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12/11/24
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Valcour Sanctions Policy

Approved By:
Valcour Governance
Board

Statement: It is the policy of the Valcour Governance Board to ensure appropriate use of the system and address complaints at the lowest level possible.

1. Introduction

This procedure outlines the steps to be taken when an employee or agency head is reported to have committed misconduct within the Valcour Records Management System (herein after referred to as Valcour). The process ensures that all reports of misconduct are addressed promptly, fairly, and at the lowest possible level to prevent recurrence and maintain the integrity of Valcour. Special provisions are included for cases where the agency head is the individual alleged to have committed misconduct.

The underlying philosophy for acceptable use should be “an authorized user, for an authorized purpose.”

2. Reporting the Misconduct

- **1: Initial Report**

Any individual who becomes aware of perceived misconduct related to Valcour should report it to a member of the Valcour Governance Board as soon as reasonably practical. This report should include details of the alleged misconduct, including the names of those involved, the nature of the misconduct, and any evidence supporting the claim.

- **2: Valcour Governance Board**

A Valcour Governance Board member who receives a report of misconduct shall contact the Valcour Governance Board Chair or in their absence, the Vice Chair with the details of the initial report.

- **3: Documentation**

The Valcour Governance Board Chair, or in their absence the Vice-Chair, on behalf of the Valcour Governance Board will document the report, ensuring that all relevant details are recorded. This documentation should be kept confidential and stored securely.

- **4: Notification of State CSO/ISO/VJC/FBI**

Due to the shared obligations, the Valcour Governance Board reserves the right to communicate confidential knowledge with the Vermont Crime Information Center’s Chief Security Officer (CSO), Information Security Officer, or FBI’s CJIS Division/agents. Further, misuse of a criminal records’ database is a violation of Category B misconduct and may be referred to the Vermont Criminal Justice Council.

3. Notification Process

- **1: Notification to the Offending Employee's Agency Head**

If the alleged misconduct involves an employee other than the agency head, the Valcour Governance Board will notify the agency head of the offending employee. This notification should include the details of the misconduct and the evidence provided.

- **2: Notification to the Offended Organization's Agency Head**

If the misconduct affects another organization, the Valcour Governance Board will also notify the

agency head of the offended organization. The notification should include a summary of the incident and the steps being taken to address it.

- **3: Notification When Agency Head is Alleged of Misconduct**

If the alleged misconduct involves the agency head, the Valcour Governance Board will bypass the agency notification process and initiate an investigation directly. The Valcour Governance Board will notify the agency head of the offended organization (if applicable) and inform them that an investigation is underway.

4. Investigation and Resolution

- **1: Initial Review by Agency Head**

If the misconduct involves an employee other than the agency head, the agency head or designee will conduct an initial review of the misconduct report. This review should assess the validity of the claim and determine whether further investigation is necessary.

- **2: Valcour Governance Board Investigation of Agency Head**

If the alleged misconduct involves the agency head, the Valcour Governance Board is required to conduct a thorough investigation. This investigation should include interviews with relevant parties, review of evidence, and consultation with legal or external experts if necessary.

- **3: Internal Resolution**

For cases involving employees other than the agency head, if the misconduct can be resolved at the agency level, the agency head will take appropriate corrective action. This may include counseling, additional training, or disciplinary measures as deemed necessary. The goal is to resolve the issue at the lowest level possible.

- **4: Collaboration with the Offended Organization**

If the misconduct (whether by an employee or agency head) involves another organization, the Valcour Governance Board and the agency head (if not implicated) should collaborate with the agency head of the offended organization to ensure that the issue is resolved to the satisfaction of both parties. Joint corrective actions may be taken if needed.

5. Escalation (if necessary)

- **1: Escalation to the Valcour Governance Board**

If the misconduct involving an employee cannot be resolved at the agency level, the issue should be escalated back to the Valcour Governance Board. The Valcour Governance Board may choose to conduct a formal investigation, involve external parties, or take other actions as necessary to address the misconduct.

- **2: Final Resolution**

For cases involving the agency head, the Valcour Governance Board will make the final decision on the appropriate action to be taken after their investigation. This decision should be communicated to all relevant parties, including both the offending and offended organizations.

6. Sanctions

- **1: Sanctions**

The Valcour Governance Board's purpose for implementing sanctions is to protect law enforcement sensitive information, personally identifiable information, criminal justice information (as defined by the FBI's prevailing version of the CJIS Security Policy) and access to state and federal databases. Not every sustained report requires a sanction to be utilized. Use of sanctions should be to accomplish the goal of protecting this data. Sanctions may include, but not be limited to:

- **1: Individual Suspension or Revocation**

Suspension or revocation of access to the system. This may limit the user from accessing information directly, or be expanded to limit their information indirectly (through others).

- **2: Agency Suspension or Revocation**

Suspension or revocation of access to the system. This may limit the agency from accessing information directly, or be expanded to limit their information indirectly (through others).

- **3: Training**

Additional or more specific training may be identified as opportunities for resolving behavior.

7. Documentation and Record Keeping

- **1: Final Documentation**

All actions taken in response to the misconduct, including the initial report, investigation, corrective actions, and final resolution, should be thoroughly documented. These records should be maintained securely and confidentially with the Secretary of the Valcour Governance Board.

- **2: Periodic Review**

The Valcour Governance Board should periodically review cases of reported behavior to identify any patterns or areas where additional training or policy changes may be needed to prevent future incidents.