



Office of Juvenile Affairs

**Volunteer's, Contractor's, & Intern's
Guide To Preventing and Reporting
Sexual Misconduct**

**How to Identify
And Address
Sexual Misconduct**

COMPLYING WITH LAWS

Staff, contractors, volunteers, and interns are to report immediately and according to policy and knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility. This includes any retaliation against a juvenile or staff member for reporting the incident and also includes any neglect or violation of responsibility that may have contributed to an incident or retaliation.

Staff, contractor, volunteers, and interns are to cooperate with investigations regarding incidents of sexual abuse, sexual harassment, or retaliation.

Staff, contractors, volunteers, and interns are to remember:

There is NO SUCH THING as consensual sexual contact with any juvenile at any OJA facility.

Sexual abuse with a juvenile is a FELONY!

PREA Compliance starts with YOU!

All allegations of sexual abuse and sexual harassment will be investigated.

For questions or concerns related to PREA, please contact facility staff or the OJA PREA Coordinator.

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Sexual Abuse Includes:

- * Sexual abuse of a juvenile by another juvenile
- * Sexual abuse of a juvenile by a staff member, contractor, or volunteer can include any of the following acts, with or without consent of the juvenile.

Sexual Abuse

Sexual abuse of a juvenile by another juvenile can include any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- * Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- * Contact between the mouth and the penis, vulva, or anus;
- * Penetration of the anal or genital opening by another juvenile, by a hand, finger, object, or other instrument;
- * Any other intentional touching, wither directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of a juvenile by a staff member, contractor, volunteer or intern includes any of the following acts, with or without consent of the juvenile:

- * Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- * Contact between the mouth and the penis, vulva, or anus;
- * Contact between the mouth and any body part where the staff member, contractor, volunteer, or intern has the intent to abuse, arouse, or gratify sexual desire;
- * Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, volunteer, or intern has the intent to abuse, arouse, or gratify sexual desire;

HOW TO AVOID INAPPROPRIATE RELATIONSHIPS WITH JUVENILES

Sexual abuse of a juvenile by a staff member, contractor, volunteer or intern includes any of the following acts, with or without consent of the juvenile:

- * Any other intentional contact, either directly or through clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, volunteer, or intern has the intent to abuse, arouse, or gratify sexual desire;
- * Any attempt, threat, or request by a staff member, contractor, volunteer, or intern to engage in the activities described in the paragraphs of this section;
- * Any display by a staff member, contractor, volunteer or intern of his or her uncovered genitalia, buttocks, or breast in the presence of a juvenile; and
- * Voyeurism by a staff member, contractor, volunteer, or intern.

Voyeurism by a staff member, contractor, volunteer, or intern means an invasion of privacy of a juvenile by staff for reasons unrelated to official duties, such as peering at a juvenile who is using the toilet in his or her cell to perform bodily functions; requiring a juvenile to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a juveniles naked body or of a juvenile performing bodily functions.

Sexual Harassment includes:

- * Repeated and unwelcomed sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one juvenile directed towards another juvenile; and
- * Repeated verbal comments or gestures of a sexual nature to a juvenile by a staff member, contractor, volunteer, or intern, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Examples of Appropriate and Professional Behaviors:

- * Maintain a **ZERO-TOLERANCE** to sexual abuse and sexual harassment.
- * Maintain respectful and professional communications at all times.
- * Clearly establish your professional boundaries with staff and with juveniles.
- * Create credibility through being policy-minded, and by being firm, fair and consistent with everyone.
- * Do not participate in rumors or gossip. Educate others that this is unprofessional and inappropriate. Redirect conversation to another topic.
- * Avoid being alone with juveniles, consistent with agency and/or facility policies. Leave door open, leave windows clear of obstructions, ask a staff member to sit in on conversation, meetings, etc.
- * Take ALL sexual abuse accusations seriously and report them immediately.
- * Handle all information professionally and confidentially.

Examples of Inappropriate Behaviors/Crossing Professional Boundaries:

- * Making sexual or derogatory jokes with or in front of juveniles.
- * Gossiping about other staff with or in front of juveniles.
- * Complaining about supervisors, staff or your job in front of juveniles.
- * Using nicknames, slang, or jargon instead of proper terminology.
- * Getting involved in juvenile's personal issues or showing favoritism to a specific juvenile.
- * Discussing personal issues with or around juveniles.
- * Spending a lot of time with a particular juvenile or taking up a juvenile's cause or grievance.
- * Deviating from policy for the benefit of a particular juvenile.
- * Flirting with juveniles.

REMEMBER

- * There is **NO SUCH THING** as consensual sexual contact in any OJA facility.
- * Sexual abuse between staff and a juvenile is a **FELONY!**
- * Sexual abuse and sexual harassment between staff and juveniles, contractors and juveniles, volunteers and juveniles, or interns and juveniles, regardless of consensual status is **PROHIBITED** and is subject to Administrative and Criminal Disciplinary Sanctions up to and including suspension and/or termination, and referral to outside law enforcement for **PROSECUTION**.

REPORTING REQUIREMENTS

As a valued contributor to OJA, you have a duty to report all incidences where staff, contractors, volunteers, interns, or other juveniles are sexually involved with or harassing a juvenile.

All OJA staff, contractors, volunteers and interns are required to report any knowledge of an alleged, threatened or action violation of abuse to their supervisor, any on-duty staff member above them in the chain of command, or to the facility superintendent. All staff, contractors, volunteers, and interns also have the ability to privately report abuse and sexual harassment of juveniles to the **DHS hotline at 1-800-522-3511**. Failure to report abuse may result in administrative disciplinary sanctions and/or criminal charges being filed.

All staff, contractors, volunteers, and interns of OJA shall treat juveniles in a firm, fair, and consistent manner, and will refrain from inappropriate and improper contact with any juvenile. Whenever there is reason to discuss a juvenile's problem with them a professional attitude consistent with roles and responsibilities should be exercised.

Over-Familiarity Between Staff and Juvenile

“Over-Familiarity” means conduct between a staff member, contractor, volunteer, or intern and a juvenile which has or is likely to result in intimacy or a close personal association, or conduct that is contrary to the good order of the agency or facility.

As professionals, we are responsible for ensuring that our interactions with a juvenile are within professional boundaries. When these boundaries are crossed, it can lead to sexual abuse.

Examples of Over-Familiarity include but are not limited to:

- * Staff, contractors, volunteers, or interns permitting a juvenile to call them by their first names
- * Doing “favors” for a juvenile
- * Sharing a snack with a juvenile
- * Overlooking behavioral problems
- * Tolerance of using nicknames
- * Flirting
- * Making inappropriate compliments
- * Exchanging photos
- * Bringing things into the facility for a juvenile
- * Talking about personal matters with a juvenile
- * Talking to a juvenile or allowing a juvenile to talk about sexual experiences or fantasies, or telling sexual jokes.

Retaliation

An act of vengeance, covert or overt action or threat of action taken against staff or a juvenile by another staff or juvenile in response to the staff or juvenile reporting a complaint of sexual misconduct or cooperating in the investigation of sexual misconduct.

JUVENILE RIGHTS

- * Juveniles have the right to be free of harassment because of race, religion, color, gender, sexual orientation, age, national origin, disability, pregnancy or childbirth, or other related medical conditions.
- * Juveniles have the right to file a grievance.
- * Juveniles have the right not to be subject to corporal punishment, harassment, mental, verbal, or physical abuse, personal injury, threats, harm, assault, humiliation, or interference with the normal bodily functions of eating, sleeping, or bathroom functions by any person.
- * Juveniles have the right to be free from unreasonable conditions of confinement, have equal access to programs and facilities, and have access to necessary medical care.
- * Juveniles have the right to be free from sexual abuse and sexual harassment.
- * Juveniles and staff have the right to be free from retaliation for reporting sexual abuse and sexual harassment.

ETHICS SELF-CHECK

- * **Is it legal?** Does my decision violate any codes, policies, procedures, rules or laws?
- * **Is it balanced?** Is my decision fair to all, both in short and long term?
- * **How will I feel about myself?** Does this feel right and ethical? Can I stand by my actions at a later date?
- * **Perception by others?** Will my actions be viewed as right or wrong? Do my actions represent the agency in a positive light? Will I be able to openly explain my actions so that others will understand and agree with my choice?

ZERO—TOLERANCE

The Office of Juvenile Affairs (OJA) maintains a ZERO-TOLERANCE towards all forms of sexual abuse and sexual harassment. Under Oklahoma State Law, juveniles in OJA operated facilities cannot consent to sexual activity of any kind, regardless of their age. Therefore, it is a **FELONY** criminal offense for any staff, contractor, volunteer, or intern to engage in any form of sexual activity with a juvenile in an OJA facility. OJA policy also prohibits opposite gender viewing of juveniles under circumstances where breast, buttocks, or genitalia would normally be exposed except in emergency situations.

Prohibited conduct applies to all staff, contractors, volunteers, and interns. OJA will take appropriate action to Prevent, Detect, Report, and Respond to all forms of sexual abuse and sexual harassment in accordance with the Prison Rape Elimination Act of 2003. Contractors, volunteers and interns fall under the same policies and procedures as staff in regards to personal boundaries and contact.

The following must be adhered to:

- * Do not disclose personal address or telephone numbers to juveniles.
- * Do not allow juveniles to send mail through you, use your cell phone, or have you make contact with anyone outside the facility for them.
- * Do not disclose information of a personal nature to the juveniles. Discussion topics will be general and will be juvenile oriented.
- * If a juvenile says or does anything that the contractor, volunteer, or interns thinks is inappropriate, the contractor, volunteer, or intern must notify a staff member immediately.
- * Do not give anything to a juvenile during visits, including food items, candy, gum, and treats.
- * Contractor, volunteers, and interns are allowed in the facility only as scheduled or authorized by facility staff.
- * Any suspected sexual abuse must be immediately reported to facility staff.