

Sequel Youth and Family Services POLICY AND PROCEDURE

Subject: PREA

Domain: Administration and Leadership

Objective: To establish a process where Sequel Youth and Family Services employees have zero tolerance for sexual abuse and sexual harassment of students. The process will include prevention plans that have been communicated to all Program staff. Employee training will include PREA related definitions and procedures that should an allegation regarding sexual abuse or harassment be made all employees will know how to rapidly restore safety, attend to and support the victim(s) and promptly initiate the investigative process. This policy is in effect to prevent incidents of sexual abuse and/or sexual harassment and to take prompt, effective and compassionate action if allegations of sexual abuse or harassment are made.

Procedure: Sequel Youth and Family Services has a zero-tolerance policy relating to sexual assault/rape of a student and will cooperate in the investigation and prosecution of anyone involved in a sexual assault/rape of a Sequel Youth and Family Services student. The primary responsibility of all Sequel Youth and Family Services employees is student safety. This policy shall be followed in conjunction with all Federal and State mandatory reporting requirements.

Definitions: Student on student sexually abusive penetration: Any sexual penetration by a student of another student. The sexual acts included are; contact between the penis and the vagina or the anus; contact between the mouth and the penis, vagina or anus; or, penetration of the anal or genital opening of another person by hand, finger or other object.

Student on student sexually abusive contact: Non-penetrating touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh or buttocks without penetration by a student of another student, with or without the latter's consent, or of a student who is coerced into sexual contact by threats of violence, or of a student who is unable to refuse.

Student on student sexual harassment: Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, or gestures or actions of a derogatory or offensive sexual nature by one student directed towards another.

Staff on student sexually abusive penetration: Sexual penetration by a staff member of a student, including contact between the penis and vagina

or anus; contact between the mouth and the penis, vagina or anus, or, penetration of the anal or genital opening of a student by a hand, finger or other object.

Staff on student sexually abusive contact: Includes non-penetrating touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh or buttocks by a staff member of a student that is unrelated to official duties.

Staff on student sexual harassment: Repeated verbal comments or gestures of a sexual nature to a student by a staff member. Such statements include demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or profane or obscene language or gestures.

Staff on student indecent exposure: The display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of a student.

Staff on student voyeurism: An invasion of a student's privacy by staff for reasons unrelated to official duties or when otherwise not necessary for safety and security reasons.

Staff sexual misconduct: Includes any behavior or act of a sexual nature directed toward a student by an employee, volunteer, contractor, official visitor, or other agency representative. Sexual relationships of a romantic nature between staff and student(s) are included in this definition.

Sexual Exploitation: Includes allowing, permitting, or engaging a child to engage in prostitution, or allowing, permitting, encouraging, or engaging in the photographing, filming, or depicting of a child engaged in a listed sexual act as defined in MCL 750.145c.

Procedures:

A. Providing Prevention Information to Students:

1. The new student orientation process includes policy and procedures relating to prevention of and response to reports of sexual assault/rape. This orientation must occur upon admission (or the first business day after admission). The information provided to each new student must include (but is not limited to):
 - a. Sequel Youth and Family Services' and or Program zero-tolerance policy.
 - b. Self-protection including avoiding risky situations related to sexual assault prevention/intervention.

- c. Reporting procedures; how to report rape, sexual activity, sexual abuse or harassment. Multiple reporting options at Sequel Youth and Family Services Programs include; 1) verbally to any staff, counselor or administrator; 2) in writing to any staff, counselor or administrator; 3) in writing through the student grievance process and 4) externally by telephoning State Child Protective Services (anonymous and third party reports must also be accepted).
 - d. How to obtain counseling services and/or medical assistance if victimized.
 - e. Protection against retaliation.
 - f. Risks and potential consequences for engaging in any type of sexual activity while at Sequel Youth and Family Services Programs.
 - g. Disciplinary action(s) for making false allegations.
2. The information provided to students during orientation must be provided verbally and in written form. Further, the information must be in a language and format that the student can understand.
 3. Each student must sign a written acknowledgement form for the sexual assault/rape prevention portion of the orientation.
 4. The signed acknowledgement form must be filed as part of the student's case file.

B. Student Assessment:

1. During the admission and orientation (A&O) process there will be a review of the student's behavior history. The orientation must occur within 72 hours of admission. The review will be used to determine the student's potential risk of sexual vulnerability based on the following need factors:
 - a. Age,
 - b. Physical Stature,
 - c. Developmental Disability,
 - d. Mental Illness,
 - e. Sex Offender Status (prior offense history),
 - f. First-time Offender Status,
 - g. Past History of Victimization,
 - h. Physical disabilities and the student's own perception of vulnerabilities.
2. The student must be evaluated as part of orientation to determine if the student is prone to victimize other student(s), especially in regard to sexual behavior, based on the following risk factors:
 - a. History of sexually aggressive behavior.
 - b. History of violence as related to a sexual offense.
 - c. Anti-social attitudes indicative of a sexually aggressive behavior.

3. Sequel Youth and Family Services Program staff must use all information obtained to make housing, bed, program, education and work assignments for students with the goal of keeping students safe and free from sexual abuse.
4. Lesbian, gay, bisexual, transgender or intersex (LGBTI) students may not be housed solely on the basis of such identification or status. In addition, Sequel Youth and Family Services Programs must:
 - a. Decide on a case-by-case basis whether to place a transgender or intersex student in a facility for male or female students. Placement decisions are based on whether the placement would ensure the student's health and safety and whether the placement would present management or security problems. The student's own view of his/her gender identity should be considered when determining placement.
 - b. Review placement and programming assignments at least twice each year to assess any threats to safety experienced by the student.
 - c. Allow transgender and intersex students the opportunity to shower separately from other students.
5. Assessment activities must be documented.

C. Staff Training Sexual Assault/Rape Prevention and Reporting:

1. All Sequel Youth and Family Services program staff, contractors and volunteers that have regular contact with students, must complete initial and annual training for sexual assault/rape prevention, incident response and reporting. At the conclusion of each training session, all trainees must sign that they attended and understood the training. This signature sheet must be kept on file for a period determined by Sequel Programs "Record Retention Schedule".
2. All Sequel Youth and Family Services program staff must read this policy and any related policy or procedure articles prior to assuming duties with students, when the policy or procedure changes, and on at least an annual basis. Staff must sign a written acknowledgement that they read and understood the policies and procedures. This signature sheet must be kept on file for a period determined by the Sequel Program's "Record Retention Schedule".
3. When staff that have been trained later transfer to work in a unit housing a different gender, then additional gender-specific training is required.

D. Staff Supervision Relative to PREA Standards:

1. Staff must recognize that sexual assault/rape can occur in virtually any area in a residential facility. Line of sight supervision and staff-to-student ratios apply at all times.
2. Staff must always be aware of warning signs that may indicate that a student has been sexually assaulted or is in fear of being sexually assaulted. Warning signs include but are not limited to: isolation, depression, lashing out at others, refusing to shower, suicidal thoughts or actions and seeking protection from staff.
3. Staff must be aware of sexually aggressive behavior. Characteristics or warning signs may include but are not limited to: A prior history of committing sex offenses, use of extortion tactics, associating or pairing up with a student that meets the profile of a potential victim, exhibiting voyeuristic and/or exhibitionistic behavior and a demonstrated inability to control anger.

E. Student Response to Sexual Assault/Rape:

Students must be supported and encouraged to report sexual assault/rape, attempted sexual assault/rape, and/or sexual harassment and be protected from retaliation. A student that believes that they were the victim of a sexual assault/rape, attempted sexual assault/rape or sexual harassment or believes another student was the victim of sexual assault/rape, attempted sexual assault/rape, or sexual harassment must report this information to a staff member. Students may also write down their report and turn it into staff, or use grievance process to report. An option must exist for students to report sexual abuse to someone outside of the facility. The outside reporting option for students is to place a call to the State Children's Protected Services. If a student requests to report outside of Sequel Youth and Family Services Program, the following must occur:

1. The student may request such action in writing via the grievance procedure. The student may also request to speak with the Program Representative. The Program Representative will facilitate the call. The call is confidential. The Program Representative will not listen to the student's report but will keep the student within sight.
2. Following the completion of the call the Program Representative will notify the Executive Director that a student made a call to the hotline.
NOTE: Calls to the hotline are confidential however it could occur that a student also volunteers information to staff about sexual abuse. If at any time a student discloses information about sexual abuse to any Sequel Youth and Family Services employee then staff must respond in

accordance with the procedures listed under “Staff Response to Sexual Abuse/Rape”.

F. Staff Response to Sexual Abuse/Rape:

Staff must report immediately any knowledge, suspicion, or information that they receive regarding: an incident of sexual abuse or sexual harassment that occurred at Sequel Youth and Family Services program, retaliation against students or staff that reported such an incident; and/or, any staff negligence or violation of responsibilities that may have contributed to an incident or retaliation.

1. Staff receiving a report of a sexual assault/rape or attempted sexual assault/rape, or staff that become aware of sexual activity between students or between a student and a staff, contractor, visitor or volunteer must immediately report this event to a Group Leader and/or Program Director. That Group Leader or Program Director must immediately relay the report to the Management Team. The Executive Director or designee is responsible for notifying the State Agency.
2. Staff receiving a report of actual or suspected sexual abuse or rape must immediately (in conjunction with the process listed in F 1) call State Children’s Protective Services and report the incident and/or allegation. The staff receiving the report of actual or suspected sexual abuse or rape must submit an Incident Report before the end of their work shift and follow program protocol.
3. If it is believed or determined that a sexual assault/rape occurred and that the alleged sexual assault/rape occurred within the last 96 hours, the Executive Director or designee must make immediate arrangements to transport the student to the designated emergency room for a rape kit and the area where the incident occurred must be secured for evidence collection. If it is believed or determined that a sexual assault/rape occurred more than 96 hours previous, the emergency room must be contacted for further instructions.
4. Following emergency response and completion of the rape kit (if applicable) a student believed or determined to have been the victim of a sexual assault/rape must also be examined by medical staff for possible injuries, regardless of when the alleged sexual assault occurred. Female students must be provided with pregnancy tests.
5. Victims and perpetrators of sexual assault must be encouraged to complete tests for sexually transmitted diseases, including HIV. In the

case of a substantiated incident of sexual assault, the perpetrator must be requested to complete an HIV test. If the perpetrator will not voluntarily take an HIV test, the Executive Director or designee must seek a court order compelling the test.

6. The victim of sexual assault/rape or attempted sexual assault/rape must be provided mental health assistance and counseling as determined necessary and appropriate.
7. The Executive Director or designee must notify the State Agency with in required State mandates and Program policy.
8. The Executive Director or designee also ensures that incidents of sexual assault/rape, findings of investigations, and other pertinent information is reported to the student's court of jurisdiction, the student's worker and the student's parent(s) or legal guardian.
9. Records of allegations involving an employee must be kept for as long as the employee is employed or the student is in residence, plus five years.
10. If a report is received of sexual abuse from another agency, the Executive Director must report Director-to-Director to the other facility within 72 hours. NOTE: All other applicable reporting requirements still apply.
11. A designated employee must monitor staff and student to prevent retaliation for a minimum of 90 days after a sexual abuse report is made.

G. Alternate Housing Placement of Victims and Perpetrators:

The Executive Director or designee must take immediate steps to protect the alleged victim from further potential sexual assault/rape (if still at the facility) by separating the alleged victim from the alleged perpetrator(s) including arranging for separate housing, dining, and/or other elements of daily routine to the extent necessary to ensure protection.

H. Investigation Protocols: Sequel Program's do not investigate allegations of abuse. Each Sequel Program refers to State Agencies to investigate all allegations of abuse both criminally and administratively.

Each incident of alleged or reported sexual abuse or sexual assault/rape must be investigated to the fullest extent possible. Evidence collected must be maintained under strict control. Based on the results of the investigation, the Executive Director and prosecuting authorities will meet to determine if prosecution is appropriate.

1. Suspected or alleged student-on-student rape, sexual assault, or forced sexual activity with or without sexual penetration:
 - a. The victim and alleged perpetrator must be separated and be kept separated from each other, and prevented from communicating.
 - b. Reporting must occur as listed in Section F above.

- c. If the assault is alleged to have occurred within the past 96 hours, the victim must be transported to State Required Facility (or alternate if directed by Administration or emergency personnel) for examination by qualified personnel. If the assault is alleged to have occurred more than 96 hours previous, the hospital is contacted for instructions.
- d. Qualified investigators must take victim statements, open an investigation, and if applicable collect physical evidence.
- e. The area where the suspected assault took place is sealed off until investigators can gather evidence. Note: Staff or medical personnel can enter the area if it is necessary to ensure student safety, for example if a student needed medical attention or first aid before being transported, but efforts must be made to disturb the area as little as possible.
- f. Any clothing or articles belonging to the victim are left in place and not handled or disturbed until investigators have gathered evidence. The victim must not be allowed to shower or change clothing before being transported to the hospital.
- g. Staff must not extensively interview victims or alleged perpetrators for incident details beyond obtaining the basic information necessary so that decisions regarding further actions may be made, such as separation of victims and perpetrators, facilitating for victim medical needs, etc.
- h. Staff must submit an Incident Report before the end of their shift. Incident Reports must contain all facts as known, including the victim's statement of allegation in the victim's own words. Incident Reports must not express the writer's opinion.
- i. Staff must not discuss the details of sexual abuse allegations or incidents, beyond the extent needed to maintain safety and security at the facility, with persons other than Supervision/Management, investigators, and prosecuting officials.

2. Suspected or alleged staff-on-student sexual activity of any type:

- a. Reporting must occur immediately, as listed in Section F above.
- b. The Executive Director or designee must make all required notifications, including notification to the suspected employee restricting work activities.
- c. Pending notification from the Director or designee, the suspected employee must not be in direct contact with facility students.
- d. If there has been suspected or alleged sexual activity of any type the victim is transported for a forensic examination and evidence is protected using the same procedures as listed in items c through g in Section H, Number 1, above.

3. Any other intentional student-on-student sexual touching (non-penetrative touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks without penetration by a student of another student, with or without the latter's consent) and/or alleged or suspected student-on-student sexually abusive contact:
 - a. If reported by a student, observed, or suspected, staff must alert a Group Leader, Program Director or Management member. Supervision must ensure that staff document information in an Incident Report and must ensure that student safety is restored or maintained.
 - b. The Executive Director or designee must be notified immediately.
 - c. The Executive Director or designee determines applicable reporting responsibilities and ensures that reporting occurs as required.
 - d. The Executive Director or designee makes required notifications as applicable.

I. Independent Audits and Agency Monitoring and Reporting, Data Collection:

1. In addition to internal administrative review and analysis, an independent and qualified auditor must audit the agency at least every three years. Auditors must be able to access and tour the facility, review documents and records, and interview students and staff.
2. The facility must designate a PREA compliance manager that has the time and authority to oversee facility compliance efforts.
3. The agency must distribute information to the public on how to report sexual abuse and sexual harassment on behalf of students, information on its zero tolerance policy for sexual abuse/rape of students, and sexual abuse data reports.
4. Facility management must review each incident of sexual abuse for cause, staffing, and physical barriers, and make recommendations for prevention and implementation of remedy(s).
5. The facility must develop, document, and implement a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring to protect students from sexual abuse. At least annually, facility Administration and the facility PREA compliance manager must review the plan to ensure:
 - a. Generally accepted residential child care practices are met.
 - b. Findings of inadequacy are addressed.
 - c. Adequate numbers of Supervisory personnel.
 - d. Physical plant inadequacies, such as "blind spots" on video monitoring systems are addressed to the maximum extent possible.
 - e. Responses are made where there is a prevalence of sexual abuse reporting on a certain shift, in a certain location, with certain personnel, or as pertaining to other factors.

6. Mid and/or upper level Supervision must make documented unannounced rounds to identify and deter staff sexual misconduct and sexual abuse.
7. The conduct and treatment of students or staff that report an abuse incident, or are cooperating witnesses, must be monitored by mid or upper-level management for at least 90 days.
8. The facility must collect accurate, uniform data for every allegation of sexual abuse. At a minimum the data must be sufficient to answer all questions on the annually-required Survey of Sexual Violence. Aggregated data must be:
 - a. Reviewed in order to assess and improve sexual abuse prevention, detection, and response practices.
 - b. Made available to the public through a public Website or some other means at least annually, NOTE: Personal identifiers must be removed.

J. Exhaustion of Administrative Remedies:

1. Sequel Youth and Family Services must issue a final decision (initial decision and appeal decision if appealed) on the merits of a grievance alleging sexual abuse or harassment within 90 calendar days of the initial filing of the grievance.
2. The facility may claim an extension of time to respond of up to 70 calendar days if the normal time period for a response is insufficient to make a decision. The facility must notify the student and the student's parent/guardian in writing of any such extension.
3. Third parties, including fellow students, staff, family, attorneys, and outside advocates may assist a student filing grievances relating to allegations of sexual abuse and harassment. If a third party, other than the parent or guardian, files a grievance on the student's behalf, the facility must request as a condition of processing that the alleged victim agree to the grievance filed on his behalf and may also require that the alleged victim pursue any subsequent steps in the remedy process. If the alleged victim declines to have the grievance processed on his behalf, the facility must document the student's decision.