

**VISIONQUEST  
HUMAN RESOURCES  
STANDARD OPERATING PROCEDURE**

<b>PROCEDURE: VQ.1.C.4</b>	<b>SUBJECT: Zero Tolerance for Sexual Misconduct of a Minor</b>
<b>EFFECTIVE DATE: 01/05/2015</b>	<b>PAGE 1 of 9</b>
<b>ANNUAL REVIEW: March, 2023</b>	<b>Revised: 01/2018, 03/31/2022</b>

**PURPOSE:** It is the policy of VisionQuest to adhere to all local, state, and federal laws regarding any form of harassment or sexual abuse. VisionQuest has a “Zero-Tolerance” policy for all forms of sexual abuse, sexual harassment, and inappropriate sexual behavior for all staff, contractors and volunteers with the goal to prevent, detect, and respond to such conduct. The purpose of the zero-tolerance policy is to ensure that all children, youth, families and staff are treated with dignity and respect. This policy prohibits any type of sexual conduct of any form, whether from staff, contractor volunteer or from another client regardless of age, sexual orientation of either person.

All staff have the responsibility to report any incident of sexual behavior between minors and/or between minors and staff immediately. Staff are prohibited from engaging in sexual abuse, sexual harassment, and inappropriate sexual behavior towards minors in care. All staff are required to promote a culture of Zero-Tolerance of Sexual Assault, Sexual Abuse, and/or Sexual Harassment.

VisionQuest mandates zero tolerance towards all forms of sexual abuse, sexual harassment, inappropriate sexual behavior, and retaliation from reporting any of the previously mentioned actions.

Staff found to have a substantiated allegation of engaging in sexual abuse, sexual harassment or inappropriate sexual behavior with a minor will be subject to immediate termination.

## **I. DEFINITIONS**

### **A. Sexual Abuse**

#### **1. Sexual abuse of a minor by another minor includes the following acts:**

- a. The employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, (2) or (3) below or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children
- b. Actual or simulated sexual intercourse, including sexual contact in the manner of genital-genital, oral-genital, anal-genital, or oral-anal contact, whether between persons of the same or opposite sex
- c. Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation;

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- d. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument;
- e. Bestiality;
- f. Masturbation;
- g. Lascivious exhibition of the genitals or pubic area of a person or animal;
- h. Sadistic or masochistic abuse; or
- i. Child pornography or child prostitution.

**2. Sexual abuse of a minor by an adult includes the following acts**

- a. The employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, (2) or (3) below or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children
- b. Actual or simulated sexual intercourse, including sexual contact in the manner of genital-genital, oral-genital, anal-genital, or oral-anal contact, whether between persons of the same or opposite sex;
- c. Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks that is unrelated to official duties or where the staff member, grantee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- d. Contact between the mouth and any body part where the staff member, grantee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- e. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument that is unrelated to official duties or where the staff member, grantee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- f. Any attempt, threat, or request by a staff member, grantee, contractor, or volunteer to engage in activities (1) through (5) above;
- g. Any display by a staff member, grantee, contractor, or volunteer of his or her uncovered buttocks or breast in the presence of a child;
- h. Bestiality;
- i. Masturbation;
- j. Lascivious exhibition of the genitals or pubic area of a person or animal;
- k. Sadistic or masochistic abuse;
- l. Child pornography or child prostitution; or
- m. Voyeurism by a staff member, grantee, contractor, or volunteer

**3. Sexual Harassment of a minor**

- a. Sexual harassment includes different acts depending on whether the perpetrator is a minor or an adult.
- b. Sexual harassment of a minor by another minors includes: repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, phone calls, emails, texts, social media messages, pictures sent or

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shown, other electronic communication, or actions of a derogatory or offensive sexual nature.

- c. Sexual harassment of a minor by an adult includes: repeated verbal comments, gestures, phone calls, emails, texts social media messages, pictures sent or shown, or other electronic communication of a sexual nature to a child by a staff member, grantee, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**4. Inappropriate Sexual Behavior:** Inappropriate sexual behavior is behavior that does not meet the definition of sexual abuse or sexual harassment but is sexual in nature.

**5. Physical Contact**

- a. Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- b. Physical violence, including sexual assault
- c. Physical contact, e.g. touching, pinching
- d. The use of job-related threats or rewards to solicit sexual favors

**6. Verbal Contact**

- a. Comments on a minor's appearance, age, private life, etc.
- b. Sexual comments, stories and jokes
- c. Sexual advances
- d. Repeated and unwanted social invitations for dates or physical intimacy
- e. Insults based on the sex of the worker
- f. Condescending or paternalistic remarks
- g. Sending sexually explicit messages (by phone or by email)

**7. Non-Verbal Contact**

- a. Display of sexually explicit or suggestive material
- b. Sexually suggestive gestures
- c. Whistling
- d. Leering

**8. Other Forms of Sexual Harassment**

- a. Race
- b. Color
- c. Religion
- d. National Origin
- e. Ancestry
- f. Age
- g. Marital Status
- h. Physical Disability
- i. Mental Disability

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- j. Medical Condition
- k. Sexual Orientation (Known or Perceived)
- l. Gender Identity Expression (Known or Perceived)
- m. Verbal Abuse
- n. Derogatory and Degrading comments/gestures

## **II. SEXUAL ABUSE PREVENTION AND REPORTING**

The following sections will review VisionQuest's "Zero-Tolerance" policy for all forms of sexual abuse, sexual harassment, and inappropriate sexual behavior for all staff, contractors, volunteers and minors with the goal to prevent, detect, and respond to such conduct.

### **A. Prevention Planning-Employees**

- 1. Screening and Background Checks:** VisionQuest requires that all new hires, transferring employees, contractors and volunteers be appropriately and thoroughly vetted prior to hiring, or transferring within VisionQuest programs to another program. VisionQuest will vet for ensuring that those working directly with minors have not engaged in, attempt to engage in, or were civilly or administratively adjudicated to have engaged in sexual abuse, sexual harassment, intimate partner (domestic) violence, or any type of inappropriate sexual behavior; and have not perpetrated any crime involving a child, regardless of how long ago the incident occurred; or a violent crime within the past 10 years.

All potential new hires, contractors and volunteers will undergo and pass a background check, to include state and federal, prior to working and/or volunteering in the VisionQuest programs. Such background checks will be conducted prior to hiring any new employee, contractor or volunteer regardless of how long ago a previous background check was conducted. Refer to Pre-employment Background Screening policy

Background checks will include an FBI fingerprint Check; a Child Protective Services Registry Check in every State that the applicant has lived in for the past five (5) years, a National and state sex offender registry check as well as other program required checks.

In addition to the background check conducted prior to hiring, all staff, contractors and volunteers are required to undergo an additional background check every five years, or more frequently per state, licensing or contractual requirements. This procedure applies to volunteers and contractors who will have unsupervised contact with any minor.

- a. All offers of employment for any position are contingent upon receipt of an acceptable background screening.
- b. Any employee who provides erroneous, misleading or willfully deceptive information on an application or part of the employment screening process (I -9,

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resume, etc.) will be immediately terminated from employment or eliminated from the screening process.

VisionQuest will not hire or contract an individual or volunteer who:

- a) Has engaged in, or attempted to engage in, sexual abuse, sexual harassment, domestic violence, or any other inappropriate type of sexual behavior;
- b) 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;
- c) Has been civilly or administratively adjudicated to have engaged in the activity described in this policy; or,
- d) Has perpetrated any crime involving a child, regardless of how long ago the incident occurred, or a violent crime within the past 10 years.

**2. Employee Training:** All VisionQuest employees will receive upon hire a copy of Zero Tolerance for Sexual Misconduct of a Minor and Code of Conduct documents during their new hire and orientation process. Employees will be required to sign a form to be kept in the HR file to ensure the safety and security of the minors of VisionQuest. Staff will be trained during orientation and through the duration of employment in the following:

- (1) Staff will not engage in any form of sexual abuse or sexual harassment, as defined in this policy
- (2) Staff will not verbally or physical abuse any unaccompanied child
- (3) Staff will not engage in sexual contact with anyone while on duty or while acting in the official capacity of their position.
- (4) Staff will not exchange letters, gifts, pictures, phone numbers, e-mail addresses, or social media information with any minors in care or within three years of the child's discharge. Requests for exceptions must be submitted in writing to and approved by care provider management.
- (5) Staff may not have contact with any children outside the care provider facility beyond that necessary to carry out job duties while the child is in care or within three years of the child's discharge. Requests for exceptions must be submitted in writing to and approved by care provider management.
- (6) Staff must confine their relationships with minor's families and sponsors to those activities which fall within the scope of the staff's job duties. Requests for exceptions must be submitted in writing to and approved by care provider management.
- (7) Staff may not engage in a romantic relationship or sexual relationship with a minor while the child is in care or within three years of the child's discharge.
- (8) Staff may not live with a minor within three years of the child's discharge.

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- (9) Staff must report knowledge, suspicion, or information about sexual abuse, sexual harassment, or inappropriate sexual behavior according to mandatory reporting laws, Federal laws and regulations, and pertinent policies and procedures.
- (10) Staff with knowledge or information of a staff violating this Code of Conduct must report this knowledge or information to their supervisor.
- (11) Staff have a continuing affirmative duty to disclose any misconduct that occurs on or off duty.
- (12) Failure to abide by this policy will lead to disciplinary action up to termination of employment.
- (13) How to fulfill their responsibilities under program sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
- (14) Recognition of situations where sexual abuse or sexual harassment may occur.
- (15) Recognition of physical, behavioral, and emotional signs of sexual abuse and methods of Preventing and responding to such occurrences.
- (16) How to avoid inappropriate relationships with Unaccompanied Children; Procedures for reporting knowledge or suspicion of sexual abuse and sexual harassment as well as how to comply with relevant laws related to mandatory reporting.
- (17) The requirement to limit reporting of sexual abuse and sexual harassment to personnel with a need-to know to make decisions concerning the victim's welfare and for law enforcement or investigative purposes.
- (18) Cultural sensitivity toward diverse understandings of acceptable and unacceptable sexual behavior and appropriate terms and concepts to use when discussing sex, sexual abuse, and sexual harassment with a culturally diverse population.
- (19) Sensitivity and awareness regarding past trauma that may have been experienced by minors.

New hires will receive training prior to being allowed to work with the minors.  
New hires shall not have either supervised or unsupervised contact with minors prior to completing the training.

### **3. Contractors and Volunteers:**

Contractors and volunteers will receive a copy of Zero Tolerance for Sexual Misconduct of a Minor and Code of Conduct documents before having access to youth. Contractors and Volunteers will be required to sign a form to be kept in the HR file to ensure the safety and security of the minors of VisionQuest. Contractors and Volunteers must follow this policy at all times and will receive training that will be documented and filed.

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## **B. Prevention Planning for Minors**

VisionQuest will provide each minors entering the program with a comprehensive orientation explaining the program's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

VisionQuest will ensure that all communication and services provided and related to the programs' policies and procedures for the prevention, detection and response to sexual abuse and sexual harassment are available, understood and accessible to all minors, regardless of disabilities or language barriers.

VisionQuest acknowledges that LGBTQI minors have the right to be free from discrimination and harassment based on actual or perceived sexual orientation or gender identity. VisionQuest may not label a child or youth as a likely abuser or punish a child for his or her sexual orientation, gender identity, or gender expression. All children and youth must be treated fairly and equally and provided with inclusive, safe, and nondiscriminatory services.

### **1. Detection:**

- a. Staff must report any forms of sexual abuse, harassment or assault immediately to their supervisor
- b. Programs must have internal policies in place regarding response and notifications.
- c. Investigations will be completed according to pertinent laws and regulations
- d. If staff believes that a minor is in imminent risk of being sexually abused or harmed, immediate action must be taken to ensure the safety and security of the minor.
- e. Staff must remove minors from the situation that would expose her to the risk of sexual abuse or harm if the risk appears to be imminent and immediate.

## **C. RESPONSE**

1. Reporting Responsibilities: All VisionQuest staff, contractors and volunteers are responsible for reporting allegations of sexual behavior between minors and between staff and minors. Allegations may be made from a minor about another minor, from a minor about a staff member, contractor or volunteers.
  - a. An allegation can be any report of wrongdoing to include inappropriate contact, inappropriate language, favoritism, denying rights, sexual inappropriateness etc. Staff should take any incident that could be construed as an allegation seriously and report to the assigned program responder to protect themselves as well as the children in care.
  - b. Minors should also be encouraged to report any concerns or incidents in which they feel uncomfortable, have been sexually abused or sexually harassed, fear for their well-being and safety, or experience real or perceived threats of harm by another youth or staff member

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- c. If there is a sexual abuse, sexual harassment or inappropriate sexual behavior allegation, designated staff will contact the local Police Department and other pertinent entities as stated in the program's internal procedure
2. At a minimum, staff, contractors and volunteers must:
  - a. Separate the alleged victim, perpetrator, and any witnesses to ensure the safety of all other children and staff;
  - b. Ensure the alleged perpetrator is separated from all children and youth until the safety of all children and staff is established;
  - c. Contact Emergency Services (911), if needed;
  - d. Preserve and protect, to the greatest extent possible, the crime scene until the appropriate authorities are called and arrive to collect the evidence.
    - (1) Request that the alleged victim, perpetrator, and witnesses not to take any action that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence, while treating the victim with dignity and respect. Nevertheless, staff will not physically restrain a minor from washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating.
    - (2) Ensure only emergency service providers enter the room or personnel authorized by the Program Director to ensure evidence is not tampered with or area is contaminated.
    - (3) Ensure items are not placed or removed from the scene by anyone except emergency service providers
  - e. Communicate incident to supervisor immediately
  - f. Ensure reporting under local, state and federal law.
  - g. Staff must follow program's internal procedures and mandated reporter law
  - h. Reports of suspected or alleged child abuse or neglect must be reported directly to the local Child Protective Services Hotline
3. VisionQuest will ensure that every allegation of sexual abuse and sexual harassment is referred to the appropriate authorities. Reports will be accepted from minors, staff, contractors, volunteers, third party reporters, and anonymous reporters.
4. When a complaint is reported, it will receive a prompt and thorough investigation. Investigations will be conducted confidentially, subject to the need to interview others and to conduct a thorough investigation. Every employee must cooperate with an investigation by answering all questions, disclosing any clearly relevant information, including pictures or documents. If discrimination, harassment, or other inappropriate conduct is found to have occurred, appropriate corrective action will be taken.
  - a. The person carrying out the investigation will complete the following unless otherwise instructed by law enforcement, local Child Protective Services or other pertinent licensing authority
    - (1) Interview the victim and the alleged harasser separately
    - (2) Interview other relevant third parties separately



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- (3) Decide whether or not the incident(s) of sexual harassment took place
- (4) Produce a report detailing the investigations, findings and any recommendations
  - b. Follow-up to ensure that the recommendations are implemented, that the behavior has stopped and that the victim is satisfied with the outcome
  - c. If it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace
  - d. Keep a record of all actions taken
  - e. Ensure that the all records concerning the matter are kept confidential

#### **D. Sanctions and Disciplinary Measures:**

1. The nature of the sanctions will depend on the gravity and extent of the abuse and/or harassment. VisionQuest has Zero Tolerance for Sexual Misconduct, Abuse or Harassment of any minor in care, regardless of age. All allegations will be investigated and reported to external authorities as required by law. Violations of this policy will be subject to disciplinary action, up to and including termination, and may be prosecuted. Staff, contractors and volunteers are required to report incidents of sexual misconduct, abuse or harassment. Retaliation against individuals who in good faith report allegations of sexual misconduct, abuse or harassment is prohibited and may be subject to disciplinary action. Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:
  - a. Verbal and/or Written Warning
  - b. Write-Up
  - c. Note-to-File (NTF)
  - d. Suspension
  - e. Termination
  - f. Prosecution
2. If an employee, contractor or volunteer feels that they are being discriminated against or have been harassed, the employee should promptly contact the Human Resource Department. If any of these individuals are involved in the allegation, the complaint should be directed to the other named position. Any management or administrative employee who receives a complaint about discrimination or harassment is required to report that complaint to either the Human Resources Department or the Director of Compliance. VisionQuest will follow Code of Conduct policy and procedures.

### **III. Related Policies and Forms**

Other VisionQuest policies that apply to VisionQuest Information Resources policy:

1. Code of Conduct Policy
2. VisionQuest Handbook

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3. Cell Phone and Computer Usage and Allowance
4. Social Media and Media Relations Policy