

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH SERVICES JUVENILE INSTITUTIONS	
Subject: Sexual Harassment	Policy Number: 8
Number of Pages: 4	Section: III
Attachments	Related Standards & References ACA 3-JDF-3D-03, ACA 3-JDF-3D-06 Mississippi Code, § 43-21-353, MDHS Employee Handbook Policy: 5.6, Sexual Harassment, OYDC policies: XV.7, PREA and XIII.24, LGBTQ12-S
Effective Date: 9/1/2017 Revised Date: 10/1/2019	Approved: DocuSigned by: <i>James Maccarone</i> 2C318EF5186B4A2

I. POLICY

It is the policy of the Mississippi Department of Human Services (MDHS), Division of Youth Services (DYS), that harassment is prohibited, in any form, in the work place. In addition, all staff are to comply with the MDHS Workplace Harassment Policy (See Mississippi State Employee Handbook, Policy 5.6). All staff and youth are to comply with Prison Rape and Elimination Act of 2003 (See OYDC policy: XV.7, PREA).

II. DEFINITIONS

- A. **Sexual Misconduct:** Sexual intercourse, caressing, kissing, fondling, manipulation, of the private parts of another, exposing genitalia to staff or youth, inappropriate physical contact, any sexual advance, requests for sexual favors, threats or retaliation for refusing sexual advances, verbal or physical contact of a sexual nature toward or with another person, invasion of privacy beyond that which is reasonably necessary for safety and security, and or sexual harassment of any form.
- B. **Sexual Harassment:** Behavior that is unwelcome, personally offensive, and/or fails to respect the dignity of co-workers and youth. This behavior includes, but is not limited to:
1. Sexual advances
 2. Requests for sexual favors
 3. Demeaning references to a person's sex or sexual orientation
 4. Sexual comments about a person's body, clothing, or demeanor
 5. Abusive, threatening, profane, or degrading sexual gestures
 6. Touching, attention, or conduct of a sexual nature
 7. Over familiarity, which includes but is not limited to: Flirting, exchanging personal gifts or letters, requesting or granting special favors.

and/or discussing personal matters unless it is an expectation of staff member's job responsibilities.

- C. **Abuse:** The verbal, physical, and/or sexual mistreatment of youth; and/or the misuse of force, which may result in the death, serious physical harm, exploitation, or humiliation of such youth while in the custody of the DYS; or other act that poses an imminent risk of serious harm.
- D. **Mandatory Reporters:** Per the Mississippi Code, § 43-21-353, any individual operating or providing services under the auspices or authority of the MDHS/DYS including but not limited to the following: any physician, dentist, nurse, psychologist, school employee, social worker, intern, child care giver, including counselors, recreation staff, and juvenile care workers.
- E. **Abuse and Neglect Reporting Signature Sheet:** A form documenting that Oakley Youth Development Center Employees have been informed of and are familiar with the Abuse and Neglect Reporting policy and have received a Pocket Card for use on duty.
- F. **Reasonable Cause:** Knowledge of allegations of abuse or neglect made by youth, parents, guardians and care givers, and/or suspicions based on injury or behavior, or observed abuse or neglect.

III. PROCEDURE

- A. Facility Administrator, or designee, will immediately respond to allegations of youth on youth sexual abuse/contact, staff on youth sexual misconduct and harassment, youth on staff sexual misconduct and harassment, and/or staff on staff sexual misconduct and harassment, and fully investigate reported incidents in accordance with OYDC Institutional Investigations Policy (VII.3), pursue disciplinary action, and refer for investigation and prosecution those who violate the requirements set forth in this policy.
- B. When a complaint of sexual misconduct and/or harassment of a youth by another youth is reported to a staff, staff are to immediately follow PREA staff reporting guidelines. Based upon the findings of the reported sexual misconduct and/or harassment, all procedures there in should be followed accordingly (See OYDC policy: XV.7. PREA). During the investigation, the facility should ensure the confidentiality and safety of the reporting youth.
- C. When a complaint of sexual misconduct and/or harassment of a youth by a staff is reported, staff are to immediately follow PREA staff reporting guidelines. Based upon the findings of the reported sexual misconduct and/or harassment, all procedures there in should be followed accordingly (See OYDC policy: XV.7. PREA). During the investigation, the facility should ensure the confidentiality and safety of the reporting youth.

- D. When a complaint of sexual misconduct and/or harassment of a staff by a youth is reported, staff will fill out an incident report and submit it to their supervisor. The incident report will be submitted to the on-duty facility administrator (See OYDC policy: VII.2, Incident Reporting). Based upon review of the incident report, the on-duty facility administrator will forward the report to the appropriate parties and will confer on disciplinary action based upon the results of the investigation. During the investigation, the facility should ensure the confidentiality and safety of the reporting staff.
- E. When a complaint of sexual misconduct and/or harassment of a staff by staff is reported, staff will fill out an incident report and submit it to their supervisor (See OYDC policy: VII.2, Incident Reporting). The incident report will be submitted to the on-duty facility administrator. Based upon review of the incident report, the on-duty facility administrator will forward the report to the appropriate parties and will confer on disciplinary action based upon the results of the investigation. During the investigation, the facility should ensure the confidentiality and safety of the reporting staff.
- F. Duty to Report – It is the duty of all Mississippi Department of Human Services, Division of Youth Services departmental, contractual, and volunteer employees to immediately report any alleged, suspected, or apparent acts of neglect or abuse against children by calling the abuse and neglect reporting hotline. The telephone number for reporting abuse is 1-800-222-8000 or (601) 432-4570.
- G. The use of the hotline, in all instances, shall be followed by the submission of an Incident Report containing the date, time, and name of person reporting. All mandatory reporters shall make record of the call in the youth's master file and/or medical or educational file(s).
- H. Using the abuse and neglect reporting hotline is confidential and staff will not be subject to sanctions, threats, or retribution.
- I. Prior to the assumption of post, all new employees shall be given a Pocket Card, which shall be kept within immediate reach of the employee's person for the duration of scheduled shift. As well, each employee shall sign the Abuse and Neglect Reporting Signature Sheet to verify that the information covered in the policy has been received, understood, and will be upheld, in addition to the receipt of the Pocket Card and its function.
- J. Training – All MDHS/DYS employees will receive documented competency-based training in policy, approved practices and on the requirement to report all allegations, suspicions, or apparent child abuse and neglect. Trainers shall make all efforts to ensure that staff members understand and can apply training content.

1. All new employees will receive an explanation of Mississippi Code, § 43-21-353 and instructions on procedures for reporting child abuse and neglect during the mandatory pre-service training.
2. All staff will receive documented competency-based in-service training, facilitated by their supervisor, at least quarterly, to provide ongoing instruction regarding OYDC policy VII.5, Abuse and Neglect Reporting.
3. All staff will be required to sign the Abuse and Neglect Reporting Signature Sheet at the time of training. The signature sheet will be maintained by each supervisor and a copy will be forwarded to the office of the Training Director.