

Policy and Procedures Manual
Authority: Facility Director

Policy #: 12-001

PREA Standard: 115.211 (a)

Effective Date: 06/23/14, 5/23/19

Subject: Zero Tolerance of Sexual Abuse and Sexual Harassment

Policy:

Firetree, Ltd. mandates zero tolerance towards all forms of sexual abuse and sexual harassment. Measures are developed and implemented in order to prevent, detect, and respond to sexual abuse and sexual harassment conduct.

Scope: This policy is applicable to the governing body, all facility employees, all residents under facility supervision, volunteers, contractors, interns, visitors, and to all those individuals and groups that conduct business with or use resources of the company.

A. Zero Tolerance Policy:

"Zero tolerance" means that no sexual abuse or sexual harassment is tolerated, including abuse by residents and by staff.

- No one has the right to force or pressure a resident to engage in sexual acts. Residents do not have to tolerate sexual abuse or pressure to engage in unwanted sexual behavior regardless of age, size, race, or ethnicity. Whether one is straight, gay, lesbian, bisexual, transgender, gender non-conforming or intersex, has no bearing on the right to be safe from unwanted sexual advances and acts.
- A resident, employee, contract service provider, visitor, volunteer, intern and/ or individual who has business with or uses the resources of Firetree, Ltd. is subject to disciplinary action and/ or sanctions, including possible dismissal and termination of contracts and services, if he/ she is found after an investigation to have engaged in sexual harassment or sexual abuse with a resident.
- Anyone who engages in, fails to report, or knowingly condones sexual harassment or sexual abuse of a resident shall be subject to disciplinary action, up to and including termination, and may be subject to criminal prosecution.
- A claim of consent will not be accepted as an affirmative defense for engaging in sexual harassment or sexual abuse of a resident.

"Sexual abuse" includes:

- (i) Sexual abuse of a resident by another resident of any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - a. contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. contact between the mouth and the penis, vulva, or anus;
 - c. penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or instrument; and
 - d. any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

- (ii) Sexual abuse of a resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the resident:
 - a. contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. contact between the mouth and the penis, vulva, or anus;
 - c. 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;
 - d. 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;
 - e. 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;
 - f. any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in items listed above in this section;
 - g. any display by the staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a resident
 - h. 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.

"Sexual harassment" includes:

- (i) 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 towards another; and
- (ii) 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.

B. Implementation Plan for Preventing, Detecting, and Responding to Sexual Abuse and Sexual Harassment

Prevention/ Reduction Measures:

1. Utilize effective facility staffing patterns to protect residents against sexual abuse and sexual harassment
2. Conduct PREA administrative tours monthly to deter sexual abuse and sexual harassment vulnerabilities
3. Conduct criminal background checks and former employer reference checks to prohibit the hiring of individuals with histories of sexual violence
4. Provide initial and annual PREA training to newly hired staff
5. Provide PREA training to all volunteers, vendors, contractors, and interns who have the potential of having contact with residents.
6. Orientate residents on the zero tolerance policy
7. Take into consideration PREA requirements during the design phase of physical plan expansions or modifications
8. Prohibit body cavity searches, cross gender strip searches, and male staff from pat searching female residents
9. Screen new residents to assess past sexual victimization and past sexual predation within 72 hours of arrival at the facility, and conduct reassessment within 30 days. Use risk screening results for housing, work, education, and program assignments to ensure the safety of each resident including transgender residents
10. Mitigate vulnerable areas of the facility through the use of staff monitoring and camera surveillance.

11. Require staff to conduct opposite gender announcement prior to entering resident housing units and authorized changing areas.

Detection Measures:

1. Ensure staff and contracted medical health practitioners in the facility receive training on detecting sexual abuse and sexual harassment
2. Orientate residents, staff, interns, contractors, and volunteers on how to report an allegation through multiple means, and at least one method of how to report sexual abuse/harassment through a third party
3. Conduct monthly PREA administrative tours to identify sexual abuse and sexual harassment vulnerabilities
4. Conduct hourly staff surveillance tours of the facility at varying intervals
5. Monitor camera video for surveillance purposes

Response Measures:

1. Ensure staff, and medical and mental health practitioner in the facility receive training to responding and reporting sexual abuse and sexual harassment
2. Report to applicable referral sources and document any sexual relationships between staff members and residents and report allegations of prior sexual abuse to facility where sexual abuse is alleged to have occurred
3. Require staff to immediately report an incident of sexual abuse or sexual harassment to the PREA Compliance Manager
4. Immediate process reports/ allegations of sexual abuse and sexual harassment no matter when the abuse may have occurred, and ensure the proper reporting of sexual abuse and sexual harassment to authorized entities
5. Provide access to victim advocates for confidential emotional support services
6. Provide safety to resident from imminent sexual abuse
7. Ensure first responder duties related to reports of sexual abuse are properly implemented and to coordinate actions taken in response to an incident of sexual abuse:

- If crime in process dial 911 and relocate the victim to safe place in order to provide safety from imminent sexual abuse
 - Notify PREA Compliance Manager who in turn notifies DOC Operations Center
 - Secure the area
 - Offer timely and unimpeded access and on-going care to emergency medical (hospital)
 - Offer timely and unimpeded access and on-going care to emergency mental health care (rape crisis center services)
 - Note: if crime not in progress then process is same except the DOC contacts the police
8. Ensure a review is conducted of sexual abuse incidents at the conclusion of every sexual abuse investigation
 9. Ensure disciplinary process for staff violating sexual abuse or sexual harassment is properly enacted

Reports - For DOC residents, staff will document the verbal report on a DC-121 Part 3-BCC. For BOP residents, staff will document the verbal report on an Incident Report. The reporting resident shall not be required to "put the allegation in writing." Every report of sexual abuse shall be held in strict confidence; additional questioning or interviewing the alleged victim, witness, or assailant(s) shall not be conducted by facility staff.

Investigations - The program and/or appropriate law enforcement agency will conduct an investigation. The program, or in the case of DOC residents the Department of Correction will notify the Pennsylvania State Police to investigate for residents under their jurisdiction. The purpose of the investigation is to determine the nature and extent of the abuse. The resident will be asked by the investigator to give a statement during the investigation. If criminal charges are brought, the resident may be asked to testify during the criminal proceedings. All allegations of harassment, discrimination, and/or retaliation reported through the Complaint Procedure set forth above will be investigated promptly, thoroughly, and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate responsive action.

C. Reporting Process:

How Residents Make a Report of Sexual Abuse or Sexual Harassment:

If a resident has experienced an unwanted sexual abuse or sexual harassment, or have witnessed an act of sexual abuse or sexual harassment, Firetree, Ltd. has established multiple ways for the resident to make a report. It is important for a resident to tell a staff member as soon as possible if one has information regarding sexual abuse or sexual harassment. Residents do not have to name other residents or the staff member to receive assistance, however specific information may make it easier for staff to help the resident.

- Verbal Reports - Resident may inform any staff member that the resident trusts. Staff members are required to inform the Facility Director of all reports of sexual abuse or sexual harassment, however the information will only be shared with those that have a need to in order to make decisions concerning the victim's welfare and for law enforcement/investigative purposes.
- Written Reports - Residents have the right to make a written report (DOC residents utilize a DC-135A Request Slip). This will go to a staff member whom will address this request in a timely manner. Residents also have the right to write to the BCI/ PREA Coordinator at the following address: BCI/ PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110. The report will then go to the local state police barracks and the facility's security office for investigation. This report may be kept anonymous. *Residents do not have to give their name.* The contact information is conspicuously posted on each floor of the facility. Contact information is additionally contained in the PREA Brochure that residents receive as part of the intake and classification process.

Methods of Reporting for Employees and Interns:

1. An employee, contract employee, or intern shall report to their immediate supervisor, without delay, if he/she has knowledge of or a report (written or verbal) of an incident/allegation of sexual abuse or sexual harassment of a resident.

NOTE: If the report involves an incident/allegation of sexual abuse the employee shall complete first responder duties as outlined in First Responder section of policy.

2. The immediate supervisor shall ensure the PREA Compliance Manager (and BCC Operations Center Shift Commander for DOC residents) are notified for incidents/allegations of sexual abuse.
3. A DC-121 Part 3-BCC (for DOC residents) or Incident Report (for BOP residents) shall be completed by every employee who has knowledge of or receives a report (verbal or written) of an allegation of sexual harassment or sexual abuse. This report shall be provided to the PREA Compliance Manager without delay.
4. The employee, contract employee, or intern may also make a private report to the PREA Compliance Manager, Agency PREA Coordinator, Sexual Abuse Reporting Phone Line or Sexual Abuse Reporting Website.

5. *Every report of sexual abuse or harassment will be held in strict confidence; additional questioning or interviewing of the alleged victim, witnesses, or assailant(s) shall not be conducted by facility staff.*
6. An individual, who seeks to deter a resident or any other individual from reporting sexual activity, or who, in any manner, harasses or intimidates any person who reports the alleged contact is subject to discipline.

Method of Reporting for Volunteers, Vendors, and Other Individuals:

1. Volunteers, vendors or other individuals who have business with or use the resources of the facility shall report, without delay, if he/she has knowledge that there has been an incident/allegation of sexual abuse or sexual harassment of a resident.
2. The allegation(s) may be reported to any of the following:
 - a. Facility contact person;
 - b. Facility staff;
 - c. Facility Director/designee;
 - d. Facility PREA Compliance Manager;
 - e. Sexual Abuse Reporting Phone Line;
 - f. Sexual Abuse Reporting Website; or
 - g. PA Department of Corrections
3. *Every report of sexual abuse or harassment will be held in strict confidence; additional questioning or interviewing of the alleged victim, witnesses, or assailant(s) shall not be conducted by facility staff.*
4. Retaliatory action against a volunteer, vendor or other individual who has business with or uses the resources of the Department, for reporting sexual abuse or sexual harassment or for providing information during an investigation is prohibited; an individual, who seeks to deter a resident or any other individual from reporting sexual activity, or who, in any manner, harasses or intimidates any person who reports the alleged contact is subject to discipline.

Cross Reference to Standard: Policy [9-060](#)