

NEW OUTLOOK ACADEMY PREA POLICY

I. POLICY

New Outlook Academy has a

H. Sex Offenses

Any act identified as a sex offense by Pennsylvania law.

I. Substantiated*

An allegation that was investigated, internally or externally, and determined to have occurred.

J. Unfounded*

An allegation that was investigated, internally or externally, and determined NOT to have occurred.

K. Unsubstantiated*

An allegation that was investigated, internally or externally, and there was insufficient evidence to make a determination as to whether or not the event occurred.

L. Visitors

Any person having access to any Academy facility, office or program that is not a contractor, employee or volunteer as defined in this policy.

M. Volunteers

Any person who, by mutual agreement with Academy, provides a service without compensation.

N. Voyeurism

Voyeurism by a staff member, contractor, or volunteer - means an invasion of privacy of an inmate, detainee, or student

- A. Sexual conduct with New Outlook Academy students by Academy staff, volunteers, visitors or contractors.
- B. Sexual conduct among New Outlook Academy student in Academy facilities.
- C. Cross-gender strip searches and pat searches.
- D. Opposite gender viewing of students under circumstances when breasts, buttocks or genitalia would normally be exposed (shower/hygiene time, performing bodily functions, and changing clothes).
- E. Searching or physically examining a transgender or intersex student for the sole purpose of determining the youth's genital status.

IV. PROCEDURE

A. Prevention - Supervision and Monitoring

The New Outlook Academy staffing plan and monitoring plan for each of its facilities takes into account:

1. Generally accepted professional standards for juvenile justice practices.
2. Composition of the different populations within its facilities.
3. Number and placement of supervisory staff.
4. Programs occurring on each shift.
5. Relevant laws, regulations and standards.
6. Prevalence of substantiated and unsubstantiated incidents of sexual abuse.
7. Other relevant factors.

Minimum staff to student ratios shall be one (1) to eight (8) during waking hours and 1 to 16 during sleeping hours. Any deviations from the plan due to exigent circumstances shall be documented.

On an annual basis, New Outlook Academy will assess its staffing and monitoring plans to determine if adjustments are needed to:

1. The staffing plan.
2. Prevailing staffing patterns.
3. Video surveillance systems and/or emerging technology.
4. Resources committed to adherence to staffing and monitoring plans.
5. Implementation of the policy and practice of having administrative staff conduct and document unannounced rounds (all shifts) to identify and deter staff sexual abuse and sexual harassments. Policy in place that prohibits staff from alerting other staff members that these supervisory rounds are taking place.

- b. They are identified as at risk for sexual victimization. Such students shall be monitored and counseled. The referring entity will be notified and removal from the school considered.

C. Employee Training and Student Education

1. All employees shall receive training that is specific to juveniles and the gender of the population they are working with. Employees must sign an acknowledgement verifying that they understand the training they receive. Staff must be retrained when they transfer to a different gender population. Current employees must receive this training and receive refresher training annually. The training shall include the following:
 - a. New Outlook Academy's zero tolerance policy.
 - b. Fulfilling their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures.
 - c. Students' right to be free from sexual abuse, assault and harassment.
 - d. Right of students and employees to be free from retaliation.
 - e. Dynamics of sexual abuse and sexual harassment in juvenile facilities.
 - f. Common reactions of juvenile victims of sexual abuse and harassment.
 - g. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual and sexual abuse between students.
 - h. How to avoid inappropriate relationships with students.
 - i. Effective and professional communication with students including those who identify as lesbian, gay, transgender and questioning (LGBTQ+) or gender non-conforming.
 - j. Compliance with relevant laws related to mandatory reporting of sexual abuse.
 - k. Laws governing consent for New Outlook Academy students.
2. All volunteers and contractors who have contact with students shall be trained on their responsibilities under this policy. The level and type of training shall be based on the services they provide and the level of contact they have with students. Regardless of level of contact all volunteers and contractors who have contact with students shall be notified in writing of the agency's zero tolerance policy and how to report incidents or suspicions of sexual abuse, assault or harassment.
3. Investigators who are assigned to cases involving allegations of violations of this policy shall receive specialized training (in addition to the training

Facility staff shall accept reports, including reports made regarding other New Outlook Academy or non-New Outlook Academy facilities made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

1. For all allegations of sexual abuse or assault, the victim will be immediately referred to Children's Hospital of Pittsburgh 4401 Penn Ave, Pittsburgh, PA 15224 (412) 692-5325 for clinical assessment and gathering of forensic evidence by professionals who are trained and experienced in the management of victims of sexual abuse and assault. New Outlook Academy will make efforts to establish a Memorandum of Agreement (MOA) with the medical facility.

In all cases the victim must be brought to the medical facility. The medical facility's trained examiner will make the final determination regarding evidence collection. Staff who can provide support to the victim shall accompany the youth.

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4. Pregnancy testing, as well as comprehensive information and access to all lawful pregnancy-related medical services, and timely contraception and STD prophylaxis, shall be provided in a timely manner.
5. All medical, mental health and counseling services shall be provided at no cost to the student.

E. Staff First Responder Duties

Upon learning of an allegation that a student was sexually abused, the first staff member to respond to the report shall be required to:

1. Separate the victim and alleged abuser.
2. Preserve and protect the scene until appropriate steps can be taken to collect any evidence.
3. Request the alleged victim not take any actions that could destroy physical evidence, including as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, swimming, drinking or eating.
4. Take steps to prevent the alleged abuser from destroying physical evidence, such

Every allegation of threatened or actual sexual abuse or sexual assault constitutes a Reportable Incident and shall be reported according to New Outlook Academy's Critical Incidents Policy, including entering information onto the HCSIS System.

Upon receiving an allegation that a student was sexually abused while confined at another facility, the Executive Director shall notify the facility director of the other facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. The notification shall be documented.

New Outlook Academy requires that an investigation be conducted and documented whenever a violation of this policy is alleged. Local law enforcement authorities shall be contacted as necessary.

G. Protection Against Retaliation

New Outlook Academy protects all students and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other students or staff. The Program Director is charged with monitoring retaliation.

New Outlook Academy shall employ multiple protection measures, such as housing changes or transfers for student victims or abusers, removal of alleged staff or student abusers from contact with victims, and emotional support services for students or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

For at least 90 days following a report of sexual abuse, the facility shall monitor the conduct or treatment of students or staff who reported the sexual abuse and of students who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by students or staff, and shall act promptly to remedy any such retaliation. Items that will be monitored include any student disciplinary reports, housing, or program changes, negative performance reviews and reassignments of staff. New Outlook Academy shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

H. Sexual abuse incident reviews

Within 30 days of the conclusion/receipt of the investigation New Outlook Academy shall conduct a sexual abuse incident review of all allegations (substantiated and unsubstantiated), unless the allegation has been determined to be unfounded. Reviews shall be conducted by a team of staff, and shall include input from direct care staff, investigators, medical staff and mental health practitioners. The review team shall:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical layout may enable abuse;
4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
6. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.

The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

I. Documentation

All case records associated with claims of sexual abuse/assault, including incident reports, investigative reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling must be marked “Confidential” and retained.

All trainings mandated by this policy shall be documented and record maintained in the Human Resources Department.

J. Disciplinary

1. Staff Disciplinary Sanctions

- A. Staff shall be subject to disciplinary sanctions as determined by New Academy up to and including termination for violating agency sexual abuse or sexual harassment policies.
- B. Termination shall be the presumptive disciplinary sanction for staff who have been substantiated for sexual abuse.
- C. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

- D. All dismissals for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been dismissed or subject to dismissal proceedings if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

2. Corrective action for contractors and volunteers

- A. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to law enforcement agencies (unless the activity was clearly not criminal) and to relevant licensing bodies.
- B. The facility shall take appropriate remedial measures and shall prohibit further contact with residents.

3. Interventions and disciplinary sanctions for students

- A. A student may be subject to disciplinary sanctions pursuant to the agency's disciplinary procedures or following a criminal conviction or delinquency finding .
- B. Disciplinary sanctions imposed by the facility shall be commensurate with the nature and circumstances of the abuse committed, the student's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories.
- C. The disciplinary process shall consider whether developmental disability or mental illness contributed to a student's behavior when determining what type of sanction, if any, should be imposed.
- D. Consideration shall be given to providing the offending student therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse

1. Following an investigation into a