

Outside In

To the Fullest...

PREA Compliance Policies & Procedures

PREVENTION PLANNING

Zero tolerance of sexual abuse and sexual harassment; PREA coordinator:

115.311 (a)-Policy: Outside In has a zero tolerance policy towards all forms of sexual abuse and sexual harassment.

Prohibited behaviors include:

a. Grooming an individual for sexual assault; actual sexual assault in the form of any type of sexual contact or behavior that occurs with or without the explicit consent of the recipient; sexual activities including forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.

b. Sexual harassment in the form of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature that tends to create a hostile or offensive work, school, or treatment environment.

Outside In requires that all staff keep all students within eye sight at all times and respond to all behavior which is determined to be negative, coercive and/or detrimental to the safety and welfare of each student and staff.

Outside in will ensure an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

115.311(a)-Prevention:

1. All staff will be trained on sexual abuse and sexual harassment. Staff will receive training at hire, and will attend a refresher course at least one time within their first year of employment and a minimum of one time per year thereafter.
2. Staff will receive training on Outside In's zero tolerance policy on sexual abuse and sexual harassment, how to fulfill their responsibilities in prevention, detection and reporting, dynamics of sexual abuse within juvenile facilities, positive relationships and mandating reporting.
3. Outside In will ensure all students are within staff eyesight at all times.

115.311(a)-Detection:

1. In order to ensure their safety, all clients are encouraged to report instances of sexual assault to any program staff member. Clients may also report a sexual assault/abuse through a grievance form or by confidentially contacting the agency PREA Coordinator (Director of Residential Services- Jody Wellwood). All allegations will be taken seriously and thoroughly investigated and staff shall take the necessary steps to separate the victim from the accused. Staff will make assistance available for the client to receive medical evaluation and care as well as needed mental health support. Appropriate steps will be made to protect the client including, but not limited to: transferring to another facility where they can be housed more appropriately, increased contact with counselor to provide ongoing support.

If any staff or students perceive any form of sexual misconduct involving any student with another student, student and staff, staff and staff or student and private contractors they must report their perception in writing to any staff member (students) or to their immediate supervisor (staff). In the event that a staff person perceives sexual misconduct to have occurred by their immediate supervisor they are to report their perception to the next person in the chain of command.

Outside In School of Experiential Education, Inc.

COMMUNITY SERVICES: P.O. Box 639 • Greensburg, PA 15601 • 724-837-1518 • 724-837-0801 Fax
RESIDENTIAL CAMPUS: 196 Hamill School Road • Bolivar, PA 15923 • 724-238-8441 • 724-238-3748 Fax

115.311(a)-Responding to Sexual Abuse and Sexual Harassment:

1. The Supervisor of the Day (SOD) will contact the Incident Commander and begin a documented investigation by separating involved parties. They will ensure all witnesses and participants are given ample time to give their statements in writing.

The documentation of the investigation will include the following:

- A. Date of alleged incident(s)
 - B. Name of person to whom the initial report was made
 - C. Parties against whom the allegations are made
 - D. A narrative account of the allegations including chronology, location, and descriptions of alleged behaviors
 - E. Involved parties account/response to the allegations
 - F. Findings
 - G. Referral to outside sources, including mental health care, victim support services, law enforcement
2. The Incident Commander will contact the Director of Residential Services to review the situation and if necessary the PREA rape protocols will be implemented. (**refers to non-consensual sexual contact**)
 - A. The SOD will ensure the safety of the students and secure the scene for investigation. (SOD will ensure no access to this area until State Police arrive)
 - B. The Incident Commander will contact the Clinical Supervisor or Associate Director of Clinical services and assign a victim advocate to accompany the victim to Latrobe Hospital Emergency Room for a forensic medical examination. All clinical staff have received trauma training. (SOD will ensure student(s) do not shower, rinse their mouth or change their clothes)
 - C. The Incident Commander will inform the Director of Residential Services of the incident and contact PA State Police.
 - D. The Incident Commander or Director of Residential Services will report to campus immediately to ensure the safety of each student and staff and manage the investigation.
 - E. The Incident Commander or SOD will write a formal report to be reviewed by the Director of Residential Services.
 - F. Outside In will follow all recommendations from state police, medical professionals and victim advocacy.

115.311(a)-Sanctions for those found to have participated in PREA policy prohibited behaviors:

Staff: Discipline up to and including termination of employment
Court instituted penalties

Students: Cabin reassignment or discharge from Outside In
Court instituted penalties

115.311 (b & c) Outside In will designate an upper level PREA Coordinator (Director of Residential Services- Jody Wellwood) as well as a PREA Compliance Manager (Residential Compliance Manager- Justin Franco) to oversee the compliance with PREA standards in all facilities.

Contracting with other entities for the confinement of residents:

115.312 (a & b) Outside In does not contract with any private agencies or entities for the confinement of students.

Supervision and monitoring:

115.313 (a) Outside In will develop, implement, and document a weekly staffing plan that ensures adequate staffing levels to protect students against sexual harassment and sexual abuse.

115.313 (b) Outside In will document all exigent circumstances that deviate from the prescribed staffing plan.

115.313 (c) Outside In will maintain a student to staffing ratio of 1:8 during student waking hours and 1:16 during sleeping hours. Outside In will document all deviations to the staffing ratio.

115.313 (d) Annually Outside In will determine and document whether adjustments are needed to the staffing plan, prevailing staffing patterns, video monitoring and resources facility has available to commit to staffing plan.

115.313 (e) Outside In will conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. It is a violation of Outside In policy for staff members to alert co-workers of pending unannounced rounds.

Limits to cross-gender viewing and searches:

115.315 (a-c, f) Outside In does not conduct cross gender searches or cross gender pat-downs. All staff will be trained in conducting a professional and respectful search of transgender and intersex students. Only male staff will be present during bathroom breaks, use of showers and when students are changing clothes.

115.315 (d) Outside In requires all female staff to announce their presence when entering student cabins.

115.315 (e) Outside In prohibits the search of all transgender and intersex students for the sole purpose of determining the student's genital status.

115.316 (a-b) Outside In will ensure all students who are impaired (hearing, intellectual, speech) have an equal opportunity to understand Outside In's policies to prevent, detect, and respond to sexual abuse and sexual harassment.

115.316 (c) Outside In shall only use student interpreters in exigent circumstances where a student's health and safety are at risk.

Hiring & Promotion Decisions:

115.317(a) Outside In will not hire or promote anyone who may have contact with students, and will not enlist the services of any contractor who may have contact with students, who—

- (1) Has engaged in sexual abuse in any institution;
- (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
- (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph 2 of this section.

115.317(b) Outside In will consider any prior incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with students. Consideration will be given to:

- (a) Amount of time that has passed since the incident
- (b) Details of the incident
- (c) The individual's role in the position to which they will be hired or promoted

115.317(c & d)-1 Prior to being hired *or* prior to being alone with students, or prior to being contracted for services for students, and consistent with applicable laws, Outside In or the contracting agency performs the following background checks:

- (a) PA Child Abuse Registry
- (b) National Sex Offender Registry (www.NSOPW.gov)
- (c) FBI
- (d) PA State Police

Outside In will follow Pennsylvania Child Protective Service Law pertaining to all hiring, promotion and screening practices for all employees, contractors who have potential to be alone with our students. This will include training through the PA portal Recognizing and Reporting Child Abuse, receive clearances and verification of past offenses.

115.317 (c) (3) When considering persons for employment or contracted services for students, Outside In will make its best effort to contact all known prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

115.317(e, f, g & h) No less than every 5 years, criminal background checks will be conducted of current employees and contractors. If a background check reveals that a current employee or contractor failed to notify Outside In of misconduct prohibited by PREA, such an omission will be grounds for termination of employment or contracted services. Outside In will also ask all applicants and employees who have contact with students about previous misconduct during interviewing, application and for any future promotions. Outside In will disclose information on substantiated allegations of sexual abuse and sexual harassment involving former employees upon receiving a request from an institutional employer for which this employee has applies for work.

Upgrades to facilities and technologies:

115.318 (a & b) When considering expansion or redesign of existing facilities, Outside In will consider the effect the changes may have on the agency's ability to comply with PREA standards to ensure prevention and detection of sexual harassment and sexual abuse.

Additionally, consideration will be given to the need for video monitoring.

RESPONSIVE PLANNING

Evidence protocol and forensic medical examinations:

115.321 (a & b) All Outside In staff will be trained in *First Responder Evidence Protocol for Sexual Assault*.

Note: See Policy section 115.364 (a)-1 First Responder Duties

115.321 (c) Outside In will offer all students who experience sexual abuse access to forensic medical examination through Excelsa Health Latrobe Hospital, Westmoreland Hospital, or alternate facility. Outside In will request that the student be examined by a SAFE or SANE at the hospital. Outside In will ensure that all of its students who require this level of care will receive this treatment free of charge.

115.321 (d) Outside In will offer all students victim advocate services through a rape crisis center, Blackburn Center.

115.321 (e) Outside In will provide a qualified staff member to accompany and support the student through the forensic examination process and investigatory interview.

115.321 (f, g & h) Outside In will request that Child Protective Services and local law enforcement authorities follow PREA standards.

115.321(f)-1 In the event of the need for a mandated administrative or criminal investigation, Outside In will refer the investigation to the appropriate entity (PA Child Welfare: 800-932-0313, PA State Police). Outside In will document this relationship and corresponding duties within a memorandum of understanding and post on website.

Policies to ensure referrals of allegations for investigations:

115.322 (a - c) Outside In will ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Outside In will refer the investigation to the appropriate entity (PA Child Welfare: 800-932-0313, PA State Police). Outside In will document this relationship and corresponding duties within a memorandum of understanding and post on website.

115.322 (d & e) Outside In will ensure that any State or Department of Justice entity responsible for conducting investigations of sexual abuse or sexual harassment in the facility has a policy in place that governs the conduct of such investigations.

TRAINING AND EDUCATION

Employee training:

115.331(a) 1-11 Outside In will train all staff that have contact with students in all areas outlined in PREA Training & Education standards including but not limited to its zero-tolerance policy, responsibilities, students' rights, freedom from retaliation, dynamics of sexual abuse and sexual harassment, common reactions, detection and response, inappropriate relationships, effective communication with all students, mandatory reporting and age of consent.

115.331 (b) Outside In will ensure staff training is tailored to the unique needs/attributes and gender of students.

115.331 (c & d) All employees will review and acknowledge Outside In's PREA Policy and watch a PREA related video upon hire and will subsequently be given full PREA training as outlined in 115.331 (a) (1-11) within 90 days of date of hire. All employees will receive a refresher training yearly. All PREA related training records will be signed or electronically verified by the employee that they understand the training they received and kept in the employee training file.

Volunteer & Contractor Training:

115.332 (a & b) Outside In will ensure that all volunteers and contractors that have contact with students be notified of the agency's zero tolerance policy, be trained on their responsibilities to prevent, detect, and respond to sexual harassment and sexual abuse, and on how to report such incidents.

115.332 (c) Outside In will keep documentation confirming that contractors understand the training they received.

Student Education:

115.333 (a, b, c & e) During the Intake process all students admitted to Outside In are educated regarding their rights to be free from sexual abuse and sexual harassment. Students read or, if needed, are read “Billy Speaks Out.” Additionally, they are informed of their rights to be free from retaliation for reporting such incidents. Within 10 days of intake all students are shown a video which outlines their rights to be free from sexual harassment and sexual abuse and to be free from retaliation from such abuse. Students are also informed of how to report such incidents and how the agency shall respond to such incidents. Documentation of student participation in this education is included in their case record. All students transferred from one Outside In facility to another Outside In facility will be re-educated regarding their rights to be free from sexual abuse and sexual harassment utilizing the vulnerability assessment and reviewing student rights.

115.332 (d) Students who have limited English proficiency, are deaf or have limited reading skills have the opportunity to have “Billy Speaks Out” read to them by their counselor and if necessary Outside In will provide an interpreter through a local agency to assist with relaying the PREA education information.

115.333 (f) Outside In provides readily available education via postings throughout the facility.

Specialized Training: Investigations:

115.334 (a-c) Outside In will ensure that the PREA Coordinator (Director of Residential Services- Jody Wellwood) or their designee is trained to conduct sexual abuse investigations within confinement settings. Outside In will require the PREA Coordinator have specialized training in interviewing juvenile sexual abuse victims, proper use of Miranda and Garrity Warnings, sexual abuse evidence collection in confinement settings and what evidence is required to substantiate a case that is administrative or criminal in nature. This training shall be documented in the training binder.

115.334 (d) Outside In will request from investigating state agents that they receive the PREA required training to complete such investigations.

Specialized Training: Medical & Mental Healthcare:

115.335 (a-d) Note: Outside In does not provide medical or mental health services. If deemed necessary, students will be referred to outside providers for medical and mental health services.

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS**Obtaining information from residents:**

115.341 (a) Within 72 hours of intake or transfer to another Outside In facility, all students all students including Pathway to Recovery, Voyagers and Sanctions are screened for risk of sexual victimization or risk of sexually abusing other residents.

Note: See *Vulnerability Assessment Instrument*

115.341 (a) After the initial screening (upon intake or transfer), Outside In students are reassessed under the following circumstances:

- a. Cabin change/transfer
- b. Every 90 days
- c. Sexual abuse or harassment incident
- d. Every 30 days if client is assessed as being “High Risk” for being either a victim or a perpetrator of sexual abuse/harassment (score 17 or above)

115.341 (b) Outside In conducts student risk assessment utilizing the *PREA Risk Assessment Screening*.

115.341 (c) 1-11 Outside In will attempt to retrieve information about the students’ prior sexual victimization or abusiveness, gender non-conforming appearance or identification as LGBTI and vulnerability to sexual abuse, past and current charges, age, emotional and cognitive development, physical size and stature, mental illness or disabilities, intellectual and developmental disabilities, physical disabilities, students’ own perception of vulnerability and any other information that may indicate heightened need for supervision, additional safety precautions or separation from certain other students.

115.341 (d & e) Outside In will ascertain the information stated in 115.341 (c) through the student during the intake process, medical and mental health screenings, assessments, referring agent documentation, and daily eyes on supervision from residential staff. The information gathered will be shared with the student's residential treatment team only and will only be used to make treatment based decisions such as ongoing needs while in placement, court recommendations, and permanency and aftercare services.

Use of screening information:

115.342 (a) With the goal of keeping all students safe and free from sexual abuse, Outside In confidentially shares information from the risk screening with those Outside In personnel who have a legitimate need to know in order to make housing, bed, program and education decisions. All decisions regarding cabin assignments are based on the vulnerability assessment. These include, age, size, resident view of sexual safety, incidents and score. Outside will ensure student safety when making these decisions.

115.342 (b) Outside In does not use isolation methods with students.

115.342 (c-g) LGBTI students shall *not* be placed in a specific cabin based solely on the basis of such identification. Housing decisions will be considered on a case by case basis and placement of transgender or intersex students will be reassessed bi-annually. Outside In will consider students' own view of their sexual safety the first priority in making housing decisions. Outside In will afford transgender and intersex students the opportunity to shower separately.

115.342 (h) Outside In does not utilize isolation at its facilities.

REPORTING

Accepting reports of sexual abuse and sexual harassment:

115.351 (a) Outside In provides students with multiple internal ways to report privately to agency officials about:

- *sexual abuse and sexual harassment
- *retaliation by other students or staff for reporting sexual abuse and sexual harassment; AND
- *staff neglect or violation of responsibilities that may have contributed to such incidents

The internal ways to make such reports privately to Outside In officials include:

- a. Speaking with individual counselor
- b. Request to speak with medication officer
- c. Request to speak with PREA Coordinator (Director of Residential Services- Jody Wellwood) or PREA Compliance Manager (Residential Compliance Manager- Justin Franco).

115.351 (b)-1 Students can make reports of abuse or harassment without having to go through Outside In officials by contacting:

- a. their caseworker or probation officer
- b. their attorney
- c. parents or legal guardian
- d. victim advocate (Blackburn Center: 1-888-832-2272)
- e. external private counselor

115.351 (c) Staff members are required to accept *and* take appropriate action for all reports of sexual abuse or sexual harassment regardless of whether they are received verbally, in writing, anonymously or from third parties.

115.351 (d) Outside In issues to all students upon their arrival the tools necessary to make a written report (pencil/pen, paper, postage)

115.351 (e) Staff members can privately report allegations of sexual abuse and sexual harassment of residents by calling the Residential Compliance Manager- Justin Franco @ 724-238-8441 ext. 105.

Exhaustion of administrative remedies:

115.352 (a) The following procedures are available for students to submit grievances regarding sexual abuse:

- a. file a written or verbal grievance to cabin staff, Team Leader 1, Team Leader 2, or counselor
- b. if student feels grievance is unresolved they can then speak with Team Leader 3/Associate Director of Residential Services- Jeremy Deaner./Clinical Supervisor-Andrew Stephenson.
- c. if student feels grievance is still unresolved, they can speak with Director of Residential Services- Jody Wellwood.

115.352 (b)-1 & 2 Outside In students are permitted to submit a grievance regarding an allegation of sexual abuse at any time regardless of when the incident is alleged to have occurred. Grievances made that do not involve sexual abuse allegations may have time limits at the discretion of Outside In.

115.352 (b)-3 Outside In does not permit any student to resolve an alleged incident of sexual abuse through any informal grievance process.

115.352 (b)-4 Outside In understands that nothing in this section of the policy shall restrict its ability to defend against a lawsuit filed by a student on the ground that the applicable statute of limitations has expired.

115.352 (c)-1 Students alleging sexual abuse and harassment by a staff member are permitted to submit a grievance without submitting it to the staff member who is the subject of the complaint. They can do so by submitting the grievance to any Outside In Team Leader, Supervisor, or Director.

115.352 (c)-2 In the event a grievance is filed, it will not be referred for investigation/processing to any staff member who is the subject of the complaint.

115.352 (d)-1-4 A decision on the merits of any grievance or portion of a grievance alleging sexual abuse or sexual harassment will be made and communicated within 90 days of the filing of the grievance. Computation of the 90 day time period shall not include days where a student is preparing for an administrative appeal. Outside may use an extension up to 70 days to respond to an appeal. Outside In will notify the student in writing if an extension is warranted to properly respond to an appeal. If the student does not receive a response with the time allotted for the reply, including any extension, the student may consider this a denial at that level.

115.352 (e)-1 Third parties, including fellow students, staff members, family members, attorneys, and outside advocates may assist students in filing requests for administrative remedies relating to allegations of sexual abuse.

115.352 (e)-2 Outside In documents student decisions to decline third party assistance in filing a grievance.

115.352 (e)-3 If a student declines to have the request processed on his behalf, the agency will document this decision in his chart.

115.352 (e)-4 Parents/legal guardians of students are permitted to file a grievance, including appeals, on behalf of students, regardless of whether or not the student agrees to having the grievance filed on their behalf.

115.352 (f)-1-2 In the event that an emergency grievance alleging that a student is subject to substantial risk of imminent sexual abuse has been filed the following will occur:

- a. The initial agency response will occur within 48 hours
- b. Staff will immediately enact and implement a written safety plan
- c. After an internal investigation by PREA Coordinator (Director of Residential Services- Jody Wellwood) or designee, a formal plan of intervention will be implemented in consultation with counselor, referral source and clinical supervisor.
- d. The final agency decision will be issued within 5 days.

115.352 (g) Outside In may choose to discipline students when it is demonstrated that the student filed a grievance in bad faith. In no circumstances will a student be disciplined for filing a grievance in good faith.

Student access to outside confidential support services:

115.353 (a) Outside In provides students with access to outside victim advocates for emotional support services related to sexual abuse by doing the following:

- a. providing students with mailing addresses and telephone numbers of local victim advocacy organizations, Blackburn Center.
- b. providing opportunities for confidential communication between students and these organizations.
- c. informing students, prior to having access to outside support services, the extent to which their communication will be monitored.
- d. informing students, prior to having access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality

115.353 (b) Outside In will notify student, prior to giving them access to outside agencies how these communications will be monitored and the extent to which reports of abuse will be forwarded to children and youth services.

115.353 (c) Outside In maintains memoranda of understanding with the following community service providers that are able to provide students with emotional support services related to sexual abuse:

- a. Blackburn Center, Greensburg PA 15601
- b. Latrobe Mental Health (Excelsa Hospital), Latrobe PA 15650
- c. King & Associates, Greensburg PA 15601

115.353 (d) Outside In provides students with reasonable and confidential access to attorneys or other legal representation. Outside In provides students with reasonable access to parents or legal guardians.

Third Party Reporting:

115.354 Outside In provides information on the agency website that directs people how to report student sexual abuse or sexual harassment.

OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

Staff and agency reporting duties:

115.361 (a)

- a. Outside In requires all staff to report immediately to the PREA Coordinator (Director of Residential Services- Jody Wellwood) 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.
- b. Outside In requires all staff to report immediately to the PREA Coordinator (Director of Residential Services- Jody Wellwood) any retaliation against students or staff who reported incidents of sexual abuse or sexual harassment.
- c. Outside In requires all staff to report immediately to the PREA Coordinator (Director of Residential Services- Jody Wellwood). any staff neglect or violation of responsibilities that may have contributed an incident of sexual abuse/sexual harassment or retaliation.

115.361 (b) All Outside In staff are required to comply with PA mandatory child abuse reporting laws.

115.361 (c) Apart from reporting to the designated supervisors or officials and designated PA or local service agencies, Outside In prohibits any staff member from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other management decisions.

115.361 (d 1-2) Outside In does not employ any mental health or medical practitioners.

115.361 (e)-1, 2 & 3 Upon receiving any allegations of sexual abuse, the PREA Coordinator (Director of Residential Services- Jody Wellwood) will report the allegation to the appropriate external authorities, alleged victims parents/guardian, and the referring agent within 48 hours.

115.361 (f) The facility shall report all allegations of sexual harassment and sexual assault including third party anonymous reports to PREA Coordinator (Director of Residential Services- Jody Wellwood).

Agency protection duties:

115.362 When Outside In learns that a student is subject to substantial imminent sexual abuse they shall take immediate action to protect the student from such abuse.

Reporting to other confinement facilities:

115.363 (a-c) It is the policy of Outside In that, upon receiving an allegation that a student was sexually abused while confined at another facility, the Director of Residential Services- Jody Wellwood (or his designee) will notify within 72 hours the head of the facility or appropriate office of the agency or facility where sexual abuse is alleged to have occurred. Additionally, the Director of Residential Services (or his designee) will notify the appropriate investigative agency.

115.363 (d) Likewise, Outside In investigates, according to PREA standards, any allegations of sexual abuse received from other agencies.

Staff first responder duties:

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

- a. Separate the alleged victim and abuser (s)
- b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence
- c. (If the abuse occurred within a time period that still allows for the collection of physical evidence) request that the alleged victim and/or alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

115.364 (b) If the first responder is a volunteer or contractor they shall request that the alleged victim not take any action that would destroy physical evidence. Subsequently, they are required to notify Outside In staff.

Coordinated response:

115.365 (a) Outside In has a written plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

Preservation of Ability to Protect Students from Contact with Abusers:

115.366 (a & b) Outside In does not participate in collective bargaining agreements with any governmental agency. Outside In manages its own employee disciplinary processes. These are discussed in the Outside In employee policy and procedure manual.

Agency protection against retaliation:**115.367 (a)**

1. Outside In has a zero tolerance policy that protects staff or students who report sexual abuse or sexual harassment or cooperate with investigations from retaliation by other students or staff. Any form of retaliation against those students or staff who report or cooperate in investigations will lead to disciplinary action.
2. Outside In staff members responsible for monitoring students and staff for possible retaliation include the PREA Coordinator, PREA Compliance Manager, Supervisors, and Team Leaders.

115.367 (b) Outside In will utilize moving students cabins, increased access to their counselor, FTA of students, and/ or administrative leave for staff to prevent retaliation of reporting sexual abuse or sexual harassment.

115.367 (c) Outside In will monitor the conduct, treatment of residents or staff who report sexual abuse and students who were reported to have suffered sexual abuse for retaliation for 90 days post reporting. The period of monitoring for retaliation may exceed 90 days if the need for additional monitoring was indicated during the initial 90 day period. Student counselor will monitor the student on weekly basis and document these sessions in a progress note.

115.367 (d) Team Leaders, Counselors or Medical Coordinator will perform periodic checks with the student as appropriate.

115.367 (e) Outside In will implement a safety plan for all students who cooperates with an investigation and expresses fear of retaliation.

115.367 (f) Outside In will terminate monitoring when the agency determines that the allegations are unfounded.

Post-allegation protective custody:

115.368 Outside In understands that to segregate a student who has alleged to have suffered sexual abuse shall be subject to the requirements of 115.342 and all its content.

INVESTIGATIONS**Criminal and administrative agency investigations:**

115.371(a, c - i) It is the policy of Outside In to refer criminal and administrative investigations over to local child welfare and law enforcement authorities. Internal investigations of sexual harassment that appear to be criminal are referred to local law enforcement authorities.

115.371 (b) Outside In will request that investigators have training involving juveniles pursuant to 115.334.

115.371 (d) Outside In will not terminate an investigation solely because the source of allegation recants the allegation.

115.371 (f) The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as resident or staff. Outside In will never require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

115.371 (j) Outside In will retain information about such juvenile investigations for 4 years (3800 regulations).

115.371 (k – m) Outside In understands that though the alleged abuser and or victim may leave the facility, the investigation may continue. Outside In will request that investigators follow regulations stated within 115.371 and cooperate with PA child welfare and state police to remain informed about the investigation.

Evidentiary standard for administrative investigations:

115.372 Outside In does not conduct administrative investigations for allegations or sexual abuse or sexual harassment.

Reporting to students:

115.373 (a) Outside In will inform any student who makes an allegation that he suffered sexual abuse while at Outside In as to whether the allegation was determined to be substantiated, unsubstantiated, or unfounded.

115.373 (b) Outside In will request relevant information from the investigative agency in order to inform the student of the findings (substantiated, unsubstantiated, or unfounded).

115.373 (c) Following a student's allegation that a staff member has committed sexual abuse against the student, Outside In will inform the student (unless the allegation is determined to be unfounded) whenever:

- a. the staff member is no longer working within the student's cabin
- b. the staff member is no longer employed at Outside In
- c. Outside In learns that the staff member has been indicted on a charge related to sexual abuse within the agency
- d. Outside In learns that the staff member has been convicted on a charge related to sexual abuse within the agency

115.373 (d) Following a student's allegation that another student has committed sexual abuse against the student, Outside In will inform the student (unless the allegation is determined to be unfounded) whenever:

- a. Outside In learns that the student has been indicted on a charge related to sexual abuse within the agency
- b. Outside In learns that the student has been convicted on a charge related to sexual abuse within the agency

115.373 (e) All notifications described above will be documented in the student's chart.

115.373 (f) Outside In's obligation to report under 115.373 will terminate if the student is released from agency custody.

DISCIPLINE

Disciplinary sanctions for staff, contractors, and volunteers:

115.376 (a) As such, staff is subject to disciplinary sanctions up to and including termination of employment for violating agency sexual abuse or sexual harassment policies.

115.376 (b) Termination shall be the disciplinary sanction for staff who have engaged in sexual abuse.

115.376 (c) Disciplinary sanctions for violations of agency policies regarding sexual abuse and sexual harassment shall be commensurate with the nature and circumstances of the acts committed, staff members disciplinary history and sanctions imposed on other staff who have committed similar sanctions.

115.376(d) All employment terminations for violations of Outside In sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies/licensing bodies, unless the activity was clearly not criminal.

Corrective action for contractors and volunteers

115.377(a-b) Likewise, Outside In contractor or volunteer who engages in sexual abuse with a student will be prohibited from contact with any students and will be reported to law enforcement agencies. Also, Outside In will take all remedial measure to prohibit contractors from contact with residents when necessary.

Disciplinary sanctions for students:

115.378(a-g) Outside In prohibits all sexual activity between students.

- a. In cases involving student on student sexual abuse or involving non-coerced sexual activity, the student perpetrator/participants will be subject to disciplinary action up to and including termination from the program and/or referral for additional treatment services. This disciplinary action will result only in circumstances in which an official administrative/criminal finding of guilt exists.
- b. Any disciplinary sanctions shall be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offense by other residents with similar histories. Students at Outside In will not be placed into isolation.
- c. Outside In's disciplinary process will take into consideration the resident's mental disabilities or mental illness when deciding on a sanction.
- d. In cases where a student perpetrator remains in care at Outside In they will be afforded the necessary counseling to assist them in their rehabilitation. This counseling will be provided in conjunction with the Blackburn Center or King and Associates. Failure to participate in these services will not bar a student from engaging in general programming.
- e. Outside In disciplines students who have sexual contact with staff if the staff member did not consent to such contact.
- f. Outside In prohibits disciplinary action against students for reports of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- g. Outside In has a Zero Tolerance policy toward student on student sexual activity, regardless of whether the activity is coerced or consensual. In cases in which the activity is consensual, Outside In will not consider it to be sexual abuse.

MEDICAL AND MENTAL CARE

115.381 - Medical and mental health screenings; history of sexual abuse:

115.381 (a) If the screening pursuant to § 115.341 indicates that a student has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the resident is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. The availability of the follow-up meeting and options for providers will be discussed with the student immediately upon reviewing the screening materials. The primary counselor will document the offer of follow-up services and the student's response, facilitate the arrangement of the follow-up care with necessary persons, and collaborate with other departments to arrange for transportation.

115.381 (b) If the screening pursuant to § 115.341 indicates that a student has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the resident is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening. The availability of the follow-up meeting and options for providers will be discussed with the student immediately upon reviewing the screening materials. The primary counselor will document the offer of follow-up services and the student's response, facilitate the arrangement of the follow-up care, and collaborate with other departments to arrange for transportation.

115.381 (c) Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

115.381 (d) Outside In staff members shall obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the resident is under the age of 18. The majority of students at Outside In are under 18 years of age; therefore information will, in those cases, be subject to the PA Mandated Child Abuse Reporting Law.

Access to emergency medical and mental health services:

115.382 (a) Student victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, provided by Latrobe Hospital Emergency Room, the Blackburn Center, and/or King and Associates, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.

115.382 (b) Due to agreements in place with emergency medical and mental health services that are available 24 hours a day, 7 days a week, staff first responders will have these resources available immediately following a report. If there is any delay in making arrangements for the student to be transported to these services, or if there is a necessary time lapse due to other factors in the investigation process, all measures will be taken to keep the student victim safe pursuant to § 115.362.

115.382 (c) Student victims of sexual abuse while at the facility shall 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. Information may be shared by any staff members involved in responding to the abuse report, and consultation may occur with Outside In's Medical Director or with personnel from Latrobe Hospital Emergency Room, the Blackburn Center, or King and Associates.

115.382 (d) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Ongoing medical and mental health care for sexual abuse victims and abusers:

115.383 (a) The facility shall offer, using a qualified outside agency with whom a Memorandum of Understanding is in place, medical and/or mental health evaluation and, as appropriate, treatment to all students who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.

115.383 (b) 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 the facility.

115.383 (c) The facility shall provide, using a qualified outside agency with whom a Memorandum of Understanding is in place, such victims with medical and mental health services consistent with the community level of care.

115.383 (d) Outside In shall make available pregnancy test for sexual abuse residence if needed.

115.383 (e) Should an Outside In resident become pregnant as a result of sexual conduct specified in paragraph (d), Outside In will ensure the victim has comprehensive information about and timely access to all lawful pregnancy related medical services.

115.383 (f) Student victims of sexual abuse while at the facility shall be offered tests for sexually transmitted infections as medically appropriate, provided by Latrobe Hospital Emergency Room or at the office of Outside In's Medical Director.

115.383 (g) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

115.383 (h) The facility shall attempt to conduct, using a qualified outside agency with whom a Memorandum of Understanding is in place, a mental health evaluation of all known student-on-student abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

DATA COLLECTION AND REVIEW

Sexual abuse incident reviews:

115.386 (a-e) The PREA Coordinator (Director of Residential Services- Jody Wellwood) or designee will conduct a formal leadership review of the sexual abuse incident. Reviews will occur with all staff, referring agents, associate parties involved with incident. The incidents of sexual abuse reviews will be conducted within 30 business days of the incident date. The review team shall consider whether there is a need to change policy or practice, the motivation for the incident, assess blind spots/physical barriers, staffing levels, video monitoring and disclose findings to the Director of Residential Services.

Data collection:

115.387 The SOD responsible for the campus in which the incident occurred will gather all data with the support of the PREA Coordinator (Director of Residential Services- Jody Wellwood) and the PREA Compliance Manager (Residential Compliance Manager- Justin Franco). The sexual abuse checklist will be used as a guide to collect the data. All data will be kept in a hot file until completion of the investigation. The file will be kept with the PREA Coordinator.

115.387(a-c) - 1. At least annually, Outside In collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control.

115.387(a & c)-2. Outside In utilizes the Department of Justice's *Survey of Sexual Victimization* and the *Survey of Sexual Victimization Incident Form (Juvenile)*.

115.387 (d & f) Outside In shall maintain, review, and collect data as needed from all available incident based documents including reports, investigation files and sexual abuse incident reviews. Such data from the previous calendar year shall be made available to the Department of Justice no later than June 30, if requested.

115.387 (e) Outside In does not utilize private facilities for the confinement of its students.

Data review for corrective action:

115.388 (a & b) All incidents of sexual abuse will be reviewed annually with PREA Coordinator (Director of Residential Services- Jody Wellwood), the PREA Compliance Manager (Residential Compliance Manager- Justin Franco) and Residential Leadership Team to assess and improve the effectiveness of its sexual prevention, detection and response policies, practices and training including problem areas, corrective actions and annual report preparation of the findings and corrective actions for each facility as well as the agency as a whole. Said report will include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.

115.388 (c) Outside In makes its annual report available to the public via the agency website.

115.388 (d) Outside In may redact specific material from the reports when the information would present a clear and specific threat of the safety and security of a facility. But the report will indicate the nature of the material redacted.

Data storage, publication, and destruction:

115.389 (a) All collected data regarding sexual abuse and harassment shall be securely retained in PREA Coordinator's (Director of Residential Services- Jody Wellwood) office and Outside In's server.

115.389 (b) At least annually, Outside In makes its aggregated sexual abuse data available to the public via the agency website.

115.389 (c & d) All data of sexual abuse will be kept on file for 10 years. Outside In will remove all personal identifiers before any incidents are posted on website. Outside in will destroy all evidence of such sexual abuse incidents after 10 years of data collection.

Audits:**115.393 Audits of standards**

The agency shall conduct audits pursuant to 115.401-405

Auditing and Corrective Action**115.401 Frequency and scope of audits**

115.401 (a & b) During the three year period starting August 20, 2013 and each three year period thereafter, Outside In shall have each of its facilities audited at least once.

CHR 9_2014	JTM 6/2015	JF/JM 8/2018
CHR 1_2015	JMW 8/2015	JF/JM 9/2018
JMW 2_2015	JL 8/2015	JF 2/2019
JL/WB 3_2015	CHR 9/2015	
JW/CHR 6_2015	JW 8/2016	
JL 6_2015	JF/JW 10/2017	