to further review.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

NOTE: Attachments referenced are attached to this document. You may view the attachment 291-171-0035.pdf from the Attachments panel. Alternately, you may view the attachments at the following link:

<https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=337733>

RULE SUMMARY: Amends rule to align this rule with other departmental rules on grievances related to sexual abuse or sexual harassment; and update to use the term "adult on supervision".

CHANGES TO RULE:

291-171-0040

Sexual Misconduct Grievances Grievances Related to Sexual Abuse or Sexual Harassment

(1) For purposes of this rule, sexual misconduct is defined as an employee, contractor, or volunteer of the Department of Corrections engaging in sexual intercourse or deviate sexual intercourse with another person or penetrates the vagina, anus, or penis of another person with any object other than the penis or mouth of the actor knowing that the other person is:

(a) Participating in a work crew or work release program; or Any grievance alleging sexual harassment or sexual abuse shall be promptly referred to the appropriate administrative, institutional, or law enforcement authority for review and investigation, outside the department's standard administrative grievance process.

(b) On probation, parole, post-prison supervision or other form of conditional or supervised release.

(2) Grievances alleging sexual misconduct must be submitted to the grievance coordinator on the Offender Grievance form (CD 117 CC). The grievance should have the words "sexual misconduct grievance" clearly written on the top of the grievance form.

(3) There is no time limit on when an offender may submit a grievance regarding an allegation of sexual misconduct.

(4) Third parties, including staff members, family members, attorneys, and outside advocates, shall be permitted to assist offenders in filing requests for administrative remedies relating to allegations of sexual misconduct, and shall also be permitted to file such requests on behalf of offender For adults on supervision "sexual abuse" includes any of the following acts by a Department of Corrections employee, contractor, or volunteer:

(a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.

(b) Contact between the mouth and the penis, vulva, or anus.

(c) If a third party files such a request on behalf of an offender, the department may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

(b) If the offender declines to have the request processed on his or her behalf, the department shall document the offender's decision.

(5) The grievance coordinator may not refer a grievance alleging Penetration of the anal or genital opening, however slight, by hand, finger, object, or other instrument.

(d) Any other intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks, excluding contact incidental to a physical altercation.

(e) Any sexual misconduct act to a staff member who is the subject of the grievance. The grievance coordinator will coordinate with the appropriate manager by sending the grievance and a grievance response form (CD 117b CC) to the manager respondent for reply that is unrelated to official duties or where the employee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.

(f) An offender may appeal the initial grievance response using the Grievance Appeal form (CD 117c CC). The appeal must be submitted to the grievance coordinator together with the original grievance, attachments and manager's response.

(7) The department shall issue a final decision on the merits of any portion of a grievance alleging sexual misconduct within 90 days of the initial filing of the grievance.

(a) Computation of the 90-day time period shall not include time consumed by offenders in preparing any administrative appeal, attempt, threat, or request to engage in the acts described in subsections (a) through (g).

(g) Any display of uncovered genitalia, buttocks, or breasts in the presence of an adult on supervision.

(b) These department may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The department shall notify the offender in writing of any such extensions apply when the individual is under probation, parole, post-prison supervision, and provide a date by which a decision will be made.

(c) At any level of the administrative process, including the any other form of temporary or transitional level, if the offender does not receive a response within the time allotted for reply, including any properly noticed extension, the offender may consider the absence of a response to be a denial of the allegations made by the offender at that level from custody, or any form of conditional release.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-171-0045

RULE SUMMARY: Amends rule to change the term "offender" to the term "adult in supervision"; align the rule with other departmental rules and language used in other departmental rules; and make minor grammatical edits.

CHANGES TO RULE:

291-171-0045

~~Ab~~ Misuse of Grievance Review System

(1) An ~~offender~~adult on supervision shall submit no more than two initial ~~offender~~ grievances in ~~any one per~~ week or six in ~~any per~~ calendar month. ~~This will not apply to grievances regarding allegations of sexual misconduct. A~~ week is defined as Sunday through Saturday.¶

(a) Initial grievances submitted ~~in excess of~~beyond two grievances in any one week or six in any calendar month ~~will~~ be denied and returned to the ~~offender, noting that offender has abused~~adult on supervision, with the notation indicating misuse of the grievance review system.¶

(b) Grieving multiple ~~staff/employees~~ involved in ~~one~~a single incident ~~will~~ counts as filing one grievance.¶

(2) If a life, health, or safety situation arises whereby there is valid reason to submit more than two grievances in one week or six grievances in a calendar month, the ~~offender~~adult on supervision must clearly state in writing the reason for submission of the grievance above the number allowed. If the grievance coordinator determines that these reasons are not clear, concise, or valid for submission of an additional grievance, the grievance ~~will~~ be returned to the ~~offender~~adult on supervision as denied.¶

(3) Actions taken against an ~~offender who has abused~~adult on supervision for misuse of the grievance review system under these rules are not grievable.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-171-0050

RULE SUMMARY: Amends rule to change the term "offender" to "adult on supervision"; and make minor grammatical edits.

CHANGES TO RULE:

291-171-0050

Retention and Filing of ~~Offender~~ Grievances-

(1) The grievance coordinator ~~wi~~ shall retain a file copy of grievances with pertinent documents, including appeals, in accordance with the department's approved retention schedule ~~for these records.~~ ¶

~~(2) Offender grievances wi.~~ ¶

(2) Grievances submitted by adults on supervision shall not be filplaced in the ~~offender's~~ ir working file.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075