MEMORANDUM

TO: Country Directors
FROM: Esther Benjamin, Associate Director for Global Operations
DATE: July 14, 2010
SUBJECT: Volunteer/Trainee Conduct and Administrative Separation

The purpose of this memorandum is to provide guidance and clarify procedures in responding to Volunteer and Trainee misconduct, especially in regard to understanding the full range of disciplinary options available and the processes for consideration of administrative separation from service.

Background

Peace Corps service is a life changing leadership experience for the Volunteers and Trainees (V/Ts) who are at the heart of our mission. We make a significant investment as we help them realize their full potential in their work and life overseas. As Country Director, you and your staff offer guidance and direction to ensure their success, especially in regard to conduct.

One of the goals of Global Operations is to promote best practices across the Regions. In regard to volunteer conduct, I want to ensure that Country Directors address these issues consistently and follow the policies and procedures in place for consideration of administrative separation.

The Peace Corps Manual (MS 204: Volunteer Conduct) states that the Country Director is responsible for enforcing Peace Corps policies regarding all aspects of V/T conduct. It provides guidance regarding expectations for V/T conduct and potential disciplinary measures. Country Directors are given broad discretion to determine appropriate responses to misconduct -- from verbal warnings to administrative separation -- because circumstances vary case by case. Simply put, we rely on your leadership and sound judgment to respond to these issues.

In cases of egregious misconduct, the Peace Corps Manual (MS 284: Early Termination of Service) describes the process for administrative separation and resignation in lieu of administrative separation. It provides that a Volunteer may be administratively separated for unsatisfactory conduct or performance, for violation of any Peace Corps policy, whether agency-wide or post-specific, or on other grounds that diminish the effectiveness of a Volunteer or the Peace Corps program. Other specific conduct that may be the basis for administrative separation can be found in MS 220, MS 523, MS 262, and MS 270. In these cases we rely on you to take the lead and to make these hard decisions in consultation with your Regional Attorney in the office of the GC and with the concurrence of your Regional Director. Global Operations will be notified of the decision for administrative separation or early termination in lieu of administrative separation by the Regional Director.

Action Requested

Review the attached guidance *Responding to Volunteer/Trainee Misconduct.* This practical guidance will help you and your staff work through situations involving V/T misconduct and help determine the most reasonable and appropriate response. This guidance supplements the requirements in the Peace Corps Manual. It encourages consideration of the broad range of responses, describes support available to Country Directors and clarifies the processes for responding to misconduct. Please be sure to share this guidance with your Senior Staff and do not hesitate to contact me or your Regional Director if you have any questions.

Attachment A: *Responding to V/T Misconduct*

Responding to Volunteer/Trainee Misconduct

Country Directors, and their staff, are responsible for addressing issues of V/T performance and conduct. From the welcome at the airport to the close of service conference, posts set a professional tone for the organization as a whole and clearly set expectations regarding Volunteer conduct. The majority of conduct cases are managed at the post level as staff redirect and guide V/Ts on a day-to-day basis. Country Directors ensure that response to misconduct is fair, transparent and consistent.

In cases of serious misconduct or repeated misconduct where consideration of Administrative Separation is indicated, Country Directors consult with the Regional Attorney and seek consultation and concurrence from the Regional Director. While many Peace Corps policies reference disciplinary actions "up to and including Administrative Separation," it is important for Country Directors to consider the wide range of disciplinary options. Below is guidance and lessons learned that can help Country Directors think through these hard decisions.

Consult Early: As soon as you are aware of serious misconduct that merits consideration of administrative separation, document the facts as you know them and contact your Regional Director and Regional Attorney. Both can assist you procedurally, provide advice and counsel on the range of appropriate responses, and help you create a solid evidentiary record of your decisions. These issues may have implications beyond your post, and may be subject to third-party scrutiny. So take your time and consult with these members of your team before you decide on a final course of action.

Investigate Thoroughly: Keep an open mind when you come across or are provided with information regarding misconduct. It is important not to make immediate judgments or decisions regarding disciplinary action without gathering more complete information. Make sure evidence is adequate, credible and summarized in writing. The Regional Attorney and the Regional Director can help you evaluate the quality of the evidence, and may suggest other avenues to assess the situation.

Establish and Communicate Clear and Consistent Policies: Each post should have a Volunteer Handbook that reflects MS 204 conduct expectations and clearly describes other post-specific policies. If you believe a Volunteer or Trainee has violated a post policy, review your policy to determine if it is clear and consistent with other policies. Unclear, inconsistent or inconsistently enforced policies may affect your decision on the appropriateness of disciplinary action. For example, you should not transition from lax to strict enforcement of a particular policy without giving Volunteers adequate notice. When changes to policy or enforcement are envisioned, talk to your Volunteer Advisory Council (VAC) for their feedback and suggestions for improving communication with Volunteers.

Follow Prescribed Procedures: Peace Corps policies provide limited process to Volunteers who are being considered for administrative separation. It is therefore very important that the procedures set forth in the Peace Corps Manual are followed and well-documented. To that end, make sure the Volunteer understands -- from you -- throughout the process that you are keeping an open mind and will not make a final decision until you have considered all the facts and circumstances, including his or her response. Make the Volunteer aware that you will seek concurrence from the Regional Director, who will also consider the Volunteer's response prior to a final determination, and that the Volunteer has the right to resign at any time up to 24 hours after an administrative separation final decision has been made.

Create a Written Record: The best way to document that you have provided proper process, and to articulate your rationale in arriving at your decision, is to create a solid *Consideration of Administrative Separation Memorandum (MS 284 Template G).* You should coordinate with your Regional Attorney and the Regional Director in the review of that memorandum prior to issuing it to the Volunteer. This creates a good record, which can be useful in the future, even if you decide not to administratively separate the Volunteer.

Seriously Consider the Volunteer Response: The Volunteer has only one opportunity to provide his or her side of the story once the formal administrative separation process begins, with the delivery of the *Consideration of Administrative Separation* memorandum. There is no appeal process provided in the current policy. This opportunity to respond, in order to be meaningful, must afford the Volunteer sufficient time to formulate a response. If a response is submitted, seriously consider it prior to making your decision. This response must be shared with the Regional Attorney and the Regional Director for their review and consultation, prior to concurrence on your final decision from the Regional Director.

Consider All Relevant Factors: Each case is different, and must be considered on its facts. Factors to consider in making decisions will vary depending on the circumstances, as will the weight you give them in each case. The following is a list of some factors to consider, as applicable, in making these decisions:

- The nature and seriousness of the conduct;
- Whether the safety of the Volunteer or others was threatened or put at risk;
- Whether the conduct was intentional or inadvertent;
- The Volunteer's motivation in committing the offense;
- The Volunteer's past conduct/disciplinary record;
- The Volunteer's past performance/effectiveness as a Volunteer;
- The Volunteer's willingness to make amends, genuine remorse and acceptance of responsibility;
- The impact of the conduct on the Volunteer's standing or reputation in his or her community;
- The effect of the offense upon the Volunteer's ability to serve effectively and perform duties at a satisfactory level;
- The clarity with which the Volunteer was on notice of any rules or policies that were violated in committing the offense, or had been warned about the conduct in question;
- The consistency of the penalty with those imposed upon other Volunteers for similar offenses;
- The importance, if any, in ensuring compliance by the Volunteer community with the rule/policy;
- The notoriety of the offense or its impact upon the in-country program;
- The potential for the Volunteer to succeed under a corrective action plan, such as a realistic ability to meet the requirements of the plan; and
- Other mitigating circumstances surrounding the offense such as: unusual job tension; harassment, or bad faith, malice or provocation on the part of others involved in the matter; programmatic considerations, such as site placement and possible available alternatives.

Identifying Alternatives to Administrative Separation: The Peace Corps makes a significant investment in Volunteers and has a strong interest in retaining them where possible and when appropriate. Peace Corps rules refer to administrative separation and corrective action plans but do not contain a comprehensive list of all possible disciplinary actions. Country Directors may consider other disciplinary actions or tools, such as warnings or letters of reprimand. Country Directors are encouraged to develop corrective action plans to address and correct misconduct. For example, the Country Director could require apologies or facilitate a lessons learned discussion between the Country Director, the offending Volunteer and the larger Volunteer community regarding the importance of compliance and potential impact of misconduct. The Country Director can also consider limiting privileges, developing a corrective action plan or behavior contract or require training. Country Directors should consult with the Regional Attorney in drafting corrective action plans or behavior contracts.

Note: Penalties that involve taking away an allowance provided by law (e.g., deducting one week of leave for one overnight stay without notification) cannot be imposed. You may, however, deduct from the Volunteer's leave allowance any days spent away from site without prior notification or authorization and you may restrict a Volunteer from taking leave for a reasonable period.