

Program Policy

Zero Tolerance of Sexual Abuse & Harassment

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Approval Date (CEO/Director):	
Regulatory Code:	PREA 115.311 (a)(b)(c) & 115.361 & 115.364/JRM 150

PURPOSE

The purpose of this policy is to ensure the safety of all youth placed with D.A. Blodgett-St. John's (DABSJ) Residential Treatment programs.

SCOPE

This policy applies to all youth, staff, volunteers, contractors and any other adult who conducts organization business requiring interactions with youth.

DEFINITIONS

PREA: PREA refers to the Prison Rape Elimination Act and provides a framework for the prevention, detection, and handling of any sexual abuse and sexual harassment. The goal of PREA is to ensure the sexual safety of anyone involved in DABSJ's Residential Program.

PREA Coordinator: The PREA Coordinator is responsible for developing, implementing and overseeing all organization efforts to comply with PREA standards. The PREA Coordinator for DABSJ is the Campus Program Director.

Staff: For the purpose of this policy, staff refers to all agency appointed personnel working with youth including volunteers, contractors and/or visitors.

Sexual Abuse: Sexual abuse of resident by a staff member, contractor, or volunteer includes any of the following acts, ***with or without consent*** of the resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above;
- Any display by a staff member, contractor, or volunteer of their uncovered genitalia, buttocks, or breast in the presence of a resident, and
- Voyeurism by a staff member, contractor, or volunteer.
 - Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of a resident by staff for reasons unrelated to official duties, such as peering at an resident who is using a toilet in their cell to perform bodily functions; requiring a resident to expose their buttocks, genitals, or breasts; or taking images of all or part of a resident's naked body or of a resident performing bodily functions.

Sexual Harassment: Sexual Harassment is defined as repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one resident directed toward another; and repeated verbal comments or gestures of a sexual nature to a resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

SOGIE: SOGIE refers to Sexual Orientation and Gender Identity and/or Expression.

Retaliation: Retaliation refers to when a resident or staff injures, harms, or intimidates a person who has reported sexual abuse and/or harassment; or attempts to do so in response to a report.

POLICY

DABSJ has zero tolerance for sexual abuse and/or sexual harassment between staff/volunteers/contractors/any other adult and youth, and any sexual abuse or sexual harassment between youth. Staff who witness sexual abuse and/or harassment are required to make a report. Any person found in violation of this policy is subject to disciplinary action, up to and including, termination from employment, removal from program, investigation findings turned over to law enforcement for criminal investigation, and/or exclusion from engagement with the program.

All sexual abuse and/or harassment allegations will be investigated by the PREA Coordinator and/or their designee (i.e. trained PREA Investigators).

All reports of sexual abuse will be reported immediately to law enforcement (Grand Rapids Police Department or Kent County Sheriff's Department) for investigation and Children's Protective Services and/or the Department of Child Welfare Licensing. Sexual abuse victims will be offered a forensic medical examination through the YWCA of West Michigan: Nurse Examiner Program or Helen Devos Children's Hospital. The staff member who initially learns of the incident, will be

referred to as the First Responder. First responders must follow the first responder action steps outlined in the procedure below.

All staff are required to report any retaliation witnessed or reported to them in response to a sexual abuse and/or harassment report. Any staff who is found to have retaliated in response to a sexual abuse or harassment allegation will be terminated immediately. Retaliation reports will be documented on the MDHHS 5799 PREA Retaliation Monitoring Log. Following any reports, DABSJ will monitor the conduct and treatment of the youth involved for at least 90 days, unless the allegation is unfounded.

First Responder Procedure

1. Any staff member who receives information regarding or witnesses sexual harassment or abuse must immediately report the information to the Director of Campus Programs (who is also the PREA Coordinator) and the Residential Program Coordinator either via telephone or email. The staff member reporting will be referred to as the first responder. This step is done in addition to any mandated reporting requirements if the allegation involves abuse or neglect of a child and law enforcement notification if the alleged incident is a criminal act. The Director and Program Coordinators information must be provided to law enforcement for follow-up.
2. The Director and/or Program Coordinator will confirm they have received the information with the first responder either by responding to the email or providing a phone call back if they have not spoken directly with the staff member. The Director/Program Coordinator will notify DCWL, the youth's juvenile justice worker/foster care worker, and the youth's parent/guardian if appropriate.
3. The Director/Program Coordinator will notify the youth's attorney as soon as possible, but no later than 14 days from the receipt of the original complaint.
4. The Director/Program Coordinator will coordinate law enforcement response.
5. The first responder will not disclose information regarding the allegation beyond a need to know basis for safety. Specifically, the first responder shall not disclose information to other youth or staff members unless procedure specifically requires them to report the information to a specific person (i.e. supervisor, program coordinator, director, etc.)
6. The first responder will ensure the youth involved in the allegation is safe by preventing the alleged perpetrator of the harassment or abuse from having contact with the youth.
7. The first responder will ensure the scene of the incident (if the incident occurred in the last 96 hours is secure and preserve any physical evidence by asking the youth not to wash away potential evidence (brushing teeth, washing body, washing clothes, etc.) or discard any item where evidence may be present. The first responder is not to do any evidence analysis, rather they will ensure the items or scene are not tampered with until law enforcement can collect it.

Prevention Procedures

1. All youth will receive a PREA orientation within their first 24 hours of being in the program. The staff member completing the orientation will utilize the MDHHS 5605: Juvenile Justice Youth Orientation Checklist to document the orientation and obtain the youth's signature.
2. Every youth during orientation will receive the MDHHS PUB 1243: Preventing Sexual Assault during the PREA orientation.
3. Orientation will include physically showing youth where they can submit any sexual abuse or harassment concerns.
4. Within 72 hours of placement in the program, a DABSJ Campus Leadership staff member will conduct the PREA Screening Tool with the youth to assess for safety and victimization risk.
5. The results of the screening tool will be shared with the Campus Leadership Team to ensure the youth is placed safely (i.e. bedroom location, hallway choice). At no time will a youth's SOGIE identification be used as a means to isolate the youth or place them in a particular room. Rather, safety of the youth should be the criteria used for placement.
6. The PREA Screening Tool will be re-conducted if there is a change in the youth's SOGIE identification.
7. The PREA Screening Tool will be entered into MISACWIS within 24 hours of completion by the staff member who completed the tool.