**PINEVIEW HOMES**

**PREA POLICY**

**Revised 08/09/2022**

**Agency Zero Tolerance Policy**

Pineview Homes has zero tolerance toward all forms of sexual abuse and sexual harassment. Pineview Homes shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

All employees prior to employment must pass a criminal background check as well as a child abuse background check. There is a security camera system in each residence and our on-grounds school which helps monitor inappropriate behaviors. Staff are trained to observe any "grooming" or other inappropriate behavior which could lead to sexual abuse or harassment.

If sexual abuse or harassment is alleged, the respective staff immediately notifies the Facility Investigator, who immediately investigates and in turn notifies the respective caseworker(s), Casework Supervisor and Director. Proper outside workers/agencies will then be notified (Protective Services and D.H.S., Consultant) who then will conduct a criminal investigation according to state guidelines.

Abused or harassed clients, as well as client witnesses, are trained to notify proper staff of any inappropriate incident by staff or client.

**PREVENTION OF RESIDENT SEXUAL ASSAULT/RAPE**

Residential juvenile justice staff must have zero tolerance for sexual abuse and sexual harassment of residents. Pineview Homes must ensure that preventive plans are in place and, should allegations regarding sexual abuse or harassment be made, that staff are appropriately trained to take actions to rapidly restore safety, attend to and support the victim, and promptly initiate the investigative process.

**PURPOSE**

To prevent incidents of sexual abuse and sexual harassment and to take prompt, effective, and compassionate action if allegations of sexual abuse or harassment are made.

**DEFINITIONS**

**Resident-on-resident sexually abusive penetration:** any sexual penetration by a resident of another resident. 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 a hand, finger, or other object.

**Resident-on-resident sexually abusive contact:** Non-penetrative touching (either directly or

through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks without

penetration by a resident of another resident, with or without the latter's consent, or of a resident

who is coerced into sexual contact by threats of violence, or of a resident who is unable to refuse.

**Resident-on-resident 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 resident directed toward another.

**Staff-on-resident sexually abusive contact:** Includes penetration by a staff member of a resident, 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 another person by a hand, finger, or other object. Includes non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks by a staff member or a resident that is unrelated to official duties.

**Staff-on-resident sexually abusive penetration:** Sexual penetration by a staff member of a

resident, 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 another person by a

hand, finger, or other object.

**Staff-on-resident indecent exposure:** The display by a staff member of his or her uncovered

genitalia, buttocks, or breast in the presence of a resident.

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

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

**Staff-on-resident sexually abusive penetration:** Sexual penetration by a staff member of a resident, 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 another person by a hand, finger, or other object.

**Staff-on-resident sexual harassment:** Repeated verbal comments or gestures of sexual nature to a resident 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 sexual misconduct:** Includes any behavior or act of a sexual nature directed toward a juvenile or youthful offender by an employee, volunteer, contractor, official visitor, or other agency representative. Sexual relationships of a romantic nature between staff and youth are included in this definition.

**Sexual Exploitation:** Includes allowing, permitting, or encouraging 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. Also, see JRG, online JJ Residential Glossary.

**STANDARD OPERATING PROCEDURE**

**A. Providing Sexual Assault/Rape Prevention Information to Youth**

1. Pineview Homes' youth orientation process includes policy and procedures relating to

prevention of and response to reports of sexual assault/rape. This orientation must

occur within the first 72 hours of a youth's admittance day. The information provided

must include but is not limited to:

a. Pineview Homes' 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 sexual harassment. Multiple reporting options at Facility include:

1) Verbally to any staff, counselor, or administrator

2) In writing to any staff, counselor, or administrator

3) In writing through the youth and family grievance process

4) Externally by telephoning Children's Protective Services.

5) Anonymous and third party reports must also be accepted.

d. Treatment and counseling, 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 the facility.

g. Disciplinary action(s) for making false allegations: Clients will not be disciplined for making an allegation of sexual abuse or sexual harassment if the investigation determines that the abuse did not occur, so long as the allegation was based upon a reasonable belief that the abuse occurred, and the allegation was made in good faith. The facility will discipline youth for sexual contact with staff only upon a finding that staff did not consent to such contact. Sexual activity between residents does not constitute criminal sexual conduct if it is determined that the activity was not coerced or otherwise involved criminal behavior. The residents will also be trained on applicable age of consent laws.

2. The information must be provided verbally and in written form, and the information must be in a language and format that the youth can understand. The use of resident interpreters is prohibited except in limited circumstances when delay in translation could compromise resident safety or the performance of first responder duties.

3. Video presentations may be used to supplement the content of the presentation, but direct verbal and written information must be included.

4. Each resident must sign a written acknowledgement form for the sexual assault/rape prevention portion of the orientation.

5. The signed acknowledgment form must be filed in the youth's case record.

6. Youth must be provided with comprehensive PREA education within 10 days of intake.

**B. Youth Assessment**

1. The resident's behavior history must be reviewed, within 72 hours of arrival at the facility and reassessed at a minimum of every six months, as part of orientation to determine the resident's potential risk of sexual vulnerability based on the following risk factors:

a. Prior sexual victimization or abusiveness

b. Any gender non-conforming appearance or manner or identification as lesbian,

gay, bisexual, transgender, or intersex, and whether the resident may therefore be

more vulnerable to sexual abuse

c. Current charges and offense history

d. Age

e. Level of emotional and cognitive development

f. Physical size and stature

g. Mental illness or mental disabilities

h. Physical disabilities

i. The resident's own perception of vulnerabilities

j. Any other specific information about individual residents that may indicate

heightened needs for supervision, additional safety precautions, or separation

from certain other residents

**\*Note:** All residents that disclose any prior sexual victimization during a screening must be offered a follow-up meeting with a medical or mental health practitioner within 14 days. All residents that disclose during screening that they previously perpetrated sexual abuse are offered a follow-up meeting with a mental health practitioner within 14 days. These referrals must be documented in the PREA resident tracking binder that will be kept secured.

2. The youth must be evaluated as part of orientation to determine if the youth is prone to

victimize other youth, 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 sexually aggressive behavior

3. Pineview Homes must use all information obtained to make housing, bed, program,

education, and work assignments for residents with the goal of keeping residents safe

and free from sexual abuse.

4. Lesbian, gay, bisexual, transgender, or intersex (LGBTI) residents may not be housed

solely on the basis of such identification or status. In addition, the agency must:

a. Decide on a case-by-case basis whether to place a transgender or intersex youth in a facility for male or female residents. Placement decisions are based on whether the placement would ensure the resident's health and safety, and whether the placement would present management or security problems. The youth's own view of his 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 resident.

c. Allow transgender and intersex youths the opportunity to shower separately

from other residents.

d. Staff must not search or physically examine a transgender or intersex resident for the sole purpose of determining a youth's genital status. If a youth's genital

status is unknown, it may be determined during conversations with the youth, by

reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

e. Youth must not be considered more likely to perpetrate sexual abuse solely

because of LGTBI identity.

5. A youth may be separated from other youth as a preventive and protective measure, but only as a last resort when other less restrictive measures are inadequate to keep the

youth safe from other youths, and then only until an alternate means of keeping all

youths safe can be arranged. During any periods of separation, facility staff may

not deny a youth otherwise under control, access to daily large-muscle exercise and

legally-required educational programming or special education services.

6. Assessment activities and resultant placement, bed, or other assignments must be

documented.

7. Pineview Homes will attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment, when appropriate, by mental health practitioners.

8. Pineview Homes offers follow-up appointments for residents who reported prior sexual victimization. Pineview Homes. will track all follow-up appointments for residents who reported both prior victimization and perpetration via spreadsheet and the spreadsheet will be placed in the Pineview Homes PREA binder that will be kept securely in the PREA Coordinators Office.

**C. Staff Training on Offender Sexual Assault/Rape Prevention and Reporting**

1. All Pineview Homes' staff, and contactors and volunteers that have regular contact with youths, 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 Pineview Homes' Record Retention

Schedule.

2. All Pineview Homes' staff must read this policy and any related local facility written

policy or procedure articles prior to assuming duties with youth, when the policy or

procedure changes, and on at least an annual basis. Staff must sign a written

acknowledgment that they read and understood the policies and procedures. This

signature sheet must be kept on file for a period determined by the Record Retention

Schedule.

3. When staff that have been trained later transfer to work at a facility or unit housing a

different gender, then additional gender-specific training is required.

4. Direct care staff must be trained in how to conduct a pat down search. Cross gender pat

down searches are prohibited, except in exigent circumstances. In that event, exigent

circumstances shall be documented with justification of the circumstances leading to

cross gender pat search. Searches of transgender and intersex residents must be

conducted in a professional and respectful manner, and in the least intrusive manner

possible, consistent with security needs.

5. All full and part time medical and mental health care practitioners who work

regularly with residents must receive specialized training on: Detecting signs of

sexual abuse, preserving physical evidence, effective response, and reporting.

Training will be documented in personnel records.

6. Pineview Homes conducts administrative investigations into allegations of sexual abuse

and/or sexual harassment. Investigators must complete specialized training on

conducting these investigations. Completion of the training must be documented.

7. If a client suspects risk of imminent sexual abuse, they are encouraged to report it to staff or use an Emergency Grievance form. Emergency Grievances will receive an initial response within 48 hours. The facility will issue a final agency decision within five calendar days, and the initial response and final agency decision shall document the agency’s determination whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

**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. Pineview Homes' requirements for staff-to-youth ratios apply at all

times. Pineview Homes meets the requirements of DHHS and PREA standards of staff-to-youth ratio. This staffing plan requires that these ratios must be met at all times except in the case of unforeseen and temporary circumstances. Any time the minimum staffing ratios are not met, the circumstances must be documented in an Incident Report that lists the reason(s) and duration that the minimum staff-to-youth ratio was not met and any actions taken to correct the situation. All Incident Reports regarding any deviations to staff-to-youth ratios will be kept secured in the facility PREA binder.

2. Staff must always be aware of warning signs that may indicate that a youth 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 strong-arm tactics (extortion}, associating or pairing up with a youth that meets the

profile of a potential victim, exhibiting voyeuristic and/or exhibitionistic behavior, and a

demonstrated inability to control anger.

4. Staff must immediately report any knowledge, suspicion, or information that they receive regarding: a) an incident of sexual abuse or sexual harassment; b) any retaliation against residents or that reported such an incident; c) any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

5. All staff of the opposite gender must announce their presence when entering any areas

where residents are likely to be showering, performing bodily functions, or changing

clothes. When a staff of the opposite gender is assigned to work with the group

throughout the shift a single announcement at the start of the shift meets this

requirement.

6. Other than medical staff, opposite gender staff may not view, including camera

viewing, residents when they are showering, performing bodily functions except in

exigent circumstances or when such viewing is incidental to routine cell checks.

7. Isolation/Seclusion is not utilized by Pineview Homes. (115.342)

8. Pineview Homes staff is required to accept reports of sexual abuse or sexual harassment verbally, in writing, anonymously, and from third parties. Additionally, Pineview Homes staff is required to document all reports of sexual abuse or sexual harassment.

**E. Youth Response to Sexual Assault/Rape**

1. Youth's must be supported and encouraged to report sexual assault, attempted sexual

assault, and/or sexual harassment and be protected from retaliation. A youth that believes

that they were the victim of a sexual assault, attempted sexual assault or sexual harassment, or believes another youth was the victim of sexual assault, attempted sexual assault, or sexual harassment, must report this information to a staff member.

2. Youths are not encouraged or required to report alleged abuse to a staff member who is the subject of the complaint.

3. Youths may also write down their report and turn it in to staff or use the facility grievance process to report. An option must exist for youths to report sexual abuse to someone outside of the facility. The outside reporting option for Pineview Homes is to place a call to Children's Protected Services, 1-855-444-3911. If a youth requests to report outside of the facility, the following must occur:

a. Contact the on-duty Supervisor to facilitate the call. The call is confidential. The Supervisor will not listen to the youth's reporting.

b. The Supervisor will maintain line of sight supervision of the youth during the

phone call.

c. Following completion of the call, the Supervisor will notify the Pineview Homes Director or designee in the Director's absence and report that a youth made a call to the hot line.

**\*NOTE:** Calls to CPS are confidential however it could occur that a youth also volunteers information to staff about sexual abuse. If at any time a youth discloses information about sexual abuse to any Pineview Homes' personnel, then staff must respond in accordance with the procedures listed under "Staff Response to Sexual Abuse/Rape".

4. Clients must be informed, prior to giving them access to outside victim advocates for

emotional support services related to sexual abuse, of the extent to which such

communications will be monitored and the extent to which reports of abuse will be

forwarded to authorities in accordance with mandatory reporting laws. Clients over the

age of 18 must give written informed consent before medical/mental health personnel

engage in mandatory reporting regarding victimization occurring outside of an agency or

institutional setting.

5. Following a client's allegation that a staff member has committed sexual abuse

against the resident, the facility subsequently informs and documents the client

(unless the facility has determined that the allegation is unfounded) whenever

a. The staff member is no longer posted within the resident's unit;

b. The staff member is no longer employed at the facility;

c. The facility learns that the staff member has been indicted on a charge

related to sexual abuse within the facility;

d. The facility learns that the staff member has been convicted on a charge

related to sexual abuse within the facility.

6. Following a resident's allegation that he or she has been sexually abused by

another resident in the facility, the facility subsequently informs and documents

the alleged victim whenever:

a. The facility learns that the alleged abuser has been indicted on a charge

related to sexual abuse within the facility

b. The facility learns that the alleged abuser has been convicted on a charge

related to sexual abuse within the facility

7. Client Grievances related to sexual abuse allegations:

a. A grievance alleging sexual abuse can be filed at any time regardless of

when the incident allegedly occurred.

b. Third party grievances alleging sexual abuse are accepted.

c. A grievance alleging sexual abuse or sexual harassment does not have to be

submitted to the person that is the subject of the allegation.

d. There is no requirement that youth use an informal process for resolving

grievances alleging sexual abuse or sexual harassment.

e. Emergency grievances alleging sexual abuse and/or the imminent threat of

sexual abuse must be responded to within 48 hours.

**F. Staff Response to Sexual Assault/Rape**

1. Staff receiving a report of sexual assault or attempted sexual assault that occurred in a

facility, whether or not it is part of the agency; staff that become aware of sexual activity

between residents or between a resident and staff, contractor, visitor, or volunteer;

become aware of retaliation against students or staff that reported such an incident;

and/or, become aware of any staff negligence or violation of responsibilities that may

have contributed to an incident or retaliation must immediately report this to the

supervisor. If a supervisor is not on duty the staff must call an administrator. The

administrator is responsible for notifying the proper authorities which may include the

police, CPS, and the Division of Child Welfare Licensing (DCWL).

2. The staff member receiving the report of actual or suspected sexual abuse must

immediately call Children's Protective Services and report the incident and/or allegation.

The staff member receiving the report of actual or suspected sexual abuse or rape must

submit an Incident Report before the end of their work shift and must complete a DHS3200, Report of Actual or Suspected Child Abuse or Neglect, within 72 hours of becoming aware of the incident.

3. The first responder must take immediate steps to protect the alleged victim from further potential sexual assault or rape 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. These same protections must be provided to any youth believed to be in imminent danger of being sexually abused.

4. If it is believed or determined that a sexual assault occurred and that the alleged sexual

assault occurred within the last 96 hours, Pineview Homes' Director or designee must

make immediate arrangements to transport the youth to the facility- designated

emergency room for a rape kit and the area where the incident occurred must be

secured in order for law enforcement to collect all forensic evidence. If it is believed or determined that a sexual assault occurred more than 96 hours previous, the emergency room must be contacted for further instructions.

5. Following emergency response and completion of the rape kit (if applicable) a youth

believed or determined to have been the victim of a sexual assault must also be

examined by medical staff for possible injuries regardless of when the alleged sexual

assault occurred. Medical and mental health treatment, and forensic exams must be

provided at no charge to residents.

6. The victim of sexual assault or attempted sexual assault must be provided mental

health assistance and counseling as determined necessary and appropriate. Resident

victims of sexual abuse will be offered timely information about and timely access to

emergency contraception and sexually transmitted infections prophylaxis, in

accordance with professionally accepted standards of care, where medically

appropriate. If pregnancy results from sexually abusive contact victims shall receive

timely and comprehensive information about and timely access to all lawful pregnancy-related medical services. All medical and counseling services will be provided at no charge to the victim. Pineview Homes will track the delivery of all required Medical and Mental Health Services for residents who have been victimized by sexual abuse, including the following: medical and mental health evaluations, follow-up services, if appropriate; treatment plans, referrals for additional services, and test results for Sexually Transmitted Infections. The delivery of all required medical services will be tracked via spreadsheet and the spreadsheet will be placed in the Pineview Homes PREA binder that will be kept securely in the PREA Coordinators Office.

7. Pineview Homes' Director or designee also ensures that incidents of sexual abuse,

findings from investigations, and other pertinent information is reported to the youth's

court of jurisdiction, the youth's worker, the youth's parent or legal guardian, and the

youth’s attorney, if the youth has an attorney. The youth is also informed of the

findings from investigations of sexual abuse or sexual harassment investigations.

8. Records of allegations involving an employee must be kept as long as the employee is

employed, or the youth is in residence, plus five years.

9. If Pineview Homes receives a report of sexual abuse that occurred at another facility,

Pineview Homes' Director must report Director-to-Director to the other facility within 72

hours. (All other applicable reporting requirements still apply.)

10. A designated facility employee must monitor staff and youth to prevent retaliation for a minimum of 90 days after a sexual abuse report is made. Monitoring to prevent

retaliation must utilize multiple monitoring techniques, including but not limited to: Direct observation, file and log reviews, and face-to-face contact with victims and/or supporting witnesses. Monitoring activities must be documented in a designated log.

11. The Director will ensure that all allegations of sexual abuse, reported to have occurred at Pineview Homes, are investigated in accordance with PREA standards.

**G. Alternate Housing Placement of Victims and Perpetrators**

1. Pineview Homes' Director or designee must take immediate steps to protect the alleged

victim from further potential sexual assault or rape (if still at Pineview Homes) 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. Pineview Homes Inc. does not utilize isolation and seclusion. If it is learned, through an emergency grievance or otherwise, that a resident is subject to a substantial risk of imminent sexual abuse, the same measures as listed above must be taken to ensure the safety of the resident. Emergency grievances alleging imminent risk of sexual abuse must be responded to within 48 hours.

**H. Investigation Protocols**

1. Each incident of alleged or reported sexual harassment, sexual abuse, or sexual assault/rape must be investigated to the fullest extent possible. Pineview Homes will not terminate an investigation solely because the source of the allegation recants the allegation. All evidence collection will be done by law enforcement and must be maintained under strict control. Based on the results of the investigation, agency Administration and prosecuting authorities will meet to determine if prosecution is appropriate. In administrative investigations the facility imposes a standard of a preponderance of the evidence or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated. Dismissal is the presumptive employee discipline upon a substantiated finding of sexual abuse of a resident. Any contractor or volunteer who engages in sexual abuse will be reported to law enforcement agencies and to relevant licensing bodies and will be prohibited from contact with residents. All allegations of sexual abuse must be referred for investigation. All administrative investigations of sexual abuse allegations must be completed accurately, completely, and in compliance with MDHHS and PREA Standards.

2. Suspected or alleged youth-on-youth rape, sexual assault, or forced sexual activity with

or without sexual penetration:

a. The victim and the alleged perpetrator must be separated, kept isolated 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 Reed City Spectrum Health (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 earlier, the hospital is contacted for instructions.

d. The Osceola County Sheriff’s Office or the Michigan State Police must be contacted to conduct the criminal investigation, and facility staff will take measures to preserve physical evidence for law enforcement to collect.

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 youth safety, for example if a victim needed medical attention

or first aid before being transported, but efforts must be made to disturb the area

as a 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 be

requested to not shower, brush teeth, or change clothing before being transported

to the hospital (as applicable). The alleged perpetrator must be prevented from

showering, brushing teeth, or changing clothing before evidence is collected (as

applicable).

g. Staff must not extensively interview victims or alleged perpetrators for incident

details beyond obtaining the basic information necessary to inform further actions

that must be taken 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-youth sexual activity of any type:

a. Reporting must occur immediately, as listed in Section F above.

b. Pineview Homes' 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 residents.

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 youth-on-youth 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 resident of another resident, with or without the

latter's consent) and/or alleged or suspected youth-on-youth sexually abusive contact:

a. If reported by youth, observed or suspected, duty staff must alert Supervision.

Supervision must ensure that duty staff document information in an Incident

Report and must ensure that youth safety is restored or maintained.

b. Pineview Homes' Director or designee must be notified immediately.

c. Pineview Homes' Director or designee determines applicable reporting

responsibilities and ensures that reporting and investigation occurs as required.

d. Pineview Homes' Director or designee makes required notifications as

applicable.

4. **Disciplinary Action of Staff PREA Violations.** Disciplinary sanctions for staff are commensurate with the nature and circumstances of the acts committed, the staff members disciplinary history, and the other sanctions imposed for comparable offenses by other staff with similar histories. Any staff member that resigns or is terminated for violation of facility sexual abuse and/or sexual harassment policies is reported to law enforcement unless the allegation is not criminal in nature. Additionally:

a. When a staff member is under investigation for behavior involving possible sexual assault/rape to a resident, that staff member will be placed on leave of absence until the circumstances have been thoroughly investigated by the proper authorities.

b. Formal contact will be made with the employee on a weekly basis with information of the current investigation process.

c. The status of the employee will be reviewed on a weekly basis concerning:

i. overall status of the leave of absence with or without pay

ii. return of the employee to the original position, a restricted position, or another position in the agency

iii. termination of employee

iv. the employee participating in an evaluation by a professional outside of the agency

d. Consideration will be given to:

i. the employees’ rights

ii. the residents rights

iii. the best interest of the program

iv. the agency’s responsibility to the residents, their families, referring professionals

v. the best interest of the other residents and staff

5. All required notifications of employee sanctions will be provided to all relevant licensing bodies.

6. Criminal investigations for PREA violations are conducted by either the Osceola County Sheriffs Department or the Michigan State Police.

7. Pineview’s PREA Coordinator will include the executive director, assistant director, and human resources director to complete administrative investigations.

8. A sexual abuse incident review will be conducted at the conclusion of every sexual abuse investigation unless the allegation has been determined to be unfounded. The sexual abuse incident review team will include at a minimum an upper level Administrator, and a supervisor. The review will occur will occur within 30 days of the conclusion of the investigation. The review team must review each incident of sexual abuse for cause, staffing, and physical barriers, and make recommendations for prevention. Recommendations must be implemented or the reason(s) if not implemented must be documented.

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

1. In addition to internal administrative review and analysis, and DCWL and Juvenile

Justice Programs’ monitoring and reviews, 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 residents and staff.

2. The facility must designate a PREA compliance manager that has the time and

authority to oversee facility compliance efforts.

3. Pineview Homes must distribute information to the public on how to report sexual

abuse and sexual harassment on behalf of residents, information on its zero tolerance

policy for sexual abuse/rape of residents, and sexual abuse data reports.

4. Pineview Homes may redact specific material from public PREA reports if the material reported contains confidential information. Such material may include, but is not limited to: client information, explicit situational description, information not relevant to the conveyance of data for the purposes of compliance with PREA policy.

5. Pineview Homes' management must review and document each incident of sexual abuse for cause, staffing, and physical barriers and make recommendations for prevention

and implementation of remedy(s) ,unless the allegation has been determined to be

unfounded. The sexual abuse incident review team will include at a minimum an upper

level Administrator, and a supervisor. The review will occur within 30 days of the

conclusion of the investigation. Recommendations must be implemented or the

reason(s) if not implemented must be documented.).

6. Pineview Homes must develop, document, and implement a staffing plan that

provides for adequate levels of staffing and, where applicable, video monitoring to

protect residents from sexual abuse. At least annually, Pineview Homes

Administration and the PREA compliance manager must review the plan to ensure:

a. Generally accepted secure residential practices are met.

b. Findings of inadequacy are addressed.

c. Adequate numbers of Supervisory personnel.

d. Physical plan 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.

7. Mid or upper-level Supervision must make documented unannounced rounds on all

shifts to identify and deter staff sexual misconduct and sexual abuse.

8. Pineview Homes 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.)

The data will be stored in the Pineview Homes PREA binder that will be kept securely in the PREA Coordinators Office and will only be able to be accessed by the upper administration

9. Pineview Homes will maintain a PREA binder to document all notifications of sexual abuse incidents that occurred at another facility. This binder will be kept secured in the PREA Coordinator’s office. Additionally, a copy of the notification will also be kept in the youth’s file.

10. Pineview Homes will collect and aggregate its sexual abuse and sexual harassment data and will publish an annual report specific to the facility. In the annual report, Pineview Homes will document the review of sexual abuse and sexual harassment incidents, or lack thereof. The annual report will include comparisons of the current years data with prior years and an assessment of the agency’s progress in addressing sexual abuse in its own agency annual report. The annual report will be published to the Pineview Homes website and all personally identifiable information will be redacted from the report.

**J. Exhaustion of Administrative Remedies**

1. Pineview Homes 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. Pineview Homes 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 youth and the youth's parent/guardian in writing of any such extension.

3. Third parties, including fellow youths, staff, parent, legal guardian, attorneys, and outside advocates may assist a youth filing grievances relating to allegations of sexual abuse and harassment. A parent or legal guardian may file a grievance alleging sexual abuse, including appeals, on behalf of such resident, regardless of whether or not the resident agrees to have the grievance filed on their behalf. If a third party, other than the parent or guardian, files a grievance on the youth's behavior, Pineview Homes must request as a condition of processing that the alleged victim agrees to the grievance filed on his behalf and may also require that

the alleged victim pursues any subsequent steps in the remedy process. If the alleged

victim declines to have the grievance processed on his behalf, Pineview Homes must

document the youth's decision.

**K. Limited English Proficient Or Disabled Youth**

1. Regarding PREA orientation or reporting, either a staff member proficient in Spanish, or Special Ed teacher will assist with communicating with Limited English Proficient or cognitively impaired youth. Pineview Homes will ensure that foreign language translators are provided, to take place using *Linguistica International* translation services, if necessary.

**Signature of Executive Director: Date:**