

Subpart B—VISTA Trainee Deselection

§ 1210.2-1 Grounds for deselection.

ACTION may deselect a Trainee out of a training program for any of the following reasons:

- (a) Failure to meet training selection standards which includes, but is not limited to, the following conduct:
 - (1) Inability or refusal to perform training assignments;
 - (2) Disruptive conduct during training sessions;
- (b) Conviction of any criminal offense under Federal, State or local statute or ordinance;
- (c) Violation of any provision of the Domestic Volunteer Service Act of 1973, as amended, or any ACTION policy, regulation, or instruction;
- (d) Intentional false statement, omission, fraud, or deception in obtaining selection as a Volunteer; or
- (e) Refusal to accept Volunteer Placement.

§ 1210.2-2 Procedure for deselection.

- (a) The Regional Director or designee shall notify the Trainee in writing that ACTION intends to deselect the Trainee. The notice must contain the reasons for the deselection and indicate that the Trainee has 5 days to appeal.
- (b) The Trainee is placed on Administrative Hold at the time of the notice of deselection.
- (c) The Trainee has 5 days after receipt of the notice to appeal in writing to the Regional Director, or designee specified in the notice, furnishing any supportive documentation. In the appeal letter, the Trainee may request an opportunity to present his or her case in person.
- (d) If the Trainee does not respond to the notice, deselection becomes effective at the expiration of the Trainee's time to appeal.
- (e) Within 5 days after receiving the Trainee's appeal, if no personal presentation is requested, the Regional Director or designee must issue a decision. If a personal presentation is requested, the Regional Director or designee must schedule it within 5 days, and must issue a decision 5 days after such presentation. In either case, the decision of

the Regional Director or designee is final.

Subpart C—VISTA Volunteer Early Termination

§ 1210.3-1 Grounds for termination.

ACTION may terminate or suspend a Volunteer based on the Volunteer's conduct for the following reasons:

- (a) Conviction of any criminal offense under Federal, State, or local statute or ordinance;
- (b) Violation of any provision of the Domestic Volunteer Service Act of 1973, as amended, or any ACTION policy, regulation, or instruction;
- (c) Failure refusal or inability to perform prescribed project duties as outlined in the Project Narrative and/or volunteer assignment description and as directed by the sponsoring organization to which the Volunteer is assigned;
- (d) Involvement in activities which substantially interfere with the Volunteer's performance of project duties;
- (e) Intentional false statement, omission, fraud, or deception in obtaining selection as a Volunteer;
- (f) Any conduct on the part of the Volunteer which substantially diminishes his or her effectiveness as a VISTA Volunteer; or
- (g) Unsatisfactory performance of Volunteer assignment.

§ 1210.3-2 Removal from project.

- (a) Removal of a Volunteer from the project assignment may be requested and obtained by a written request supported by a statement of reason by:
 - (1) The Governor or chief executive officer of the State or similar jurisdiction in which the Volunteer is assigned or,
 - (2) The sponsoring organization. The sole responsibility for terminating or transferring a Volunteer rests with the ACTION Agency.
- (b) A request for removal of a Volunteer must be submitted to the ACTION State Director, who will in turn notify the Volunteer of the request. The State Director, after discussions with the Volunteer and in consultation with the Regional Director, if necessary, has 15 days to attempt to resolve the situation with the sponsor or the Governor's