



THE HEALING PLACE

POLICIES AND PROCEDURES

Section: PREA

Policy: PREA Policies and Procedures

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Replaced:

Policy: The Healing Place will make every effort to comply with the Prison Rape Elimination Act of 2003. This policy applies to all residents, full time employees, part-time employees, interim employees, interns, students, volunteers, and contractors doing business with The Healing Place and any of its affiliates.

Procedure:

1. The Healing Place has zero tolerance toward all forms of sexual assault and sexual harassment (PREA standard 115.211). All new employees, volunteers, interns, and persons affiliated with The Healing Place and its residents on a regular or recurring basis will receive training regarding PREA standards, laws, and The Healing Place policies related to Code of Ethics and Dual Relationships (PREA standard 115.231 and 115.232). Refresher training will occur on an annual basis. Training shall be tailored to be gender specific to the facility. Completion of training will be documented by employee signature attesting that they have received and understand the training material. Training will include the following:
 - a) The Healing Place has a zero-tolerance policy for sexual abuse and sexual harassment.
 - b) Their responsibilities of sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
 - c) Residents' right to be free from sexual abuse and sexual harassment.
 - d) The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment.
 - e) The dynamics of sexual abuse and sexual harassment in a residential setting.
 - f) The common reactions of sexual abuse and sexual harassment victims.
 - g) How to detect and respond to signs of threatened and actual sexual abuse.
 - h) How to avoid inappropriate relationships with residents.
 - i) How to communicate effectively and professionally with a resident, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming residents.
 - j) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
 - k) Failure to abide by PREA standards may result in personnel action up to and including termination and/or criminal prosecution.
2. All full and part-time medical and mental health care practitioners who work regularly in The Healing Place shall receive specialized training on the following (PREA standard 115.235):
 - a) How to detect and assess signs of sexual abuse and sexual harassment.
 - b) How to preserve physical evidence of sexual abuse.
 - c) How to respond effectively and professionally to victims of sexual abuse and sexual harassment.

- d) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
3. Each facility shall appoint a PREA Coordinator, usually the facility head, and a backup coordinator. The PREA Coordinator is responsible for all reporting documentation including training of inexperienced staff. Employees, volunteers, interns, and other affiliated persons completing training shall sign a document acknowledging that they understand the training they have received. All training documentation shall be maintained on site (PREA standard 115.211).
 4. Prior to employment or service, all Healing Place employees, volunteers, or contractors will submit to a routine background check. The check shall be conducted using NCIC data if possible. Background checks will be used to screen for prior convictions for sex offenses. Criminal background check requests will be performed every 5 years. Prior to hiring, The Healing Place will also make reasonable attempt to determine if the candidate has been civilly or administratively adjudicated to have engaged in inappropriate sexual conduct as described in the PREA standard. Contact with prior institutional employers will be made if applicable. Applicants will also be asked about previous misconduct (PREA standard 115.217). The Healing Place shall exclude any potential staff member that has been convicted of or attempted to engage in any form of sexual abuse from serving, being hired, or promoted. It is the position of The Healing Place that any material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination. The Healing Place shall develop a staffing plan that provides for adequate levels of supervision to protect residents against sexual abuse. This plan shall be reviewed at least once per year and approved by DOC as part of DOC's semi-annual inspection of the center (PREA standard 115.213).
 5. Upon admission to The Healing Place, residents will receive education including but not limited to the following: zero-tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse or sexual harassment, expectations for appropriate behavior, residents' rights, how to access support services, etc. Residents will be instructed that any form of sexual activity is prohibited between residents or staff. This material shall be presented to the resident in both verbal and written form with special consideration for those who have limited reading ability or who are hearing and/or vision impaired or with limited English proficiency (PREA standard 115.216). All disabled residents shall be provided access to participate in the Healing Place's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. The Healing Place shall not use resident interpreters except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-responder duties, or a PREA investigation. This education must occur within 3 days of admission and must be presented to the resident upon admission at each Healing Place placement. The resident must be given the opportunity to ask questions. Documentation of education must be maintained in the resident's file. Key information shall be posted so that it is visible and readily available to all residents (PREA standard 115.233).
 6. Residents shall be provided facilities that enable them to shower, perform bodily functions and change clothing in a restricted area. Staff will conduct regular rounds and document them in accordance with DOC contract requirements. A staff member of the opposite gender shall announce his or her presence before entering a restroom area or resident's apartment. There shall be no cross-gender strip searches or visual body cavity searches conducted at The Healing Place. The Healing place prohibits staff from searching, or physically examining any transgender or intersex resident for the sole purpose of determining the resident's genital status. Any cross-gender pat down searches will be conducted by DOC staff in accordance with established DOC policy CPP 9.8 and should be limited to searches necessary for officer safety. (PREA standard 115.215).

7. When designing or upgrading new facilities or expanding existing facilities, The Healing Places will consider the effect of the building design or modification on the center's ability to protect residents from sexual abuse. This consideration should also be made when installing or upgrading video monitoring technology (PREA standard 115.218).
8. Residents who have been victims of sexual abuse shall be offered timely unimpeded access to emergency medical and mental health evaluations and as deemed appropriate, any necessary treatment related to the sexual abuse. The scope of such services will be determined by medical and mental health practitioners according to their professional judgement. Access to those services will include resident that may have been victimized in prison, jail, lockup, or juvenile facility. If an emergency victim's advocate or rape crisis center is not available, The Healing Place staff will provide those services or put forth their best effort to secure a community partner to provide that service. The Healing Place shall provide timely access to information about and access to pregnancy tests, emergency contraception, and sexually transmitted infection prophylaxis to include timely and comprehensive information about lawful pregnancy-related medical services and be referred for test for sexually transmitted infections if requested, in accordance with professionally accepted standard of care, where medically appropriate. Any resident found to be pregnant because of sexual abuse shall be offered timely access to all lawful pregnancy-related medical services. Resident victims of sexual abuse while incarcerated shall be offered access to tests for sexually transmitted diseases. Any referral offered to the resident for emergency medical and mental health evaluations will be done so at no cost to the resident, including any necessary treatment related to sexual abuse. Such referrals will be at no cost to the resident, including cases in which the resident does not name their abuser or cooperate with the investigation. Medical and mental health services shall be available on an ongoing basis (PREA standard 115.221, 115.282, and 115.283). The evaluation and treatment of such victims shall include, as, appropriate follow-up services, treatment plans, and when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody (PREA standard 115.283). Residents shall also be informed of how to make a complaint and/or grievance related to sexual harassment or abuse. There shall be no time limits imposed for making grievances and/or complaints (PREA standard 115.252).
9. Residents shall be assessed for risk of sexual abuse victimization and/or predatory behaviors within 72 hours of admission using a validated risk assessment tool. All answers on the Risk Assessment Tool are self-reported and no resident shall ever be disciplined for not completing the assessment. Residents will be re-assessed within 30 days based on any relevant additional information (PREA standard 115.241). Residents will also be reassessed whenever circumstances warrant due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the resident's risk of sexual victimization or abusiveness. Information obtained from the risk assessment shall be used to determine appropriate housing and/or bed placement or appropriateness for The Healing Place program. The Healing Place will make individualized determinations about how to insure the security of each resident. Access to information obtained during assessment shall be limited to staff necessary to make program and housing placement decisions (PREA standard 115.242). The Healing Place will make housing and program assignments for transgender or intersex residents in the facility on a case-by-case basis.
10. PREA related allegations will be reported to the Kentucky Department of Corrections as well as law enforcement personnel if the allegation involves force, coercion, or threats. Report to DOC should occur within 24 hours of an allegation. Each facility shall provide allegations and dispositions of sexual offenses on a monthly report. All case records associated with claims of sexual offenses, including incident reports, investigation reports, resident information, case disposition, medical and counseling evaluation findings and recommendations for aftercare or counseling shall be retained in accordance with the records retention schedule (PREA standard

115.287 and 115.289). This data shall be reviewed on an ongoing basis to identify problem areas and take corrective action. Yearly reports shall be made public (PREA standard 115.288).

11. Residents shall be provided multiple internal ways to privately report sexual abuse incidents. Residents shall also have at least one way to report incidents to an outside agency. A resident or third party may report a sexual offense verbally or in writing. It shall be documented if any resident declines to have any third-party assistance in filling a grievance alleging sexual abuse. Reports may be made anonymously (PREA standard 115.251). Information about how to make a third-party report must be distributed publicly (PREA standard 115.254). Any allegation containing allegations of sexual abuse will be considered an emergency and will be addressed within 24 hours. If at any time it is learned that a resident is subject to a substantial risk of imminent sexual assault, immediate action shall be taken to protect the resident (PREA standard 115.262). Staff members shall immediately report to their supervisor all knowledge, suspicions or information of an incident of a sexual offense within a Kentucky Department of Corrections facility or any other correctional facility. No report shall be referred to any staff member that is the subject of that complaint. Staff shall report any retaliation against someone who has reported such an incident. Staff shall also report any knowledge of staff who neglect to report the above incidents. Staff members or residents may also make reports to the PREA hotline (PREA standard 115.261) as a method of third party reporting. Upon receiving the report, the staff on duty shall ensure the separation of the alleged victim and perpetrator and if possible secure and protect any crime scene to keep potential evidence in place for examination and investigation. As part of a uniform evidence protocol, agency investigators will obtain statements from any potential victims, perpetrators, and any possible witnesses. If the responding staff member is not a security staff member, that person shall request and advise that the victim or alleged perpetrator not take any actions that might destroy any evidence and then notify the security staff on duty. Any event involving criminal activity and the collection of physical evidence shall be referred to the Kentucky State Police. If the crime scene cannot be secured, the crime scene shall be photographed or videotaped (PREA standard 115.264). First Responders should refer to the Written Institutional Plan (Section #18) for more detailed instruction on the collection/preservation of evidence. The alleged victim shall be offered victim advocate services (PREA standard 115.253). If requested the advocate service shall be contacted and given the appropriate information. The Healing Place shall offer access to a forensic medical examination at no cost to the victim. Medical examinations will be conducted by Sexual Assault Nurse Examiners at the University of Louisville Hospital. If requested the victim will be accompanied to the medical examination by a member of the management team at The Healing Place. Notifications for an investigation shall be immediately made to the designated facility investigator. In addition, all allegations of sexual assaults that involve potentially criminal behavior shall be referred for criminal investigation to the Kentucky State Police. Within 24 hours of receiving an allegation that a resident was sexually abused while confined at another facility, The Healing Place Director shall notify the Head of the facility where the alleged incident occurred. The notification shall be documented. All allegations received from other facilities shall be investigated (PREA standard 115.263). All information in a report or investigation of a sexual offense shall be kept confidential except to the extent necessary to report to an appropriate supervisor, adequately investigate the incident, provide treatment, or make security or management decisions. The Healing Place shall reach a final agency decision about any report alleging sexual abuse within five days. An individual interviewed during resolving the complaint shall be cautioned to treat the information as confidential. Breach of this confidentiality shall be grounds for disciplinary action.
12. Allegations of sexual abuse and sexual harassment shall be promptly, thoroughly and objectively investigated. Sexual abuse investigations alleging force, coercion, or possible criminal behavior shall be conducted by specially trained investigators from the Kentucky Department of Corrections, Kentucky State Police, or another law enforcement agency (PREA

standard 115.222). The Healing Place shall request all information regarding any investigation performed by an outside entity, or law enforcement agency. The Healing Place staff shall also receive specialized training in conducting investigations. This training will be provided by DOC (PREA standard 115.234). Investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. The Healing Place will consider a preponderance of evidence to substantiate any allegation of sexual abuse. Administrative investigations that result in a substantiated case of sexual abuse shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged perpetrator or victim from the employment or control of the facility or department shall not provide a basis for terminating an investigation (PREA standard 115.271). Alleged victims shall be informed when a report has been found to be substantiated unsubstantiated, or unfounded, the alleged perpetrator is no longer housed at The Healing Place facility, the alleged perpetrator is no longer employed by or affiliated with The Healing Place facility, and/or the alleged perpetrator has been indicted or convicted. Any notification, to any resident shall be documented in the investigation file. Duty to inform the alleged victim ends when the victim leaves The Healing Place program (PREA standard 115.273). An offender may be discharged for reporting a false allegation of sexual abuse or sexual harassment only where the facility can demonstrate the false allegation was knowingly made in bad faith. A report made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute a false report or lying even if an investigation does not establish evidence enough to substantiate the allegation (PREA standard 115.278).

13. Residents and staff who report sexual abuse or harassment shall be protected from retaliation. These residents and staff will be monitored for at least 90 days following a report. The assigned agency investigator will be designated to monitor the situation. The agency investigator will continue to monitor the situation beyond 90 days, if needed. Changes in housing assignment or work schedules may be necessary. Obligation to monitor can be terminated if it is determined that an allegation of retaliation is unfounded (PREA standard 115.267).
14. Within 30 days of the conclusion of an investigation, a review will be conducted by The Healing Place management team. The purpose of the review is to determine whether there is a need to revise policy and/or procedures, adjust staffing levels, address behavioral norms within the facility, review and correct physical plant issues, employ monitoring technology, etc. The review team will prepare a written report of recommendations and submit this to the agency head and PREA compliance manager (PREA standard 115.286). At that time, the agency will begin to implement the recommended changes.
15. Staff shall be subject to disciplinary sanctions up to and including termination for violating The Healing Place, DOC or parent agency sexual harassment or sexual abuse policies. Termination shall be the presumptive disciplinary sanction for staff who have engaged in any form of sexual abuse (PREA standard 115.276). The Healing Place shall consider alternative sanctions for Staff members or contractors involved in incidents of sexual harassment or relating to, but not committing the act of, sexual abuse. Factors taken into consideration shall be the act committed, the staff member's disciplinary history, and sanctions for similar offences. Criminal acts committed by staff, contractors, or volunteers shall be reported to law enforcement. Any staff, contractor or volunteer that engages in sexual abuse shall be prohibited from contact with residents. The Healing Place shall report to law enforcement any termination or resignation of an employee that has violated the sexual abuse and sexual harassment policy. All residents are subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that a resident engaged in sexual abuse. Any form of sexual activity between residents or staff is prohibited. The Healing Place shall consider any incident that involves coercion to be a form of sexual abuse and will proceed accordingly. The Healing Place shall attempt to refer any known resident-on-resident abuser for a mental health evaluation within

60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners (PREA standard 115.283). The Healing Place shall offer access to therapy, counseling, or other interventions designed to address the underlying motivations for sexual abuse. Any resident found to need such services shall be required to participate in that intervention as a condition to access services. Other violations of code of ethics or dual relationship policies shall be reported to any relevant licensing or certification boards (PREA standard 115.276 and 115.277).

16. Each Healing Place will establish a relationship with the local Kentucky Association of Sexual Assault Programs service provider to ensure clients have access to support services, including victim advocate services. If requested by the victim, the advocate shall be allowed to accompany the victim through the forensic medical examination process and investigative interviews (PREA standard 115.221).
17. There will be an independent PREA audit conducted once every three years as required by Kentucky Department of Corrections (PREA standards 115.293 and 115.401). Audits shall be conducted by a qualified auditor (PREA standard 115.402). The auditor shall provide a final report containing all findings of compliance and non-compliance with standards. The auditor's report shall be made public (PREA standard 115.403). Any finding of "Does Not Meet Standard" will trigger a 180-day corrective action period. The auditor will work with The Healing Place to develop a corrective action plan. After 180 days the auditor will reevaluate and make a final determination regarding compliance. The Healing Place may also request a subsequent audit once it believes compliance has been met (PREA standard 115.404). The Healing Place may also appeal an audit finding to the Department of Justice within 90 days of the auditor's final determination. If DOJ determines worthy cause for reevaluation, The Healing Place may commission a re-audit at the center's expense. Findings of the re-audit shall be considered final (PREA standard 115.405).
18. The Healing Place shall collect accurate uniform data for every allegation of sexual abuse at its facilities. Data collected shall be enough complete the Survey of Sexual Violence (SSV) conducted by the Department of Justice. The Healing Place shall aggregate all sexual abuse data annually. The Healing Place shall review all sexual abuse data annually. Agency reviews shall focus on ways to improve the effectiveness of its sexual abuse prevention, detection, response policies, and training. Agency reviews will identify problem areas and evaluate for corrective action on an ongoing basis. The Healing Place will create an annual report of data concerning sexual abuse and the agency's progress in addressing sexual abuse. Annual reports will include the current year's data and corrective actions with those of prior years. The annual report must be approved by the President of The Healing Place. The annual report of sexual abuse will be posted on the agency website. Any redaction from the annual report must be limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility. The Healing Place would indicate the nature of any redacted material. All data collected from incident of sexual abuse shall be securely retained. Any facility The Healing Place contracts with for the care of Department of Correction residents shall post any related review of sexual abuse data on its respective website. Any personal identifiers will be removed from any data before it may be posted publicly. Any data collected form an incident of sexual abuse will be retained for at least 10 years of the initial collection, unless federal, state, or local law requires otherwise.

19. Written Institutional Plan

In the event that a staff member is made aware of allegations of a sexual nature (to include: Sexual Harassment, Sexual Abuse, Sexual Contact, Voyeurism etc.) the following plan shall be activated:

- I. Upon Initial Notification, the **Staff First Responder** shall separate the client from the location for their safety and the security of THP. At no time shall the client be left alone. Until further notification and investigation, do not allow any client involved to shower, remove clothing, use the restroom, eat, drink or brush their teeth. The Healing Place shall not use resident interpreters except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-responder duties, or a PREA investigation. If necessary contact interpreting services for any communication needs (ASL Interpreting Services – Hearing Impaired, CTS Language Link – Spoken Word). Instructions should be posted in supervisor office.
- II. Notify the Director immediately and brief them on the allegations.
- III. Ensure that the crime scene (if applicable) is secured and the post is manned. **NOTE: Per CPP 14.7 the only person(s) to enter a secured crime scene shall be the Kentucky State Police, the assigned investigator or medical staff as needed. A log shall be maintained to record all entries and exits of the crime scene.**
NOTE: The First Responder should be noting times, comments or additional occurrences during this process.

Site Director and Initial PREA Investigator

- I. Upon notification, begin a timeline of events for documentation. In the event that the incident is anything other than Sexual Harassment, the monitor shall ensure the victim is immediately escorted by a Supervisor to University of Louisville Hospital for the necessary examination, treatment and evaluation by Medical and Mental Health staff. The Director shall contact the Center for Women and Children center immediately.
- II. The director will need to make all necessary notifications: state police, PREA investigator, The Center for Women and Children, CPO in Louisville. Also, complete the EOR notification email (within 30-60 minutes of the incident).
- II. The victim shall **only** be questioned initially to determine the identity of the suspect, where and when the sexual assault occurred.
- III. The suspect shall be restrained and escorted to the conference room. Ensure that there is no contact made between the victim and suspect.
- IV. A trained PREA Investigator will need to complete Section 1 of the “Sexual Offense Allegation Reporting Form” (Attachment II of CPP 14.7) and forward to the Internal Affairs Department. This form is available on the C drive in the Common Forms folder, Sexual Offense Allegation Reporting Form 121813.
- V. Confirm that the crime scene (if applicable) has been secured until the arrival of the Kentucky State Police and/or the PREA Investigator.
- VI. Confirm that the victim and suspect are being monitored and observed and that they are not bathing or showering, removing any clothing without medical supervision, using the restroom, eating, drinking or brushing their teeth (per CPP14.7) Also make certain that they do not have contact with each other or any other client.

NOTE: At NO time shall the victim be left alone before or after being evaluated by Mental Health Staff.

- VII. If it is determined by the Medical and/or Mental Health Provider, University of Louisville hospital will then be responsible for collection of forensic evidence and medical examination by a SAFE/SANE Medical Professional. Ensure that all appropriate notifications are made to include the PREA department of corrections staff, the PREA investigator, and the CPO.
- IX. Gather staff reports, Mental Health statement, and Medical evaluation prior to the end of the shift that the allegation was reported on. Forward these items to the PREA department of corrections staff.
- X. Upon the clients return from the hospital emergency room, medical treatment or mental health/suicide watch, the victim shall be interviewed and assessed for determination of regular housing needs.

Internal Affairs PREA Investigator

- I. The investigation of a sexual incident shall only be investigated by a trained PREA Investigator.

- II. Confirm that all of the proper procedures have been followed by the descriptions above.
- III. If the Sexual Offense Allegation Reporting Form (Attachment II, Section 1 of the CPP 14.7) has not been completed then the investigator will begin this report.
- IV. Complete Attachment II, Section II of CPP 14.7.

V. Offer the victim advocate services. Center for Women and Families.

VI. Ensure the EOR has been completed and submitted properly.

VII. A report shall be written in memo form and addressed as follows:

To: Director

From: Investigators Name, Title

Date: (This will need to be the date that the memo is generated)

Re: PREA Investigation KCIW 022414

Please note that all PREA Investigation Numbers shall be issued with KCIW and the date that the **allegation was reported** (see example above).

The report should include all aspects listed in CPP 14.7, II. Policy and Procedures; H. Investigations; #3.

The report shall be sent to the Institutional PREA Compliance Manager (PCM) for review. Following this review the PCM shall forward the report, EOR, and completed Sexual Offense Allegation Reporting Form to Lise Vannostrand, Joseph Martin, Harley Allen, the director, and the CPO.

Reviews

I. All reports shall be reviewed by the Incident Review Team. For an investigation that results in a substantiated case of sexual abuse an effort will be made to determine if staff actions or failures to act contributed to the abuse. (**Note the transfer of a victim or perpetrator or departure of an employee does not provide basis for terminating an investigation**).

II. Per CPP 14.7 in cases where the alleged victim has reported the case of sexual abuse, and after the investigation, the alleged victim shall be informed, and it shall be documented when:

- a. The allegation has been determined to be substantiated, unsubstantiated or unfounded.
- b. Alleged perpetrator is no longer posted within the offender's unit.
- c. Alleged perpetrator is no longer employed.
- d. Alleged perpetrator has been indicted or convicted on a charge related to sexual abuse.

III. The Healing place staff shall monitor for retaliation against the victim for a minimum of 90 days (per CPP 14.7 Section II, Policy and Procedures, K. Retaliation).

Medical

The victim shall be escorted to the medical department for evaluation and questioning to determine if the client should be sent for further outside medical examination and treatment by a SAFE (if possible) or SANE Nurse at University of Louisville Hospital at no cost to the client. The on duty Medical staff shall contact the On-Call

Provider for further instruction and approval.

Mental Health (Center for Women and Children) 927 S.2nd street, Louisville, Ky. 40201 (502) 581-7200/ Contact Person: Cindy Guertin (502) 581-7200. Crisis # (502) 581-7222

Mental Health shall provide a clinical assessment and provide services as needed. If the client requests outside advocate services they will be contacted. A trained victim advocate from Center for Women and Families

will meet with the victim up to three (3) times. If the allegation is reported and Mental Health staff is not readily available the director shall call The Center for Women and Families in Louisville, Ky for immediate service.

20. Sexual Abuse Grievance Policy

Policy: Clients of The Healing Place have the right to submit grievances regarding allegations of sexual abuse against other clients and staff members without retaliatory action by staff or other clients against him or her if a complaint is made. Client grievance procedures regarding allegations of sexual abuse shall be explained during orientation upon admission into the facility. The Client Grievance Form is the preferred method to be used by a client for allegations of sexual abuse, however, staff shall accept reports made verbally, in writing, and anonymously from third parties and shall promptly document any verbal reports. A client who has a complaint of sexual abuse regarding a staff member is not required to attempt to resolve the matter with that staff person before employing the formal grievance procedure.

Procedure:

1. There is no time limit on when a client may submit a grievance regarding an allegation of sexual abuse.
 2. The form is to be submitted to the staff member's immediate supervisor. A client is not required to submit their grievance to any staff person who is the subject of the complaint and grievances should not be referred to a staff member who is the subject of the complaint.
 3. The Healing Place shall issue a decision within 90 days of the initial grievance filing. Computation of the 90-day time period shall not include time consumed by clients in preparing any administrative appeal.
 - a. The Healing Place may claim an extension of time to respond, up to 70 days regarding an allegation of sexual abuse. The client will be notified in writing of any extension and provided a date on which a decision will be made.
- At any level of the administrative process a failure of the agency to respond shall be considered by the client as a denial at that level.
- b. Third parties are permitted to assist clients in filing requests for administrative remedies relating to allegations of sexual abuse and are also permitted to file requests on behalf of the client.
 - c. If a third-party file a request on behalf of a client, The Healing Place may require as a condition of the processing the request that the alleged victim agree to have the request filed on his or her behalf and may also require the alleged victim personally pursue any subsequent steps in the administrative process.
 - d. If the person declines to have the request processed on his or her behalf, The Healing Place will document the client's decision.
4. If a client is subject to a substantial risk of imminent sexual abuse an emergency grievance may be filed. An emergency grievance may be filed alleging that a client is subject to a substantial risk of imminent sexual abuse.
 - a. After receiving an emergency grievance alleging a client is subject to a substantial risk of imminent sexual abuse, the program manager will be contacted, and the client's level of risk will be assessed. Corrective action will be taken immediately, and The Healing Place will provide an initial response within 48 hours and a final agency decision within 5 calendar days.
 - b. The initial response and final agency decision shall document the agency's determination whether the client is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

Definitions:

Sexual abuse of an inmate, detainee or resident by a staff member, contractor or volunteer includes any of the following acts, with or without consent of the inmate, detainee or resident;

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva or anus;
3. 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;
4. 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;
5. 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;
6. Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described in paragraphs (1) through (5) of this definition;
7. Any display by a staff member, contractor or volunteer of his or her uncovered genitalia, buttocks or breast in the presence of an inmate, detainee or resident, and
8. Voyeurism by a staff member, contractor or volunteer.

Sexual contact: any touching or physical contact of the sexual or other intimate parts of a person, including the genitalia, anus, groin, breasts, inner thighs or buttocks, either directly or through clothing, that is unrelated to official duties or done for arousing or gratifying the sexual desire of any person or humiliating, harassing or degrading any person.

Sexual harassment: repeated verbal comments or gestures of a sexual nature to an inmate, detainee or resident by a staff member, contractor or volunteer, demeaning references to gender, sexually suggestive or derogatory comments about body or clothing or obscene language or gestures, as established in 28 C.F.R. 115.6.

Sexual offense: any behavior or act of a sexual nature directed toward an offender by a staff member, visitor or other offender. This includes completed, attempted, threatened or requested acts including sexual abuse, sexual harassment, voyeurism, sexual contact, conduct of a sexual nature or implication, obscenity and unreasonable invasion of privacy. Sexual offense also includes conversations or correspondence, which suggest a romantic or sexual relationship between an offender and a staff member.