

Section 701.3. General policies, 7 NY ADC 701.3

Compilation of Codes, Rules and Regulations of the State of New York Currentness
Title 7. Department of Corrections and Community Supervision
Chapter VIII. Institutional Programs
Part 701. Inmate Grievance Program (Refs & Annos)

7 NYCRR 701.3

Section 701.3. General policies

(a) *Inmate's responsibility.* An inmate is encouraged to resolve his/her complaints through the guidance and counseling unit, the program area directly affected, or other existing channels (informal or formal) prior to submitting a grievance. Although a facility may not impose preconditions for submission of a grievance, the failure of an inmate to attempt to resolve a problem on his/her own may result in the dismissal and closing of a grievance at an IGRC hearing.

(b) *Grievances must be personal.* An inmate must be personally affected by the policy or issue he/she is grieving, or must show that he/she will be personally affected by that policy or issue unless some relief is granted or changes made. All grievances must be filed in an individual capacity.

(c) *Visitor complaints.* Visitor complaints shall be processed via the office of diversity management in accordance with the departmental procedure on discriminatory treatment complaints of visitors.

(d) *Class actions not accepted.* Individuals personally affected by a matter which affects a class of inmates may only file a grievance on their own behalf. Grievances which are raised in terms of class actions should be referred to the inmate liaison committee.

(e) *Non-grievable issues.*

(1) An individual decision or disposition of any current or subsequent program or procedure having a written appeal mechanism which extends review to outside the facility shall be considered non-grievable.

(2) An individual decision or disposition of the temporary release committee, time allowance committee, family reunion program or media review committee is not grievable. Likewise, an individual decision or disposition resulting from a disciplinary proceeding, inmate property claim (of any amount), central monitoring case review or records review (freedom of information request, expunction) is not grievable. In addition, an individual decision or disposition of the Commissioner, or his designee, on a foreign national prisoner application for international transfer is not grievable.

(3) The policies, rules, and procedures of any program or procedure, including those above, are grievable.

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Note: If an inmate is unsure whether an issue is grievable, he/she should file a grievance and the question will be decided through the grievance process in accordance with section 701.5 of this Part.

(f) *Outside agencies excluded.* Any policy, regulation or rule of an outside agency (*e.g.*, the division of parole, immigration and customs enforcement, the office of mental health, etc.) or action taken by an entity not under the supervision of the commissioner is not within the jurisdiction of the IGP.

(g) *Reasonable accommodations.* The IGP supervisor will ensure that disabled inmates are provided the necessary assistance to facilitate their access to and use of the IGP. Reasonable accommodations shall include, but not be limited to, meetings with inmates at accessible sites and the provision of qualified sign language interpreters for deaf and hard-of-hearing inmates who use sign language to communicate. Copies of all grievance decisions concerning reasonable accommodations for disabled inmates shall be sent to the ADA coordinator in central office.

(h) *Translators.* Translators will be used to facilitate access to the IGP for those inmates who do not speak English.

Credits

Sec. filed: May 8, 1986 as emergency measure, expired 60 days after filing; Aug. 22, 1986; amds. filed: Feb. 26, 1988; Aug. 10, 1990 as emergency measure; Oct. 16, 1990; Oct. 27, 1992; repealed, new filed April 18, 1994; amd. filed July 2, 1998; repealed, new filed June 13, 2006 eff. July 1, 2006; amd. filed Jan. 10, 2012 eff. Jan. 25, 2012.

Current with amendments included in the New York State Registers, Volume XXXVI, Issue 5, dated February 5, 2014

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