

**VISIONQUEST
DELAWARE RESIDENTIAL PROGRAMS
OPERATING PROCEDURE**

Procedure: DE- PREA	SUBJECT: Prison Rape Elimination Act (PREA)
EFFECTIVE DATE: 1/01/2018	PAGE 1 of 21
ANNUAL REVIEW:	Revised: 11/12/15, 4/26/16, 5/13/16, 6/13/16, 9/26/16, 10/1/17

- I. **Overview:** All programs operated by VisionQuest have zero tolerance for sexual misconduct involving any youth. VisionQuest programs provide a safe, humane, and secure environment, free from sexual violence, misconduct, harassment, or retaliation, by establishing definitions of prohibited conduct and maintaining a program of prevention, detection, investigation, response and tracking of all alleged and substantiated sexual misconduct.

Sexual misconduct between staff and youth, volunteers or contract personnel and youth, youth and youth, regardless of consensual status is prohibited and subject to administrative discipline and/or criminal sanctions. During the admission process all youth are provided information about sexual assault, including prevention/intervention, self protection, reporting sexual assault, treatment, and counseling. The purpose of this procedure is to provide guidelines to protect youth and staff from sexual violence, misconduct and harassment.

II. **DEFINITIONS: The following definitions apply throughout this procedure:**

- A. **Aggressor:** Any person committing sexual misconduct against another. The aggressor may be the same or different gender as the victim.
- B. **Investigator:** Individual(s) designated by the PREA Coordinator to conduct internal investigations into alleged sexual misconduct in order to assess the truth of the allegations.
- C. **Non-Employee:** Any volunteer, contractor, therapist, juvenile probation and parole officer, officer of the court or other non-staff individual who interacts with juveniles who are in the custody of a VisionQuest program.
- D. **PREA Coordinator:** The Executive Vice President or person appointed by the Executive Vice President with sufficient time and authority to develop, implement,

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and oversee VisionQuest’s efforts to comply with the PREA standards in all programs.

- E. **PREA Compliance Manager:** Individual designated by the PREA Coordinator who is responsible for developing, implementing and overseeing facility compliance with PREA standards and coordinating the program’s response to allegations of sexual misconduct.
- F. **Sexual Acts:** Any contact between the sex organ of one person and the sex organ, mouth or anus of another person, or any intrusion of any part of the body of one person, or any object into the sex organ, mouth, or anus of another person.
- G. **Sexual Contact:** Intentional touching, either directly or through the clothing of the genitalia, anus, groin, breast, inner thigh, or buttocks of a person other than by staff for medical purposes or for purposes of performing legitimate policy-authorized searches.
- H. **Sexual Harassment:** Includes comments of a sexual nature; demeaning references to gender; lewd remarks about clothing, body or appearance; profane or obscene language or gestures; and displaying sexually oriented images.
- I. **Sexual Misconduct:** All forms of sexual behavior prohibited by this procedure, including sexual abuse, harassment, sexual acts and sexual contact regardless of whether it is consensual. Examples of sexual misconduct include:
 1. Requests for sexual favors, sexual acts or sexual contact.
 2. Influencing, promising or threatening a youth’s safety, custody or security level, including recommendations for court actions, privacy, housing, privileges, work detail or program status in exchanges for sexual favors.
 3. Promise of protection in exchange for sexual favors.
 4. Statements, comments or innuendo made directly or indirectly concerning the sexual orientation or perceived sexual orientation of any person.
 5. Intimate or close relationships with a youth, defined as any relationship beyond the boundaries of a professional relationship.
 6. Intimate conversation or correspondence with a youth.

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7. Exchanging letters, pictures, phone numbers, addresses, email addresses or other personal information with youth.
 8. Unreasonable invasion of a youth's privacy, such as inappropriate viewing of any youth.
 9. Any verbal, non-verbal or physical conduct which is sexual in nature or sexually suggestive.
 10. Creating an intimidating, hostile or offensive environment by engaging in or permitting sexually offensive behavior or language that is directed at or observable by youth or others.
 11. Kissing, hugging, fondling or other touching of an individual's breast, genital, anal or other intimate area either directly or through clothing for sexual arousal, gratification, abuse or assault of either party.
 12. Rape, sexual assault, sexual intercourse, oral sex, anal sex, vaginal sex.
 13. Sex or penetration with any object or body part.
- J. **Retaliation:** Any act of vengeance, covert or overt action, or threat of action taken against an individual in response to their claim of sexual misconduct, sexual contact or sexual abuse or cooperation in the reporting or investigation of sexual misconduct, regardless of the disposition of the complaint. Examples of retaliation include:
1. Unnecessary discipline.
 2. Verbal or physical intimidation or threats.
 3. Unnecessary changes in housing classification.
 4. Unnecessary changes in work or program assignments.
 5. Unjustified denials of privileges or services.
 6. Any action to compromise the victim or witness's safety including refusal or failure to protect
- K. **Victim:** Any person who has been the target of sexual misconduct.

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L. **Victim Support Person:** An individual designated by the PREA Coordinator who has been specially trained to support a victim during investigation of alleged sexual acts or contact.

M. **Voyeurism:** An invasion of privacy of a resident by a staff member or non-employee for reasons unrelated to official duties, such as peering at a resident who is using a toilet to perform bodily functions; requiring a resident to expose his or her buttocks, genitals or breast; or taking images of all or part of a resident’s naked body or of a resident performing bodily functions.

III. **OPERATIONAL GUIDELINES:**

A. Training:

1. Employees: All program employees shall receive instruction related to this procedure and the following critical points:
 - a. VisionQuest’s zero tolerance for sexual misconduct.
 - b. How employees should fulfill their responsibilities under VisionQuest’s sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
 - c. Youth’s right to be free from sexual misconduct (to include sexual abuse and sexual harassment).
 - d. The right of youth and employees to be free from retaliation for reporting sexual misconduct.
 - e. The dynamics of sexual misconduct in confinement.
 - f. The common reactions of sexual misconduct victims.
 - g. How to detect and respond to signs of threatened and actual sexual misconduct.
 - h. How to avoid inappropriate relationships with youth.
 - i. How to communicate effectively and professionally with juveniles, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming youth.

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- j. How to comply with relevant laws related to mandatory reporting of sexual misconduct to outside authorities.
 - k. Relevant laws regarding the applicable age of consent.
 - (i) All employees will receive this training as part of their initial orientation training and prior to any regular or significant contact with youth. All employees shall receive refresher training on these subjects every year as part of their annual training requirements. In the event an employee is reassigned from a facility housing the opposite gender, the employee will receive additional training regarding the treatment and supervision issues specific to that gender.
2. **PREA Compliance Manager, Investigator and Victim Support Personnel:** Specialized training is provided for employees who respond to incidents of sexual misconduct. This training includes facility policy, procedure, crime scene management, elimination of contamination, evidence collection protocol for confinement settings, techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, and the criteria and evidence required to substantiate a case.
 3. **Volunteer, Contractor and other Non-Employees who have contact with Juveniles:** Volunteers and Contractors will be trained on their responsibilities under VisionQuest’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures. In addition, they will be notified of our Zero Tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. Training for non-employees may be tailored to reflect the extent of time they are in the facility and their access to youth.
 4. **Medical and Mental Healthcare Personnel:** In addition to the training for non-employee personnel described above, all medical and mental healthcare practitioners who work regularly in the facility shall be trained in:
 - a. How to detect and assess signs of sexual misconduct.
 - b. How to preserve physical evidence of sexual abuse.
 - c. How to respond effectively and professionally to victims of misconduct.
 - d. How and to whom to report allegations or suspicions of sexual misconduct.

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5. **Lesson Plans and Materials:** All lesson plans or materials utilized for training on sexual assault and abuse shall be approved by PREA Coordinator.
6. **Documentation:** Documentation confirming training for all employees and non-employees is maintained by the facility.

B. Youth Orientation and Education:

1. All youth admitted or transferred into a VisionQuest facility from an inside agency or outside agency, shall receive verbal and written information about sexual misconduct within the first 10 days of intake. If transferred from another VisionQuest facility, they will be educated, to the extent that the policies of the new facility differ from those of the previous facility. This information shall address:
 - a. VisionQuest's zero tolerance for sexual misconduct.
 - b. Age-appropriate education regarding a youth's rights to be free from sexual abuse and sexual harassment.
 - c. What constitutes sexual misconduct.
 - d. VisionQuest's program for prevention of sexual misconduct.
 - e. Methods of self-protection.
 - f. How to report sexual misconduct and retaliation.
 - g. Protection from retaliation.
 - h. Treatment and counseling.
2. Information regarding these topics will be approved and made available by the PREA Coordinator and included in the youth orientation materials, and on information boards and posters in visitation, medical and housing areas.
3. Appropriate provisions shall be made as necessary for youth not fluent in English, and youth with disabilities (including, for example, youth who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) so that all youth have an equal opportunity to participate in or benefit from all aspects of the program's efforts to prevent, detect, and respond to sexual abuse and harassment.

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4. The facility will maintain documentation of youth receipt of this information.

C. Screening/Assessing Youth at Intake.

1. All youth admitted into a VisionQuest residential program are screened for potential vulnerabilities or tendency to act out with sexually aggressive behavior. Within 24 hours of arrival at the facility they will be screened using the RAD intake form and the Primary Health Assessment. Within 72 hours they will be screened using the Vulnerability Assessment Instrument and reviewing available court records and case files. Information provided on these reports will assist staff in assigning appropriate housing, bed, work, education and program assignments with the goal of keeping residents safe and free from sexual abuse.
2. Youth identified as potential or confirmed victims of sexual assault or as having a tendency to act out with sexually aggressive behavior shall be considered for High Risk Supervision or placement in a unit or other appropriate setting where they are housed in a single room without being housed with a roommate. This arrangement will only be when less restrictive measures have been considered and continue until an alternative means of keeping all residents safe.
3. Juveniles who are determined as a potential risk will not be singled out. However they will be closely monitored by the staff and their behavior will be evaluated throughout their stay.

D. Additional Screening/Assessing:

1. Youth identified as high risk with a history of sexually assaultive behavior or who have been identified as at risk for sexual victimization will be assessed by a mental health or other qualified health professional within 14 days of the intake screening. Such youth will also be monitored by mental health services and counseled.
2. If at any time a youth is identified as a sexual predator or as a victim/potential victim, the youth shall be re-evaluated for appropriate housing, available programs, monitoring and counseling.
3. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners, other staff as necessary, to inform treatment plans, supervision and

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management decisions, including housing, bed, work, education and program assignments or as required by Federal, State or local law.

4. Staff shall obtain consent from residents over the age of 18 years old before reporting information about prior sexual victimization that did not occur in an institutional setting.
5. Youth will be periodically assessed through individual sessions, outpatient counseling sessions, multi-disciplinary team meetings and at any other time when the need is presented.

E. Referrals for Special Housing and Program Placement.

1. Transgender or intersex youth's personal view regarding their own safety shall be given serious consideration.
2. Special housing or program assignments for transgender or intersex youth will be made on a case-by-case basis.
3. Any employee may make a referral for particular housing, bed or other assignments based on their observation of the youth's behavior or at the youth's request, with concerns that a youth may be at significant risk of sexual victimization and not solely based on youth's sexual identification or status as an indicator to increase the likelihood of being sexually abused.
4. This referral shall be documented on a memo to the program's Chief Administrator and then placed in the youth's file. This memo will contain reason for the concern for the youth's safety and why no other means of separation can be arranged.
5. VisionQuest does not use isolation however, youth receiving modified living arrangements or placed in individual units will not be denied their Youth Rights or access to daily program activities such as education services and large muscle exercise.
6. Placement in modified housing and/or programming will be reviewed every 30 days. Placement and programming for transgender and intersex youth will be assessed twice a year to review any threats to safety experienced by the youth.

F. Sexual Misconduct Between Youth, Employees and Non-Employees.

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1. VisionQuest has zero tolerance for sexual misconduct between youth and non-youth. Sexual misconduct perpetrated by non-youth is contrary to VisionQuest policies and professional ethical principles that all employees are bound to uphold. Any such conduct is cause for disciplinary action up to and including termination.
2. Consensual sex in a custodial or supervisory relationship is prohibited in any VisionQuest program. A sexual act with a youth by a person in a position of authority over the youth is illegal and subject to criminal prosecution.
3. Retaliation against a youth who refuses to submit to sexual activity, or retaliation against individuals (including witnesses) because of their involvement in the reporting or investigation of sexual misconduct, is also prohibited and possible grounds for disciplinary action including termination and criminal prosecution.
4. Failure of employees to report incidents of sexual misconduct is cause for disciplinary action up to and including termination.
5. Cases involving sexual misconduct may be referred to law enforcement for prosecution.

G. Sexual Misconduct Between Juveniles

1. Sexual contact, sexual acts, and other sexual misconduct between juveniles are prohibited regardless of whether it is alleged to be consensual.
2. Juvenile aggressors are subject to discipline.
3. Juveniles who report sexual misconduct are protected from retaliation.
4. Juveniles who engage in retaliation are subject to discipline.

H. Supervision and Monitoring

Program Administrators, Supervisors, Compliance Manager and PREA Coordinator will conduct and document unannounced rounds to identify and deter staff sexual misconduct. Staff are prohibited from alerting other staff members that such supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility.

- I. Reporting (Also see DE# 3.38-3.40 Reporting Requirement Procedure).
All employees and non-employees have an affirmative duty to immediately report to

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the Program Administrators, Supervisors, Compliance Manager or PREA Coordinator any knowledge, suspicion, or information regarding sexual misconduct involving a youth and/or any retaliation or neglect in violation of this procedure.

1. **First Responder Instructions—All Alleged Sexual Misconduct:**

- a. A youth may report sexual misconduct or threats of sexual misconduct to any staff member or non-staff member. Also, at any time, a youth may request to contact the Child Protective Services Agency for that geographic location. Any staff member or non-youth, who receive a report of sexual misconduct, whether verbally or in writing, shall immediately notify their Supervisor and the PREA Compliance Manager and complete an event report. The Supervisor and PREA Compliance Manager shall ensure that the alleged victim and aggressor are physically separated, either through the placement of the youth on a high risk behavior plan with one to one youth to staff ratio, one of the special needs units or some other effective means.
- b. When VisionQuest learns that a resident is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the resident. The PREA Coordinator shall direct the program's response to all allegations of sexual misconduct, including prompt assignment of a Victim Support Person, Investigator, and/or referral to medical/mental health services when warranted.
- c. In every case where the alleged aggressor is an employee, there will be no contact between the alleged aggressor and the alleged victim pending completion of the investigation.
- d. Allegations of sexual misconduct shall be treated with discretion and, to the extent permitted by law, and confidentiality. Individuals who fail to keep allegations of sexual misconduct confidential are subject to discipline.

2. **First Responder Instructions—Allegations Involving Abuse, Assault or other Sexual Acts or Contact:**

- a. Separate the alleged victim and abuser.
- b. If within 120 hours of alleged incident, preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.

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- c. If within 120 hours of alleged incident, advise the victim and make efforts that the alleged perpetrator do not shower or otherwise clean themselves, or if the assault was oral, not to eat, drink, brush their teeth, chew gum or otherwise take any action that could damage or destroy evidence.
 - d. Secure the scene of the alleged assault if feasible and secure any video coverage of the alleged incident. Secure but do NOT gather evidence.
 - e. Notify the PREA Compliance Manager who will assume responsibility for handling the sexual misconduct allegations and who will, in consultation with the PREA Coordinator, decide whether to notify law enforcement. Cases involving alleged sexual acts will be reported to law enforcement.
 - f. In all cases of alleged abuse, assault or other sexual acts or contact, arrangements shall be promptly made to have the alleged victim transported and examined at a local hospital by a Sexual Assault Nurse Examiner (SANE) or other qualified medical practitioner.
 - g. Staff that do not have supervisory duties shall be required to request that the alleged victim not take any actions that could destroy physical evidence before notifying supervisory staff.
3. Staff and Agency Reporting:
- a. Staff must comply with mandatory child abuse reporting laws for the state the program is located within. All incidents of sexual assault, contact or abuse must be reported to the appropriate state Child Protective Services agency. Confidentiality must also be preserved. Apart from reporting to the PREA Coordinator, staff are prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.
 - b. Medical and mental health practitioners are also required to report sexual abuse to the PREA Coordinator and state Child Protective Services agency. Such practitioners shall be required to inform residents at the initiation of services of their duty to report and the limitations of confidentiality.
 - c. Upon receiving any allegation of sexual abuse, the PREA Compliance Manager or designee shall promptly report the allegation to the alleged

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victim's parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified.

- d. If a juvenile court retains jurisdiction over the alleged victim the PREA Compliance Manager or designee shall also report the allegation to the juvenile's attorney or other legal representative of record in compliance with state regulations.
4. Emergency Medical and Mental Health Services:
- a. Alleged victims of sexual abuse shall receive timely, unimpeded access to qualified emergency medical treatment that have SANEs/SAFEs and crisis intervention services, the nature and scope of which are to be determined by medical and mental health practitioners.
 - b. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, the PREA Compliance Manager shall take preliminary steps to protect the victim from harm and shall immediately notify the appropriate medical and mental health practitioners.
 - c. Alleged victims of sexual abuse shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis where medically appropriate.
 - d. Treatment services are provided to the alleged victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Community based programs will work in collaboration with the youth's placing agency to coordinate treatment services.
5. On-going Medical and Mental Health Care:
- a. The facility offers medical and mental health evaluation and, as appropriate, treatment to all youth who have been victimized by sexual acts. If necessary, the evaluation and treatment of such victims shall include follow-up services, treatment plans, and referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
 - b. Alleged victims of sexually abusive vaginal penetration shall be offered pregnancy tests.

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- c. If pregnancy results from conduct specified in above paragraph b, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
 - d. Alleged victims of sexual abuse shall be offered tests for sexually transmitted infections as medically appropriate.
 - e. Treatment services including a victim advocate will 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. Community based programs will work in collaboration with the youth's placing agency to coordinate treatment services. Victims will receive medical and mental health services consistent with the community level of care. When the youth discharges, appropriate referrals will be given to obtain or sustain this level of care.
 - f. The program shall attempt to conduct a mental health evaluation of all known youth-on-youth abusers as soon as possible but within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.
6. Reporting to and from Other Confinement Facilities:
- a. Upon receiving an allegation that a youth was sexually abused while confined at another program, the administrator of the program shall notify the administrator of the program where the alleged abuse occurred and shall also notify the Child Protective Services agency of that state.
 - b. Such notification shall be provided as soon as possible and within state reporting requirements but no later than 72 hours.
 - c. The facility shall document that it has provided such notification.
 - d. Allegations received by other agencies/facilities are investigated in accordance with PREA standards.
7. Investigations:
- All reports of sexual misconduct, sexual contact or sexual abuse must be considered credible and promptly investigated criminally and/or administratively without regard to whether:

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- a. The youth who are named in the allegation are in custody or not.
 - b. Staff members named in the allegation are currently employed or not.
 - c. The report of the allegation was made in a timely manner or not.
 - d. The youth reporting the allegation is known to have made past false allegations.
 - e. The source of the allegation recants the allegation.
 - f. The employee receiving the complaint believes or does not believe the allegations.
 - g. The source of the report is from a third party or anonymous source.
 - h. Investigations will only be conducted by those individuals who have received the appropriate training in sexual abuse investigations.
 - i. The Investigator is responsible for conducting and fully documenting the investigation in accordance with program policy and procedure.
8. Investigation Process
- a. The program initiates an administrative investigation of an allegation of sexual misconduct immediately following the report to determine the immediate measures that need to be taken for the safety of the alleged victim and/or other residents.
 - b. The program will complete the administrative investigation and documentation in a timely manner but this may be delayed upon the direction of authorized legal entities to prevent conflict to their own ongoing investigation.
 - c. No standard higher than the preponderance of the evidence be considered in determining whether allegations of sexual misconduct are substantiated.
 - d. VisionQuest does not rely upon any truth telling device as a condition to proceed with an investigation.
 - e. DE Child Abuse Hotline will have a representative from the Institutional Abuse Investigative Unit (IAIU) interview the youth, ensure their safety and

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conduct an investigation. The Department of Family Services (DFS) will notify the appropriate law enforcement agency if they determine a criminal investigation is warranted and to pursue prosecution.

- f. VisionQuest will also contact law enforcement to report all allegations of sexual abuse or sexual harassment so that a criminal investigation can be conducted (unless the allegation does not involve potentially criminal behavior)
 - g. The Office of Child Care Licensing (OCCL) will be contacted by the Office of Institutional Abuse so they can decide to conduct a licensing investigation to determine regulatory violations.
 - h. Programs shall cooperate with external investigators and endeavor to remain informed about the progress of the investigation.
 - i. VisionQuest will consider all existing information and any that has been requested and can be provided by external investigators, to inform the youth of the outcome of the investigation, respond accordingly and develop an appropriate corrective action plan.
 - j. VisionQuest will not terminate an investigation solely because the source of the allegation recants the allegation.
 - k. Administrative investigations shall include:
 - (i) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse
 - (ii) Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments and investigative facts and findings.
 - l. VisionQuest will retain all written reports pertaining to administrative or criminal investigations of alleged sexual abuse or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years unless applicable state law requires a shorter period of retention.
9. Victim Support Person:
If requested by a victim of alleged sexual abuse, a victim advocate, qualified agency staff member or qualified community-based organization staff member

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accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information and referrals. This will be completed as soon as possible, but no later than the next business day. This person will consult with the investigator on the case and offer assistance to the alleged victim as is appropriate based on their training. The victim support person may sit in on administrative interviews of the victim but may not in any manner obstruct or interfere with the course of the investigation.

10. Reporting to Juveniles:

The following will be documented on the PREA Investigation – Reporting to Residents form as youth currently in a VisionQuest program are entitled to know the outcome of the investigation into their allegation as follows:

- a. Following an investigation into a youth’s allegation of sexual abuse in the facility, the PREA Compliance Manager shall inform the youth whether the allegation was determined to be substantiated, unsubstantiated, or unfounded.
- b. If the allegation involved a staff member, the PREA Compliance Manager shall inform the youth whenever:
 - (i) The staff member is no longer assigned within the youth’s unit;
 - (ii) The staff member is no longer employed at the facility;
 - (iii) The staff member has been indicted on a charge related to sexual abuse within the facility; or
 - (iv) The staff member has been convicted on a charge related to sexual abuse within the facility.
- c. If the allegation involved another youth, the PREA Compliance Manager shall inform the alleged victim when the alleged abuser has been:
 - (i) indicted on a charge related to sexual abuse within the facility; or
 - (ii) the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- d. All such notifications or attempted notifications shall be documented.

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J. Debriefing and Incident Review.

1. Debriefing. The PREA Coordinator shall conduct a debriefing of all incidents of sexual misconduct in order to assess the environmental factors, relevant issues or problem areas that could have contributed to the incident and shall implement identified improvements to increase youth safety.
2. Incident Review:
 - a. For incidents involving allegations of sexual abuse, the PREA Coordinator shall conduct an incident review within 30 days of the conclusion of the investigation in matters that have not been substantiated but not those that have been determined to be unfounded.
 - b. The incident review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
 - c. The review team shall:
 - (i) consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse, whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
 - (ii) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
 - (iii) Assess the adequacy of staffing levels in that area during different shifts.
 - (iv) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
 - d. The review team will prepare a report of its findings that include determinations made but not limited to information presented in (i-iv) and any recommendations for improvement and submit such report to the PREA Coordinator who is authorized to implement the recommendations for improvement, or shall document reasons for not doing so.

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K. Prosecutions.

All terminations and resignations due to alleged violations of this policy shall be reported to law enforcement and to any relevant licensing bodies. The PREA Coordinator or designee shall work with the local district attorney's office to facilitate criminal prosecution of acts in violation of this policy or criminal law.

L. Discipline/Corrective Action.

1. Disciplinary sanctions for violations of this procedure relating to sexual misconduct are commensurate with the nature and circumstances of the acts committed, the staff member's, volunteer's or contractor's disciplinary history and the sanctions imposed for comparable offenses by other staff with similar histories.
2. Violation of this policy/procedure is cause for termination. The PREA Coordinator will take any action necessary to enforce this policy. Any staff member, contractor, volunteer or non-employee who violates this policy/procedure shall be prohibited from contact with youth and shall be reported to law enforcement and any relevant licensing bodies.
3. Staff that desire to contest terminations and staff disciplinary actions may do so following the prescribed grievance procedure outlined in the Employee manual. VisionQuest does not recognize, acknowledge or accept participation in collective bargaining agreement process. All disciplinary actions will remain consistent with PREA regulations 115.372 and 115.376 and remain part of the staff record unless there is a determination that the allegation of sexual abuse is not substantiated.
4. Youth are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guilt for resident-on-resident sexual abuse.
5. Also see VisionQuest's procedure on Program Rules and Consequences.

M. Employee/Applicant Background Checks and References.

Human Resources will make diligent efforts to contact all prior institutional employers to determine whether the prospective employee has any history of substantiated allegations of sexual abuse or resignation during a pending investigation of an allegation of sexual abuse. VisionQuest considers any incidents of sexual misconduct in determining whether to hire or promote anyone or to enlist the services of any contractor who may have contact with youth. VisionQuest shall provide information on substantiated allegations of sexual abuse or sexual harassment

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involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

N. Tracking.

The PREA Coordinator shall maintain a tracking system that records all allegations of sexual misconduct and their disposition. Tracking records should include investigative reports, disciplinary reports, event reports, offender information, and case disposition.

O. Classification Notification.

The PREA Compliance Manager shall be notified when a youth has been identified as a potential and/or confirmed victim or aggressor and ensure this information is entered into the appropriate youth's Health and Safety Assessment or other appropriate document.

P. Exhaustion of Administrative Remedies.

Although regular statute of limitations defenses apply to claims, the program does not impose a time limit on when a youth may submit a grievance regarding an allegation of sexual abuse. Youth are not required to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual misconduct.

1. A youth who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint; and
2. Such grievance shall not be referred to a staff member who is the subject of the complaint.

Q. Third Party Involvement

1. Third parties, including fellow residents, staff members, family members, attorneys and outside advocates may file requests for administrative remedies relating to sexual abuse on behalf of a youth. Third parties may contact the program directly, use the posted website hotline, contact state police or call DE Child Abuse Hotline directly at 800-292-9582.
2. Agency will document if resident declines third party assistance in filing a grievance of sexual abuse.
3. Parents and legal guardians may file a grievance regardless if the resident has declined their assistance.

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4. Youth will be informed of the extent of monitoring to occur during communication between parties prior to receiving any outside services.
5. Prior to being given access to outside support services, youth will be informed by the PREA Compliance Manager 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 under relevant Federal, State or local law.
6. The facility maintains a copy of memoranda's of understanding (MOU) or other agreements with community service providers that are able to provide residents with emotional support services related to sexual abuse.

R. Data Collection

1. Accurate data for every allegation of sexual abuse at the company's facilities will be maintained through the Survey of Sexual Victimization and the PREA Master Log. A set of definitions will also be available.
2. Incident –based sexual abuse data will be aggregated at least on an annual basis. Data will be maintained, reviewed and collected from all available resources as needed.
3. An annual report will be created from the compiled data.
4. Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

S. Data Review

1. VisionQuest shall review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices and training, including:
 - a. Identifying problem areas
 - b. Taking corrective action on an ongoing basis
 - c. Preparing a annual report of its findings and corrective actions for each facility as well as VisionQuest as a whole.

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2. Such report shall 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.
3. This report shall be approved by the VisionQuest's CEO and made available to the public through its website.
4. Any redactions from the annual report will be limited to specific materials where publication may pose a specific threat to the safety and security of the facility. The nature of any redactions will be appropriately indicated.

T. Data storage, Publication and Destruction

1. All incident-based and aggregate data will be securely retained and maintained for at least 10 years from the initial date of collection
2. Aggregated sexual abuse data from all affiliated facilities will be made available to the public annually through the VisionQuest website.
3. All Personal identifiers will be removed from the provided data prior to its being made public.