

CONTRACTOR REGULATIONS OF CONDUCT FOR SERVICES PURSUANT TO A COMPREHENSIVE PLANS
AND SERVICES GRANT ADMINISTERED UNDER 1988 PA 511
(10-01-20)

The following rules and regulations apply to all individuals who: (a) work with MDOC supervision within the Field Operations Administration (“FOA”) and Offender Success Administration (OSA) under a Comprehensive Plans and Services grant (collectively, “Contractors”) to (b) provide services to Offenders in an unsecured environment.

Contractor is not an employee of MDOC. The Contractor that employs the Subcontractor has entered a services contract with MDOC, which requires the Contractor to work in a community corrections environment with Offenders.

Due to the sensitive nature of the involved work, Contractor and MDOC have agreed that all Contractor and Subcontractors shall abide by the following rules and regulations to ensure the safety of the Contractor, Subcontractors, Offenders, and MDOC employees.

DEFINITIONS

Contraband: Includes but is not limited to alcohol, guns, knives, drones, Tasers®, mace, illegal substances (including marijuana possessed pursuant to the Michigan Medical Marihuana Act, MCL 333.26421, *et seq*), pepper spray, sexually suggestive images and pornography.

Discriminatory Harassment: Unwelcome advances, requests for favors, and other verbal or non-verbal communication or conduct, for example comments, innuendo, threats, jokes, pictures, gestures, etc., based on race, color, national origin, disability, sex, sexual orientation, age, height, weight, marital status, religion, genetic information, or partisan considerations.

Contractor: A person providing services in a community corrections environment who work under a Comprehensive Plans and Services Grant. Contractors and Subcontractors are not MDOC employees but must follow the rules outlined in this document when providing services under this agreement.

Offender: Eligible participant under Comprehensive Plans and Services.

Overfamiliarity: Establishing a friendship, mutual attraction, or intimate relationship with an offender. Examples include, but are not limited to:

- Conduct that has resulted in or is likely to result in intimacy.
- Conduct in which a close personal or non-work-related association is likely to develop;
- Being at the residence of an Offender in a non-business-related capacity;
- Being at the residence of an Offender’s family in a non-business-related capacity;
- Giving or receiving non-work-related letters, messages, money, personal mementos, pictures, telephone numbers, to, or receiving from, an Offender or Offender’s family member;
- Exchanging hugs with an Offender; and
- Dating or having sexual relations with an Offender.

Harassment of Offenders: Harassment (including but not limited to unwelcome sexual advances) may include requests for sexual favors, and other verbal or physical conduct of a sexual nature. Comments or conduct of a sexual nature or based on a protected characteristic may create a harassing, hostile, or offensive environment and are thus prohibited.

Harassment also includes, but is not limited to: (a) verbal statements or comments of a sexual nature to an Offender, including demeaning references to gender or derogatory comments about body or clothing, or (b) profane or obscene language or gestures of a sexual, or otherwise offensive nature.

Sexual Conduct with Offenders: Intentionally touching, either directly or through clothing, of an Offender's genitals, anus, groin, breast, inner thigh, or buttock with the intent to abuse, arouse or gratify the sexual desire of any person. Sexual conduct with Offenders is also defined as:

- Permitting an Offender to touch you either directly or through clothing with the intent to abuse, arouse or gratify the sexual desire of any person.
- Invading the privacy of others for sexual gratification, indecent exposure, or voyeurism.
- Attempting, threatening, or requesting sexual acts or helping, advising, or encouraging another person to engage in a sexual act with an Offender.

RULES & REQUIREMENTS

When a Contractor provides services to Offenders, the following standards apply to the Contractor:

- 1. Contraband.**
No contraband is allowed when providing services to Offenders.
- 2. Harassment.**
All forms of harassment, including sexual harassment, are prohibited.
- 3. Overfamiliarity.**
Overfamiliarity with Offenders is prohibited.
- 4. Sexual Conduct.**
All sexual conduct with Offenders is prohibited.
- 5. Discrimination.**
Contractors shall not discriminate against an Offender receiving those services on the basis of race, religion, sex, sexual orientation, race, color, national origin, age, weight, height, disability, marital status, genetic information or partisan considerations.
- 6. Political and Religious Activities.**
Contractors shall not campaign, solicit, or promote a political group or religion to Offenders or probationers.
- 7. Conflict of Interest.**
Contractors providing services to an Offender or probationer are not allowed to provide services to that Offender's family members or friends. If a Contractor learns they may be providing services in violation of this provision, the Contractor must immediately notify the Contract Monitor. A Contractor may request to continue providing services to the Offender and

family member or friend by submitting a written request to the FOA supervisor, which should include: (1) the name of the Offender, (2) Offender number, and (3) an outline of the conflict that includes information relating to the nature of the relationship. The Director or designee will consider the request.

8. Public Information.

Contractors and subcontractors are not authorized to make public statements on behalf of the MDOC.

9. Role Model/Conduct Unbecoming.

Contractors and subcontractors serve as role models to Offenders. Contractors should always comport themselves in a professional manner. Contractors and subcontractors shall not behave in any manner that may harm or adversely affect the contractor's or MDOC's reputation or mission of the MDOC.

10. Jail Time or Other Restricted Supervision.

No Contractor providing services to an Offender shall be under any type of judicial confinement or sentence.

11. Humane Treatment of Individuals.

Contractors providing services are expected to treat all individuals in a humane manner. Examples of actions in violation of this principal include, but are not limited to, displaying a weapon; using any speech, action, gesture or movement that causes physical or mental intimidation or humiliation; and using abusive or profane language that degrades or belittles another person or group.

12. Use of Personal Position for Personal Gain.

Contractors may not engage in actions that could be construed as using their position for personal gain. (Examples of such actions include, but are not limited to, exchanging with, giving to, or accepting gifts or services from an Offender or Offender's family, such as, food and beverage items, baby-sitting, housecleaning, shoe shines, clothing, paper products, stamps, delivering letters/correspondence even if the goods or services appear nominal or are conducted at arm's length.)

13. Overfamiliarity

Conduct that has resulted in, or is likely to result in, a personal non-work-related association or intimacy. Establishing a friendship, mutual attraction, or intimate relationship with an offender, is strictly prohibited. Examples include, but are not limited to:

- Conduct which has resulted in or is likely to result in intimacy, a close personal or non-work-related association
- Being at the residence of an offender outside of routine work duties
- Being at the residence of an offender's family outside of routine work duties
- Giving or receiving non-work-related letters, messages, money, personal mementos, pictures, telephone numbers, to or from an offender or a family member of a listed visitor of an offender
- Exchanging hugs with an offender
- Dating or having sexual relations with an offender

14. Confidential Records/Information.

Any information about Offenders or MDOC staff obtained by a Contractor through the course of their employment is confidential and shall not be released.

15. Insubordination.

Any willful acts that may compromise MDOC's ability to carry out its responsibilities may violate the contract between the Contractor and MDOC. Contractor should avoid any such action.

16. Emergency.

Contractors providing services must comply with reasonable standards in emergency situations, such as immediately calling for assistance, completing necessary documentation, submitting to interviews as appropriate.

17. MDOC Rules, Regulations, Policies, Procedures.

Contractors providing services will not interfere with, or undermine, MDOC's efforts to enforce rules, regulations, policies and procedures.

18. Criminal Acts. Contractors shall not engage in conduct that may result in a felony or misdemeanor conviction. If a contractor incurs a felony or misdemeanor arrest or conviction, the Contractor must provide a verbal report to their immediate supervisor within 24 hours of a felony or misdemeanor citation or arrest, the issuance of any warrant, any arraignment, pre-trial conference, plea of any kind, trial, conviction, sentencing, diversion, or dismissal of criminal charges. The supervisor shall immediately report the matter to the Contract Monitor.

19. Use of Alcohol or Controlled Substance. Contractors will not consume alcohol, any illegal controlled substance (including marijuana), or any prescribed controlled substance in an unlawful manner while on duty or on breaks.

20. Use of Force.

Contractors shall not use force in the normal performance of their duties. Contractors providing services may act to reasonably defend themselves against violence.

21. Security Precautions.

Any action or inaction by Contractors providing services that jeopardizes the safety or security of Offenders, other Contractors, or MDOC employees is prohibited. (Examples of such action or inaction include, but are not limited to: propping open security doors or doors that should remain locked and closed; allowing an unknown or unidentified individual into a secure area; or the unauthorized distribution of any MDOC policy or procedure or directive.)

22. Reporting Violations.

Contractors will report any attempt by Offenders to: (a) introduce, transport, or deliver contraband; or (b) engage in conduct that violates the safety and security of other Offenders, Contractors, or MDOC employees. If a Contractor suspects an instance of the above, the Contractor shall report each time they are approached to: (a) the Contractor's immediate supervisor and (b) the MDOC supervising agent and/or supervisor.

Employees must report to their immediate supervisor and the FOA agent or supervisor any conduct including attempts, by other Contractors, MDOC staff, or Offenders, involving drugs, escape, sexual misconduct, sexual harassment, workplace safety, use of force, and conduct that violates the safety and security of the office or MDOC. In addition to verbal reporting, the reporting Contractor shall provide a written account of the event no later than the end of the Contractor's workday.

23. Falsifying, Altering, Destroying, Removing Documents or Filing False Report.

Contractors shall not falsify, alter, or destroy, or remove documents that are the property of the MDOC, whether solely or jointly with the Grantee.

The above rules of conduct and requirements do not create any contract of employment between the Contractor and MDOC. The Contractor is the sole employee of the Vendor. By signing this Acknowledgement, the Contractor acknowledges that the Contractor is not an employee of MDOC.

Contractor also understands that the failure to abide by the rules and regulations outlined above may result in a violation of the contractual relationship between the Contractor and MDOC.

ACKNOWLEDGMENT

I acknowledge that I have received a copy of, have read, understand, and agree to abide by the above expectations. If I have any questions, I will ask my supervisor.

Print Contractor's Name

Contractor's Signature

Date