ZERO TOLERANCE OF SEXUAL ABUSE AND SEXUAL HARASSMENT

To all staff: This policy is written so that the New Choices program is in compliance with Federal PREA (Prison Rape Elimination Act) standards. The policies and procedures may be useful guides in other departments.

DEFINITIONS

Sexual Abuse-
- victim does not consent, is coerced or is unable to consent or refuse
- any contact of the genitalia
- intentional touching (directly or through clothing) of genitalia, anus, groin, breast, inner thigh or buttocks
- any contact between the mouth and any body part where the intent is to abuse, arouse or gratify sexual desire
- penetration of anal or genital opening, however slight, by hand, finger, object or other instrument with the intent to abuse, arouse or gratify sexual desire

Sexual Harassment-
- repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature
- repeated verbal comments or gestures of a sexual nature, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures

Voyeurism-
- by employee, intern, contractor
- an invasion of privacy such as peering, requiring a youth to expose him/herself, taking photos of a naked youth

I. POLICY

The Children’s Center of Hamden mandates a zero tolerance policy regarding the sexual abuse and sexual harassment of youth served by our agency.

A. PROCEDURE
Employees are subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. The disciplinary sanctions shall be commensurate with the nature and circumstances of the acts committed.
- Termination from employment is the presumptive disciplinary sanction for employees who have sexually abused.
- All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies (unless the behavior was clearly not criminal) and to the program’s licensing body.

B. PROCEDURE
Interns who engage in sexual abuse or sexual harassment will be reported to their university advisor and the internship at The Children’s Center of Hamden will
cease immediately. The Intern shall be reported to law enforcement agencies (unless the behavior was clearly not criminal) and to the program’s licensing body.

C. **PROCEDURE**

Contractors who engage in sexual abuse or sexual harassment will be reported to their employer and the individual’s work at The Children’s Center of Hamden will cease immediately. The individual shall be reported to law enforcement agencies (unless the behavior was clearly not criminal) and to the program’s licensing body.

D. **PROCEDURE**

The Children’s Center of Hamden will have a PREA Coordinator (Prison Rape Elimination Act) who is responsible for the development, implementation, and oversight of agency efforts to ensure compliance with PREA standards.

II. **POLICY**

The Children’s Center of Hamden will strive to prevent sexual abuse and sexual harassment of youth serviced at our agency

A. **PROCEDURE**

Standardized hiring practices, as outlined in the Personnel Manual are to be followed.

B. **PROCEDURE**

Standardized training will be provided to employees with regards to the prevention of sexual abuse and sexual harassment

- All employees will be trained on the Zero Tolerance Policy for Sexual Abuse and Sexual Harassment upon hire and annually thereafter.
- Employees will inform their Supervisor when aware of any staff neglect that may contribute to sexual abuse or sexual harassment of youth

C. **PROCEDURE**

All Interns will be trained on the Zero Tolerance Policy for Sexual Abuse and Sexual Harassment during their orientation.

D. **PROCEDURE**

The Zero Tolerance policy regarding sexual abuse and sexual harassment will be reviewed with all youth and their guardians at admission. Evidence of this review will be their signatures on the admission packet. The written information is reviewed in the youth’s primary language and the employee doing the review assesses to make sure it is understood and explains the information again if necessary. The review will include overview, how to report sexual abuse and harassment, client rights, that they are free of retaliation for reporting and how our agency will respond when we learn of allegations.
E. PROCEDURE
Youth and guardians are informed that employees of The Children’s Center of Hamden are mandated reporters and how this limits confidentiality should a report be necessary. Evidence of this discussion is the signature of youth and guardian in the admission packet.

F. PROCEDURE
Screening for risk of victimization and abusiveness- all residents shall be assessed prior to admission for their risk of being sexually abused by other residents or sexually abusive toward other residents. Additionally, within 30 days of admission the treatment team will document that the resident’s risk of victimization and/or abusiveness towards others was assessed again. At a minimum this screening shall consider:
- Mental, physical and/or developmental disabilities
- Age
- Physical build
- History of incarceration or congregate care
- Criminal history
- Prior convictions for sex offenses
- Whether the youth is or is perceived to be gay, bisexual, transgender, intersex or gender nonconforming
- History of sexual victimization
- Youth’s perceptions of vulnerability
- Re-assessments of risk shall be done when warranted due to referral, request, incident of sexual abuse, or receipt of additional information that bears on the resident’s risk of sexual victimization or abusiveness.
- Youth will not be disciplined for refusing to answer questions or for not disclosing complete information about their gender identification, sexual orientation, history of victimization or perception of vulnerability.

G. PROCEDURE
Use of screening information- information gained from risk assessments and subsequently will be used to inform bedroom assignments, programming and educational services with the goal of keeping all youth safe and free from sexual abuse.

H. PROCEDURE
The Children’s Center will take immediate action to protect a youth when it is learned that a youth is the subject of substantial risk. This action may involve enhancements to supervisory procedures, changes to programming, involvement of guardians and external supports.

I. PROCEDURE
The Supervision Policy in the program manual documents a staffing plan to protect residents against sexual abuse- when staffing plan is not followed the program will document and justify all deviations.

J. PROCEDURE
The Children’s Center of Hamden will consider physical layout of space when training employees about how to prevent sexual abuse and sexual harassment.

- Upgrades to facilities and technologies - we will consider the design of upgrades and how it will impact our ability to supervise youth and protect from sexual abuse.

K. **PROCEDURE**
The Children’s Center of Hamden will consider the composition of the population being served and the prevalence of allegations when training and providing supervision to employees about how to prevent sexual abuse and sexual harassment.

- Non medical staff of the opposite gender of youth may not view youth when showering, performing bodily functions and changing clothing. Staff should announce their presence when entering an area where residents are likely to be showering, performing bodily functions or changing clothing.
- Client Searches - refer to Client Search policy

L. **PROCEDURE**
Supervisory staff will conduct and document unannounced rounds to monitor employee performance. Staff are prohibited from alerting other staff members that the rounds are occurring.

M. **PROCEDURE**
The New Choices program will maintain, review and collect data as needed from all available incident based documents: reports, investigation files and sexual abuse incident reports. Incident based data includes, at a minimum, data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

N. **PROCEDURE**
The New Choices program will collect accurate, uniform data for every allegation of sexual abuse at its program and will aggregate the data at least annually. The aggregation and review of this data will be documented by the PREA Coordinator in an annual report with the intent to improve the effectiveness of the agency’s sexual abuse prevention, detection and response policies, practices and training. The review will include:

- Identifying problem areas
- An assessment if the agency is taking corrective action on an ongoing basis
o A comparison of the current year’s data and corrective actions taken in prior years
o An assessment of the agency’s progress in addressing sexual abuse.
o Approval of the Chief Executive Officer

The report will be posted on the agency website. Specific material from the report may be redacted prior to posting on the website if it is determined that the information would present a clear and specific threat to the safety and security of the agency. The nature of the material redacted must be stated. Personal identifiers will also be removed.

O. PROCEDURE
At least annually the PREA Coordinator will document that policies regarding Sexual Abuse and Sexual Harassment are evaluated and any necessary revisions are made.

III. POLICY

The Children’s Center of Hamden has procedures in place to detect if sexual abuse and sexual harassment has or is happening at our agency

A. PROCEDURE
All employees will be trained in how to detect and assess for signs of sexual abuse and sexual harassment.

B. PROCEDURE
The Children’s Center of Hamden will inform the public about how to report abuse and harassment on agency brochure, posted in waiting room and on the agency website

C. PROCEDURE
Youth will be informed how to report sexual abuse, sexual harassment and concerns about inadequate staff supervision and that the agency does not permit retaliation of youth for making such reports. Youth may report privately to any employee at the agency. Youth will also be informed that if they prefer to remain anonymous with their report that they can report anonymously to an agency employee on a grievance form or to report their concerns to their probation officer or DCF worker with a request that they remain anonymous as the reporter if that is their desire. Youth may submit a grievance regarding an allegation of sexual abuse at any time regardless of when the incident is alleged to have occurred.

D. PROCEDURE
Youth will be informed how to report an emergency grievance when concerned that a youth is a substantial risk of imminent sexual abuse. All emergency grievances must be brought to the Program Director’s attention.
The Children's Center of Hamden has procedures in place to respond to sexual abuse and sexual harassment.

A. PROCEDURE

All employees will be trained on how to respond effectively and professionally to victims of sexual abuse and sexual harassment

- Employees who are informed of an allegation of sexual abuse or sexual harassment or who have suspicions will inform their supervisor immediately and will document their receipt of the information on an incident report.
- The alleged victim and alleged abuser will be kept separate
- All employees will be trained in how to preserve physical evidence of sexual abuse.
- If the alleged abuse occurred within a time period that still allows for the collection of physical evidence, The Children's Center of Hamden will attempt to prevent the alleged victim and alleged abuser from taking any actions that could destroy physical evidence, including, as appropriate: washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating. The alleged victim will be asked not to do any of these listed actions. Efforts will be made to try and prevent the alleged abuser from doing any of these actions.
- Employees will follow agency policy regarding confidentiality and HIPAA
- Agency employees will accept all allegations and concerns with regards to sexual abuse and sexual harassment, regardless of how long ago the incident or concern may have occurred.

B. PROCEDURE

Youth must not be required to resolve an allegation of sexual abuse nor will youth be used as interpreters

C. PROCEDURE

The Children's Center of Hamden coordinates actions taken in response to an incident of sexual abuse

- Employees who are informed of an allegation of sexual abuse or sexual harassment or who have suspicions will inform their supervisor immediately and will document their receipt of the information on an incident report.
- The Supervisor will immediately ensure the safety of the child and, if a staff person is the suspected perpetrator, remove that staff person from having contact with the child.
- The child will see a nurse who will decide whether or not there should be other medical follow up
- When a nurse determines that medical follow-up is necessary, the youth will be brought to Yale New Haven Hospital and a SANES will provide the exam. (The Children's Center of Hamden contracts with YNHH for medical services and a Medical Director)
o The Supervisor will immediately contact the Program Director and/or the Program Administrator who will guide the reporting process and begin collection of all documentation related to the incident.

o Suspected incidences of abuse will be reported both to the DCF Careline and the appropriate Police Department.

D. PROCEDURE

The Children’s Center of Hamden responds with a trauma sensitive approach to youth alleged to be victims of sexual abuse and sexual harassment. This response includes:

o Treatment plan revisions: counseling and/or referrals, medical services

o Victims of sexually abusive vaginal penetration shall be offered pregnancy tests. If it is found that they youth is pregnant- the youth shall receive timely and comprehensive information about all lawful pregnancy related medical services.

o Victims of sexual abuse shall be offered tests for sexually transmitted infections and medically appropriate follow-up care at no cost to the victim.

o Informing the youth if a staff member who was alleged to be abusive to the youth is no longer assigned to the youth’s program. This notification will be documented.

o Informing the youth if the staff member who was alleged to be abusive to the youth is no longer employed at the agency. This notification will be documented.

o Informing the guardian of the youth if it is learned that the employee who was alleged to be abusive to the youth has been indicted on a charge related to sexual abuse within the agency. This notification will be documented.

o Informing the guardian of the youth if it is learned that the employee who was alleged to be abusive to the youth has been convicted on a charge related to sexual abuse within the agency. This notification will be documented.

o PREA regulations require the following, but before doing so it is advised that legal counsel be sought due to the age and mental health backgrounds of the client population serviced at The Children’s Center: Informing the guardian of the youth if it is learned that another youth who was alleged to be abusive to the youth has been indicted on a charge related to sexual abuse within the agency. This notification will be documented.

o PREA regulations require the following, but before doing so it is advised that legal counsel be sought due to the age and mental health backgrounds of the client population serviced at The Children’s Center: Informing the guardian of the youth if it is learned that another youth who was alleged to be abusive to the youth has been convicted on a charge related to sexual abuse within the agency. This notification will be documented.
The Children’s Center of Hamden will not prohibit third parties (including fellow youth), employees, family members, attorneys and outside advocates from assisting youth in filing requests for administrative remedies relating to allegations of sexual abuse, nor from filing such requests on behalf of youth.

- Upon receipt of above requests The Children’s Center of Hamden may require as a condition of processing the request that the alleged victim agree to have the request filed on his behalf. If the youth declines to have the request processed on his behalf, the agency shall document the youth’s decision.
- The Children’s Center of Hamden may require that the alleged victim pursue any subsequent steps in the administrative remedy process.
- The Children's Center of Hamden accepts, from legal guardians and parents of youth, grievances alleging sexual abuse, including appeals on behalf of youth, regardless of whether the youth agrees to have the grievance filed on his behalf.

The Children’s Center of Hamden will provide youth with access to non-agency victim advocates if that is the desire of the youth and/or guardian. Should a non-agency advocate become involved the youth and guardian will be informed that the advocate is also governed by mandated reporter laws.

E. PROCEDURE
The Children’s Center of Hamden will professionally respond to a youth who is believed to have sexually harassed or perpetrated a sexual act with a nonconsenting youth. This response shall prioritize the safety and well being of all youth, will also consider the treatment needs of the alleged abuser based on a mental health evaluation and will include the use of the New Choices Behavior Management program, the TRI model. The DCF Careline and appropriate police department will be notified. A summary of the agency’s response will be documented in the client record within 60 days of learning that abuse occurred. Youth who refuse treatment and/or who have committed an offense while in the program are subject to discharge coordinated with the probation officer.

F. PROCEDURE
Program Directors must provide a response to emergency grievances
- The Program Director provides an initial response to an emergency grievance within 48 hours that includes documentation of the agency’s determination of whether the resident is in substantial risk of imminent sexual abuse and the action taken, thus far, in response to the emergency grievance.
- The Program Director must provide a final response within 5 calendar days that includes documentation of the agency’s determination of whether the resident is in substantial risk of imminent sexual abuse and the action taken, thus far, in response to the emergency grievance.

G. PROCEDURE
The Children’s Center of Hamden may hold accountable any youth or staff who knowingly makes a false allegation of sexual abuse. Should such an incident occur, the Program Administrator should be notified and approve any actions taken. Any report of sexual abuse made in good faith, based on a reasonable belief that the alleged conduct occurred, shall not constitute falsely reporting an incident or lying, even if the investigation does not establish evidence sufficient to substantiate the allegation.

H. PROCEDURE

No employee or youth shall be retaliated against (by youth, co-workers or agency leadership) after reporting sexual abuse or sexual harassment or for cooperating with a sexual abuse or sexual harassment investigation.

- Employees will inform their Program Director or Administrator when aware of any retaliation against youth or staff in response to reports of sexual abuse or harassment.
- For at least 90 days following a report of sexual abuse the conduct and treatment of the youth and/or employee who reported the abuse and the conduct and treatment of the youth reported to have suffered the abuse will be monitored by program leadership to learn if there are any changes that may suggest possible retaliation by residents or employees. Suggestions for monitoring include any recent disciplinary actions, program changes, negative performance reviews, reassignments of staff, periodic status checks of youth.
- Program Leadership will act promptly to address any confirmed retaliation.

I. PROCEDURE

The Children’s Center of Hamden does not investigate allegations of sexual abuse.

Employees should follow the polices titled, “Allegations of Internal Abuse and Neglect” and “Protective Services” and cooperate with governing authorities: DCF and the police dept.

- The Administrator of the New Choices program is trained and has passed the PREA Investigator Course
- The Children’s Center of Hamden will inform all involved governing authorities of the PREA standard 115.252 (d) that requires the New Choices program to issue a final agency decision on the merits of an allegation within 90 days of the initial report. We will also inform the governing authorities that the time frame under the PREA standards can be extended by 70 days if more time is needed to make appropriate decisions. If an extension is needed, The Children’s Center of Hamden will provide the youth and his guardian with written notification of the date by which a decision will be made.
- allegations of sexual abuse or sexual harassment are referred for investigation to DCF. Should the allegations involve potentially
criminal behavior, the DCF investigation includes notification of the Police. Referrals for investigations are documented on DCF -136 forms that are submitted to DCF and also entered into the clinical record. Employees should follow the policies titled, “Allegations of Internal Abuse and Neglect” and “Protective Services” and cooperate with governing authorities:

- The Children’s Center of Hamden will inform the authorities doing the investigation of the PREA standards that govern the New Choices program- specifically section 115.221 , Evidence protocol and forensic medical examinations.
- Upon receipt of the DCF verbal report following the investigation The Children’s Center of Hamden will:
  - confirm that a referral was made for prosecution for any substantiated allegations of conduct that appear to be criminal
  - Inform the alleged youth victim and guardian as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded.
- Within 30 days of receipt of the DCF written report following the investigation The Children’s Center of Hamden Administration will:
  - Confirm that the investigation included efforts to determine whether staff actions or failures to act contributed to the abuse
  - Confirm that the investigation included a description of the physical and testimonial evidence, the reasoning behind credible assessments and investigative facts and findings.
  - Create a review team that involves the Program Leadership, therapist, Child Care Worker and Nurse. The review team will:
    - consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
    - consider whether the incident or allegation was motivated by race, ethnicity, gender identity, sexual orientation, perceived status or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility
    - examine the area where the incident allegedly occurred to assess whether physical barriers in the area may have enabled abuse
    - assess the adequacy of staffing levels in the area during different shifts
    - assess whether monitoring technology should be deployed or augmented to supplement supervision by staff
prepare a report of its findings and any recommendations for improvements and submit the report to the Chief Executive Officer and PREA Coordinator.

- The Children’s Center of Hamden will implement the recommendations made by the agency review team or will document reasons for not doing so.

J. PROCEDURE
If the Children’s Center of Hamden program receives an allegation that a youth was sexually assaulted at another facility The Children’s Center of Hamden will notify the DCF Careline. The Children’s Center of Hamden will inform the DCF Careline of the PREA standard 115.263 that requires the New Choices program leadership to inform the leadership of the other facility (within 72 hours) that an allegation has been made. The Children’s Center of Hamden will document the Careline’s instructions as to if the leadership may or may not be notified. If the other facility is notified, the date, time, person receiving and employee making the notification will be documented.

V. POLICY

The PREA Coordinator will ensure that data collected is securely maintained.

A. PROCEDURE
The PREA Coordinator will provide all data regarding New Choices from the previous calendar year, upon request, to the Department of Justice, no later than June 30th.

B. PROCEDURE
PREA standards require that collected sexual abuse data be maintained for at least 10 years after the initial collection, unless other Federal, State or local laws require otherwise.

VI. POLICY

The Children’s Center of Hamden will participate in audits regarding implementation of this Zero Tolerance policy to continuously improve agency efforts to prevent, detect and respond to concerns.

A. PROCEDURE
The Children’s Center of Hamden will create, with the auditor, a corrective action plan within 180 days for any audit finding of “Does Not Meet Standard”.

B. PROCEDURE
   After the 180-day corrective action period The Children’s Center of Hamden, if there are still standards that are not in compliance may request a subsequent audit or lodge an appeal with the Department of Justice.

C. PROCEDURE
   The Children’s Center of Hamden will publish the auditor’s final report on the agency website