I. POLICY

It is the policy of the Department of Corrections (DOC) to balance the offender’s right to receive, read and view publications with the right of DOC staff to work in an environment free of hostility and sexual harassment. It is the policy of the DOC to reduce the volume of certain publications in order to reduce bartering and further offender rehabilitative goals.

II. PURPOSE

The purpose of this administrative regulation is to establish criteria for allowing publications within a correctional facility or office and to provide guidelines governing offender access to publications. These guidelines will ensure consistent selection and possession of publications for offenders.

III. DEFINITIONS

A. Administrative head: The chief executive officer for a facility, center, division, office, or unit within the DOC organization.

B. Contract Worker: Any person employed under contractual arrangement to provide services to the DOC: any person employed by private or public sector agencies who are serving under DOC special assignment to provide services or support to DOC programs. The employee/employer relationship lies with the contractor.

C. Depicts: Represent in a picture, photograph, drawing, cartoon, etc.

D. Describes: Represent in words.

E. DOC Employee: Someone who occupies a classified, full or part-time position in the State Personnel System in which the Department has affect over pay, tenure, and status.

F. DOCNET: Internal Department of Corrections website.

G. Facility Publication Review Committee: As established by the administrative head of each facility, this committee should consist of at least one representative from each of the following areas: Programs, Custody/Control, Intelligence Office, Behavioral Health, and may include other persons deemed appropriate. The administrative head will designate a committee chair.
H. Publication: Any information or material in the form of a book, booklet, pamphlet, magazine, periodical, newsletter, photograph or other pictorial depiction of similar document, including stationery and greeting cards, writing, drawing, or cartoon created by any individual, organization, company or corporation which is distributed or made available through any means or media.

I. Reading Material Management System (RMMS): The central database for tracking publications that have gone through the publication review process.

J. Security Threat Group (STG): A group of three or more individuals acting in concert or individually in an activity that is characterized by criminal conduct or conduct that violates the department’s code of penal discipline for the purpose of disrupting prison operations, recruiting new members, damaging property or inflicting or threatening to inflict harm to employees, contract workers, volunteers or other state inmates.

K. Sexually Explicit: A publication may be considered sexually explicit if it contains any of the following:

1. Nudity, defined as the depiction or display of any state of undress exposing the human genitals, pubic region, the area from the anus to the genitalia, or female breast at any point below the top of the areola which is less than completely andopaquely covered; or

2. Contains any display, actual or simulated, or description of any of the following:
   a. Sexual intercourse or sodomy, including genital-genital, oral genital, anal-genital, and anal-oral contact, whether between persons of the same or differing gender or by animate or inanimate objects;
   b. Masturbation;
   c. Bestiality;
   d. Necrophilia;
   e. Sadistic or masochistic practices; or
   f. Discharge of bodily fluids.

L. Youthful Offender System (YOS): A department of corrections program and facility created specifically for certain youthful offenders who have been adjudicated as adults, have been convicted of Class 2 through 6 felony offenses, and who meet the age and offense criteria to be sentenced to YOS (CRS 18-1.3-407 and CRS 18-1.3-407.5).

IV. PROCEDURES

A. General Principles

1. No sexually explicit items or prohibited publications previously allowed under the provisions of this AR will be retained by offenders. There will be no “grandfathered” items.

2. All DOC and privately operated correctional facilities will coordinate publication reviews to ensure consistency of decisions regarding the censorship of publications.

3. Specific programs within the department may set more stringent censorship restrictions for rehabilitation purposes (e.g., Sex Offender Treatment Program, Mental Health, and YOS). Violations of these modified restrictions should be addressed through the program process.
4. Publications (including incoming/outgoing mail and other materials) that are in violation of this policy and are found in an offender’s cell, possession, or property will be deemed contraband and subject to disposition as defined in AR 300-06, Searches and Contraband Control. If the material is considered to be “criminal evidence” it will be handled pursuant to AR 1150-07, Crime Scene Management and Criminal Evidence Handling.

5. Administrative heads will ensure that facility contraband lists are consistent with the above mandates.

6. Facilities, other than YOS, will not adopt any Implementation Adjustments (IAs) or Operational Memoranda (OMs) that contains different criteria and/or procedures for censorship than those articulated in this Administrative Regulation (AR).

7. Department publication censorship decisions may not be grieved but may be appealed pursuant to the guidelines herein.

B. Initial Review and Appeal Procedures

1. Mailroom Review:
   
a. *Incoming and outgoing publications processed via the mailroom may be opened and inspected for contraband, pursuant to AR 300-38, “Offender Mail.” [4-4491]*

   b. The mailroom makes the initial censorship decision on incoming publications, personal letters and photos. If the mailroom determines that any item should be censored, the mailroom shall submit their decision to review by the facility publication review committee.

   c. When a publication is received in a facility mailroom that appears to be in violation of this policy:

      1) Absent any security concerns, offenders should be notified, using AR Form 300-38D, within 48 hours from the date the item is received in the facility mailroom whenever their personal letter, photo or publication is being held for appeal to the facility publication committee.

      2) When a publication is received which has already been censored by a facility reading committee or the Director of Prisons/designee (as indicated by the distributed AR Form 300-26B or 300-26E):

         a) All DOC and private facility mailrooms will provide AR Form 300-38D and AR Form 300-26B or 300-26 E to any offenders who were to receive the censored publication.

         b) The publication should then be considered contraband and disposed of pursuant to AR 300-06, “Searches and Contraband Control.”

         c) The publication does not need to go back through the facility publication committee process.

      3) The facility will send a notice to all DOC and private prison mailrooms, facility libraries and to the publisher. Publisher notice will be made using form 300-26F.

         a) Only one notice needs to be sent to the publisher. The censoring facility shall be responsible to mail the publisher notice.
b) If the notification to the publisher is returned to the facility as undeliverable, it will be documented in the offender publication database by the receiving facility, and a copy will be maintained as a part of the administrative head’s record.

4) The notice will describe the publication with enough information to fully identify the publication in question. The notice must specify the nature of the objectionable material.

5) The notice will state that the publication has been censored by the facility mailroom and the censorship decision is being appealed to the facility publication review committee.

6) Upon receipt of the notice, all DOC and private prison mailrooms will hold the publication until a final decision on censorship is made at the originating facility or by the Director of Prisons.

d. Personal letters:

1) Personal letters describing sexually explicit conduct will not normally be censored.

2) Personal letters which describe illegal sexual conduct (e.g., rape, child molestation) or contain photos or drawings which violate the definition of sexually explicit will be appealed to the facility publication review committee.

3) Personal letters which may present a threat to facility safety and security (e.g., STG, weapons, violence) will be sent to the facility intelligence staff and a copy of the letter will be sent to the facility publication review committee for censorship determination.

e. Offender and/or Publisher Appeal Statements

1) Offenders and Publishers may provide input to the facility publication committee’s review of the mailroom’s censorship decision.

2) Offender Appeal Statements

a) May be made using AR Form 300-26A, available from the offender’s case manager.

b) Offenders may submit the properly completed AR Form 300-26A to their case manager within fourteen calendar days of the date of service of AR Form 300-38D.

c) Offenders will not be allowed to view nor receive copies of the publication, personal letter or photo in order to prepare their statement.

d) The case manager will forward the Form 300-26A to the facility publication review committee upon receipt.

3) Publisher appeal Statements

a) Statements may be made using AR Form 300-26F.

b) Publishers may submit appeal statements directly to the facility publication review committee within twenty-eight calendar days of the date of the notice on AR Form 300-26F.
2. Facility Publication Committee Review:

   a. Excluding weekends, holidays and/or emergency situations, the facility publication review committee will meet as needed, but not less than every two weeks (14 calendar days), to review publications referred to the committee.

   b. The committee should evaluate and render decisions on all publications provided to it since the prior meeting and for which the timeline for offender and publisher appeals and sender statements (pursuant to AR 300-38, Offender Mail) has expired. When evaluating the censorship decision, the committee must review the publication and any statements submitted by a publisher, offender or sender.

   1) When assessing publications, the facility publication review committee will determine whether the publication is detrimental to security, good order, and public safety.

      a) A publication may not be rejected solely because its content is religious. [2-CO-5E-01]

      b) A publication may not be rejected solely because of its philosophical, political or social views, or because its content is unpopular, repugnant, or critical of the Department or other government authority.

   2) The following publications are among those that may be censored:

      a) Publications that depict or describe the design or manufacture of firearms, explosives, or other weapons or destructive devices, or controlled substances or intoxicants, or which provide detailed instructions regarding the illegal use of such items.

      b) Publications that by depiction or description, advocate violence, hatred, abuse or vengeance against any individual or group based upon his/her race, religion, nationality, sex, sexual orientation, disability, age or ethnicity, or that appear more likely than not to provoke or to precipitate a violent confrontation between the recipient and any other person.

      c) Publications that by depiction or description support the illegal activities of a security threat group, contrary to the security interests of the facility. Sign language or style of dress alone, in the absence of other material that supports, incites, promotes, encourages, or advocates any type of illegal security threat group activity will not be the cause of rejection.

      d) Sexually explicit material.

      e) Publications which pose a potential threat to the safety and security of the offender population or DOC employees, contract workers, or volunteers by advocating facility disruption or noncompliance with prison rules or regulations.

   3) A publication may be allowed which would otherwise fall within the definition of sexually explicit if, the publication has literary, educational, scientific, artistic or historic value.

   4) The facility publication review committee, at their discretion, may censor and remove offending pictures or articles, up to a total of five (5) pages per publication, and allow the rest of the publication.

      a) The facility publication review committee’s decision must specify the nature of the objectionable content.
b) After appropriate labeling, the publication, personal letter or photo, will be delivered to the offender(s) and to the facility library (if applicable).

c. At the conclusion of the facility publication review, the chairperson will forward the committee’s recommendations on AR Form 300-26B or AR Form 300-26C, as applicable, and the original publication, personal letter or photo to the administrative head within seven working days. The recommendation should indicate which of the criteria are violated, if any, and specifically how the publication, personal letter or photo violates the criteria.

3. Administrative head Review:
   a. Within fourteen (14) days of receipt of the facility publication committee’s review of the publication, personal letter or photo, the administrative head, or designee, will review the censorship decisions, the publication and any statements received from a publisher or offender and determine whether to permit or censor the publication, personal letter or photo. The administrative head/designee will indicate the decision and reasons for the decision in the space provided on AR Form 300-26B or AR Form 300-26C as applicable.

   b. The decision of the administrative head/designee completes the facility review process and is the final authority on censorship decisions related to personal letters and photos.

   c. When the facility publication review is completed, the originating facility will communicate the decision on the publication to all facility mailrooms using AR Form 300-26B.

   d. If the publication is censored:

      1) All facilities will use the AR Form 300-26B as prepared by the originating facility and will deliver this form to offenders affected by the censorship decision.

      2) If an appeal to the Director of Prisons will be allowed, AR Form 300-26D will also be served on the offender. Appeals should be allowed whenever the censored or partially censored material involves political or religious speech and/or any time that the facility mailrooms cannot reach a uniform opinion on the censorship decision (e.g., the facilities cannot agree regarding a sexually explicit publication).

   e. Each administrative head will ensure that signed and completed copies of AR Form 300-26B are kept together with the original publication until the review/appeal process has been exhausted. Electronic copies are acceptable. Copies of the publication will not be provided to the offender.

4. Director of Prisons Publication Review:
   a. Offender and Facility Appeals:

      1) If an appeal is allowed on a publication censorship decision made by the facility publication review committee, offenders and facilities may appeal such decision to the Director of Prisons using AR Form 300-26D.

      2) Offenders will not be allowed to view nor receive copies of the publication in order to prepare an appeal.

      3) Each administrative head or designee will log the appeals that have been submitted to the DOP in the Reading Material Management System (RMMS).
b. The Director of Prisons or designee(s) (“DOP”) will review the publications and any statements received from a publisher or an offender and make decisions with respect to all publication censorship appeals received from the facility publication review committee(s) and/or offenders.

c. The DOP may seek input from subject matter experts (e.g., Office of the Inspector General, Mental Health).

d. The DOP may allow a publication which would otherwise fall within the definition of sexually explicit if, in the opinion of the DOP, the publication has literary, educational, scientific, artistic or historic value.

e. The DOP may choose to remove one or more offending pictures or articles, up to a total of five (5) pages per publication, and allow the rest of the publication into the facility. Such publication, after appropriate labeling, will be delivered to the offender(s) and to the facility library (if applicable).

f. Where appropriate, the DOP may give recommendation to YOS regarding its censorship options.

g. After a decision has been reached by the DOP:

1) DOP will notify any offenders who appeal the censorship of the publication by completing AR Form 300-26D and sending the completed form, along with the publication in question to the administrative head of the facility.

2) The DOP will complete AR Form 300-26E to provide a department wide censorship decision on any appealed publication.

h. The Director of Prisons or designee (“DOP”) will make the final publication censorship decision. YOS may censor publications which have been approved for all other facilities.

C. Disposition of Publication:

1. Once all appeals and time limits for appeal have been exhausted for offenders and publishers, fully censored publications, personal letters or photo(s) will be considered contraband for the purposes of disposition.

2. The facility will notify offenders (and the librarian where the same publication is received for the library) that they have ten calendar days in which to designate disposition of the publication, in accordance with AR 300-06, Searches and Contraband Control.

3. If the publication, personal letter or photo(s) is not censored, or is censored only in part, the facility will affix a label (AR Form 300-26G) to the item and deliver it to the offender.

   a. If an offender removes the label, the item will be considered contraband and it will be confiscated and disposed of pursuant to AR 300-06, Searches and Contraband Control and

   b. The offender may be charged with a COPD infraction (possession of unauthorized material).

D. Record Keeping

1. As to appealed publications, the administrative head will retain copies (electronic or otherwise) of the cover page of the publication (if applicable), AR Form 300-26B and AR Form 300-26D for the current fiscal year and the previous four years.
2. All facilities will utilize RMMS available on DOCNET to log all required information. Facilities will have all monthly information entered in the database by the fifth working day of the following month.

3. Offenders are required to keep copies of completed and signed AR Form 300-26D for permitted publications for as long as they maintain the publication.

V. RESPONSIBILITY

A. The administrative head will establish a facility publications committee to review and make decisions regarding the evaluation of publications, and will maintain all records as required by this AR.

VI. AUTHORITY

A. CRS 17-40-102. Program established.

B. CRS 18-7-101(2). Definitions.

C. Carpenter v. South Dakota 536 F2d 759 (8th Cir 1976) [upholding prison review board’s decision to ban sexually explicit material as detrimental to rehabilitation].

D. McCorkle v. Johnson 881 F2d 993 (11th Cir 1989) [Satanic Bible and Satanic ritual book barred as threat to facility security and contrary to rehabilitative goals].


G. Turner v. Safely 482 US 78 (1987) [regulation is valid if reasonably related to valid penological objective].


J. Title VII, Civil Rights Act, 1964, 42 U.S.C.S. § 2000e et seq.,

K. Jones v. Salt Lake County, 503 F.2d 1147.

VII. HISTORY

June 15, 2012
February 1, 2012
October 15, 2010
September 15, 2009
August 15, 2008
August 15, 2007
May 1, 2007
February 1, 2007
ATTACHMENTS:

A. AR Form 300-26A, Offender Appeal Statement
B. AR Form 300-26B, Facility Publication Committee Publication Censorship Decision
C. AR Form 300-26C, Facility Publication Committee Personal Letter/Photo Censorship Decision
D. AR Form 300-26D, Director of Prisons Publication Censorship Appeal Statement and Decision
E. AR Form 300-26E, Director of Prisons, Final Departmental Publication Censorship Decision
F. AR Form 300-26F, Notice to Publisher
G. AR Form 300-26G, Label
H. AR Form 100-01A, Administrative Regulation Implementation/Adjustments
# OFFENDER APPEAL STATEMENT

<table>
<thead>
<tr>
<th>Offender Name:</th>
<th>DOC#:</th>
<th>Facility:</th>
<th>Statement Date:</th>
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**Material being appealed:**

[ ] Publication

Include the title and date of the publication, issue number and a brief description of why the publication has been censored.

[ ] Personal Letter

Include sender’s name, number of pages and a brief description of why the letter has been censored.

[ ] Photos

Include sender’s name, total number of photos and a brief description of why the photo(s) have been censored.

**If you wish to provide input into this appeal, you must complete this portion and return it to your case manager within 14 days of the notice date.**

What is the basis of your appeal statement (Be specific and brief):

---

Offender Signature/Date: Receiving DOC Employee Signature/Date:
PUBLICATION

Title or Description of Publication: __________________________________________________________
Include name, issue number, page(s) of offending publication and RMMS number

Pursuant to AR 300-26, this publication contains one of the following:

[ ] Material that describes or depicts the design or manufacture of firearms, explosives, or other weapons or destructive devices, or controlled substances or intoxicants, or which provide detailed instructions regarding the illegal use of such items.

[ ] Material that by depiction or description advocate violence, hatred or vengeance against any individual or group based upon their race, religion, nationality, sex, or ethnicity or that appears more likely than not to provoke or to precipitate a violent confrontation between the recipient and any other person.

[ ] Material that by depiction or description support the illegal activities of a security threat group contrary to the security interests of the facility or the individual rehabilitative goals of the recipient. Sign language or style of dress alone, in the absence of other material that supports, incites, promotes, encourages, or advocates any type of illegal gang activity, will not be the cause of rejection.

[ ] Sexually explicit material
   [ ] Sexually explicit material allowed due to literary, educational, scientific, artistic or historic value.

[ ] Material which poses a potential threat to the safety and security of the offender population or DOC employees, contract workers, and volunteers by advocating facility disruption or noncompliance with prison rules or regulations.

Printed Name/Signature of all committee members in attendance:
___________________________________________________________________________________________________________
___________________________________________________________________________________________________________
___________________________________________________________________________________________________________
___________________________________________________________________________________________________________
___________________________________________________________________________________________________________

DISPOSITION FOLLOWING EVALUATION OF PUBLICATION(S):
[ ] Allowed
[ ] Censored
   [ ] You may appeal this decision within 14 days of the date of service of this form.
   [ ] This response serves to exhaust all administrative remedies.
[ ] Censored in part; pages censored: ______________________
   [ ] You may appeal this decision within 14 days of the date of service of this form.
   [ ] This response serves to exhaust all administrative remedies.

Administrative Head: Printed Name/Signature Date
Attachment “B”
Page 1 of 1
COLORADO DEPARTMENT OF CORRECTIONS
FACILITY PUBLICATION COMMITTEE
PERSONAL LETTER/PHOTO CENSORSHIP DECISION

Offender Name:

DOC#:

Material reviewed:

[  ] Personal Letter

Include sender’s name and number of pages

[  ] Personal Photos

Include sender’s name and total number of photos

Provide a detailed explanation as to what material was originally censored, why the material, or any portion thereof is being reviewed and the basis for the facility publication committee decision.

______________________________________________________________________________________________

Review Committee Chair: Printed Name & Signature Date

DISPOSITION FOLLOWING EVALUATION OF MATERIALS):

[  ] Allowed

[  ] Censored. This response serves to exhaust all administrative remedies.

[  ] Censored in part; pages and/or photos censored:_____________________.This response serves to exhaust all administrative remedies.

[  ] Material has been confiscated as contraband pursuant to ARs 300-06 and 300-38. This response serves to exhaust all administrative remedies.

______________________________________________________________________________________________

Administrative Head: Printed Name/Signature Date

Date Served to Offender Served by: DOC Employee(s) Printed Name/Initials

Offender Signature/Printed Name

Facility publication review committee decisions may not be grieved.
### DIRECTOR OF PRISONS PUBLICATION CENSORSHIP

**APEAL STATEMENT AND DECISION**

<table>
<thead>
<tr>
<th>Offender Name:</th>
<th>DOC#:</th>
<th>Facility:</th>
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**OR**

Facility Appealing Censorship Decision:

<table>
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<tr>
<th>Publication Title, Issue Date and RMMS number:</th>
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What is the basis of your appeal (Be specific and brief):

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**Administrative head or designee Review:**

Initials/Signature ________________________________

Printed Name ___________________________ Date ____________

(Attach original censored publication)

**Director of Prisons'/Designee Response:**

The Director of Prisons/Designee has reviewed this appeal and determined that the publication will be:

- [   ] Allowed
- [   ] Censored
- [   ] Censored in part; pages censored: ______________

**This response serves to exhaust all administrative remedies.**

Signature: __________________________________________________

Printed Name of Director of Prisons or designee:

______________________________________________________________________________________________

Date Served to Offender __________________________

Served by: DOC Employee(s) Printed Name/Initials

- __________________________________________________________________________________________

Offender Signature/Printed Name

Attachment “D”

Page 1 of 1
COLORADO DEPARTMENT OF CORRECTIONS
DIRECTOR OF PRISONS FINAL DEPARTMENTAL CENSORSHIP DECISION

The publication ____________________________________________ was reviewed by the Director of Prisons Review Committee on ______________________________.

Pursuant to AR 300-26, this publication contains one of the following:

[ ] Material that describes or depicts the design or manufacture of firearms, explosives, or other weapons or destructive devices, or controlled substances or intoxicants, or which provide detailed instructions regarding the illegal use of such items.

[ ] Material that by depiction or description advocate violence, hatred or vengeance against any individual or group based upon their race, religion, nationality, sex, or ethnicity or that appears more likely than not to provoke or to precipitate a violent confrontation between the recipient and any other person.

[ ] Material that by depiction or description support the illegal activities of a security threat group contrary to the security interests of the facility or the individual rehabilitative goals of the recipient. **Sign language or style of dress alone, in the absence of other material that supports, incites, promotes, encourages, or advocates any type of illegal gang activity, will not be the cause of rejection.**

[ ] Sexually explicit material
  [ ] Sexually explicit material allowed due to literary, educational, scientific, artistic or historic value.

[ ] Material which poses a potential threat to the safety and security of the offender population or DOC employees, contract workers, and volunteers by advocating facility disruption or noncompliance with prison rules or regulations.

[ ] NO CENSORABLE CONTENT

DISPOSITION FOLLOWING EVALUATION OF PUBLICATION:

[ ] CENSORED
[ ] CENSORED IN PART; PAGES CENSORED ______________________________
[ ] ALLOWED

Director of Prisons/Designee Signature                Date of Decision

Cc: Facility Wardens
    Facility Publication Committee Chairs
    Facility Mailrooms
[USE FACILITY SPECIFIC OR CDOC LETTERHEAD AS APPLICABLE]

NOTICE TO PUBLISHER

TO:
Name
Address
City / State / Zip Code

FROM:
Facility
Address
City / State / Zip Code

DATE:

PLEASE BE ADVISED THAT YOUR PUBLICATION:

(Name & Issue/Date of Publication)

SENT TO ONE OR MORE COLORADO DEPARTMENT OF CORRECTIONS OFFENDER(S) IS BEING REVIEWED BY THE FACILITY PUBLICATION REVIEW COMMITTEE AND THE ADMINISTRATIVE HEAD OF THE FACILITY. (Identify the page number(s) and content on those pages which is objectionable and a brief description of why the publication has been censored)

USING THE SPACE PROVIDED BELOW (you may attach 1 additional page), YOU HAVE 15 DAYS FROM THE DATE LISTED ABOVE TO PROVIDE A RESPONSE AND INPUT REGARDING THIS REVIEW THE REVIEWING FACILITY AT THE ADDRESS LISTED ABOVE.

______________________________________________________________________________________________

______________________________________________________________________________________________

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Attachment “F”
Page 1 of 1
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<tr>
<th>Name &amp; Date of Publication or detailed description of publication and RMMS# if applicable</th>
<th>Name &amp; Date of Publication or detailed description of publication and RMMS# if applicable.</th>
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<td>Facility</td>
<td>Offender Name &amp; DOC Number</td>
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<td>List any pages removed</td>
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<tr>
<td>Facility Publication Review</td>
<td>Date Label Affixed Committee</td>
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<td>CHAPTER</td>
<td>SUBJECT</td>
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<tr>
<td>Facility Security</td>
<td>Publications</td>
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</table>

(FACILITY/WORK UNIT NAME) ________________________________

WILL ACCEPT AND IMPLEMENT THE PROVISIONS OF THE ABOVE ADMINISTRATIVE REGULATION:

[ ] AS WRITTEN    [ ] NOT APPLICABLE    [ ] WITH THE FOLLOWING PROCEDURES TO ACCOMPLISH THE INTENT OF THE AR

(SIGNED)_________________________________________________ (DATE) ______________________________

Administrative head

Attachment “H”

Page 1 of 1