

SUMMIT ACADEMY PREA POLICY

I. POLICY

Summit Academy has a zero tolerance policy concerning sexual abuse, sexual assault and sexual harassment of Summit Academy students and is committed to the prevention and elimination of sexual abuse/assault within its facilities through compliance with the Prison Rape Elimination Act (PREA) of 2003. Summit Academy is committed to the equal opportunity to participate in and benefit from all aspects of Summit Academy's efforts to prevent, detect and respond to sexual abuse, assault and harassment. Violations of this policy may result in disciplinary sanctions for staff and student perpetrators and/or criminal prosecution as authorities deem appropriate. Violations of this policy which may be a criminal matter will be referred to the appropriate authorities.

II. DEFINITIONS

A. Contractors

Any person, not an employee, providing any service for an agreed upon form of compensation.

B. Employees

Any person compensated by Summit Academy via state payroll regardless of civil service status.

C. Sexual Abuse

1. Sexual abuse of a student by another student includes 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:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - d. Any other 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.

2. Sexual abuse of a student by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the resident:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;

- c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- d. 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, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- e. Any other intentional contact, either directly or through the 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, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)--(5) of this section;
- g. Any display by a staff member, contractor, or volunteer of their uncovered genitalia, buttocks, or breast in the presence of a resident, and
- h. Voyeurism by a staff member, contractor, or volunteer.

D. Sexual Assault

Sexual intercourse, anal sexual conduct or oral sexual acts by means of forcible compulsion.

E. Sexual Contact

”Sexual contact” is defined as any touching of the sexual or other intimate parts of a person not married to the actor for the purpose of gratifying the sexual desire of either party, including touch of the victim by the actor or touching of the actor by the victim, whether directly or through clothing. The aforementioned definition may change should applicable laws be amended. “Sexual contact” as used in this policy also includes sexual touching including but not limited to caressing and kissing regardless of whether student voluntarily engage in such activity. A student placed with Summit Academy and in a residential facility cannot legally consent to sexual contact with an employee, regardless of the student’s age.

F. Sexual Conduct

“Sexual Conduct” encompasses definitions in C, D, E, G and H of this policy.

G. Sexual Harassment

1. Repeated and unwelcome sexual advances, requests for sexual favors, and other verbal comments, gestures or actions of a derogatory or offensive nature by one student directed toward another and
2. Repeated verbal comments or gesture of a sexual nature to a student, by a staff, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about the body or clothing, or obscene language or gestures.

H. Sex Offenses

Any act identified as a sex offense by Pennsylvania law.

I. Substantiated*

An allegation that was investigated, internally or externally, and determined to have occurred.

J. Unfounded*

An allegation that was investigated, internally or externally, and determined NOT to have occurred.

K. Unsubstantiated*

An allegation that was investigated, internally or externally, and there was insufficient evidence to make a determination as to whether or not the event occurred.

L. Visitors

Any person having access to any Summit Academy facility, office or program that is not a contractor, employee or volunteer as defined in this policy.

M. Volunteers

Any person who, by mutual agreement with Summit Academy, provides a service without compensation.

N. Voyeurism

Voyeurism by a staff member, contractor, or volunteer - means an invasion of privacy of an inmate, detainee, or student by staff for reasons unrelated to official duties, such as peering at a student who is using a toilet in their cell to perform bodily functions; requiring an inmate to expose their buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

An invasion of privacy of a student for reasons unrelated to official duties, such as peering at a student who is using a toilet to perform bodily functions; requiring a student to expose their buttocks, genitals or breasts; or taking images of all or part of the students naked body or of a resident performing bodily functions.

O. Youth

Persons who are or have been in Summit Academy custody, this term includes "student" and "resident."

*** NOTE:** The above definitions are taken from the Prison Rape Elimination Act National Standards for Juvenile Facilities and only apply to this policy.

III. PROHIBITIONS

The following acts are prohibited:

- A. Sexual conduct with Summit Academy students by Academy staff, volunteers, visitors or contractors.
- B. Sexual conduct among Summit Academy student in Summit Academy facilities.
- C. Cross-gender strip searches and pat searches.
- D. Opposite gender viewing of students under circumstances when breasts, buttocks or genitalia would normally be exposed (shower/hygiene time, performing bodily functions, and changing clothes).
- E. Searching or physically examining a transgender or intersex student for the sole purpose of determining the student's genital status.

IV. PROCEDURE

A. Prevention - Supervision and Monitoring

The Summit Academy staffing plan and monitoring plan for each of its facilities takes into account:

1. Generally accepted professional standards for juvenile justice practices.
2. Composition of the different populations within its facilities.
3. Number and placement of supervisory staff.
4. Programs occurring on each shift.
5. Relevant laws, regulations and standards.
6. Prevalence of substantiated and unsubstantiated incidents of sexual abuse.
7. Other relevant factors.

Minimum staff to student ratios shall be one (1) to eight (8) during waking hours and 1 to 16 during sleeping hours. Any deviations from the plan due to exigent circumstances shall be documented.

On an annual basis, Summit Academy will assess its staffing and monitoring plans to determine if adjustments are needed to:

1. The staffing plan.
2. Prevailing staffing patterns.
3. Video surveillance systems and/or emerging technology.
4. Resources committed to adherence to staffing and monitoring plans.
5. Implementation of the policy and practice of having administrative staff conduct and document unannounced rounds (all shifts) to identify and deter staff sexual abuse and sexual harassments. Policy in place that prohibits staff from alerting other staff members that these supervisory rounds are taking place.

Staff of opposite gender must announce their presence when entering a living unit or area where students change clothes, shower, or perform bodily functions.

B. Admission/Housing

Students will be screened for potential vulnerabilities to victimization and propensity to victimize others with sexually aggressive behavior prior to commitment to Summit Academy. This screening will be documented in the intake questionnaire completed at court, or with a student's caseworker. Living unit and room assignments will be made accordingly.

Under no circumstances will room assignment for students who are lesbian, gay, bisexual, transgender and questioning (LGBTQ+) or gender non-conforming be based solely on this identity nor will this identity be considered an indicator of likelihood of abuse.

Students may be kept from other students only as a last resort when less restrictive measures are inadequate to keep them and other students safe and then only until an alternative means of keeping all students safe can be arranged.

Placement and programming decisions for transgender and intersex residents shall be made on a case-by-case basis and re-assessed at least annually to review any threat to safety experienced by the student.

Upon admission, students will be provided information, in age appropriate manner, concerning prevention, intervention, self-protection, reporting of sexual abuse or assault and the agency's zero tolerance policy. Students will also receive information regarding treatment and counseling for victims of sexual abuse or assault.

The above information will be communicated orally and in writing, in a language clearly understood by the student, during the admission process.

Students will be clearly advised that sexual conduct encompassing all definitions in this policy by adults or other students in Summit Academy facilities is prohibited and that students are to feel comfortable to report any such activity to their counselor, ombudsman or any staff member in authority.

Students shall be referred to a Mental Health Therapist under the following circumstances:

- a. They are identified as a high risk with a history of sexually assaultive behavior. Such students shall be monitored, counseled, and provided appropriate treatment. The referring entity will be notified and removal from the school considered.

- b. They are identified as at risk for sexual victimization. Such students shall be monitored and counseled. The referring entity will be notified and removal from the school considered.

C. Employee Training and Student Education

1. All employees shall receive training that is specific to juveniles and the gender of the population they are working with. Employees must sign an acknowledgement verifying that they understand the training they receive. Staff must be retrained when they transfer to a different gender population. Current employees must receive this training and receive refresher training annually. The training shall include the following:
 - a. Summit Academy's zero tolerance policy.
 - b. Fulfilling their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures.
 - c. Students' right to be free from sexual abuse, assault and harassment.
 - d. Right of students and employees to be free from retaliation.
 - e. Dynamics of sexual abuse and sexual harassment in juvenile facilities.
 - f. Common reactions of juvenile victims of sexual abuse and harassment.
 - g. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual and sexual abuse between students.
 - h. How to avoid inappropriate relationships with students.
 - i. Effective and professional communication with students including those who identify as lesbian, gay, transgender and questioning (LGBTQ+) or gender non-conforming.
 - j. Compliance with relevant laws related to mandatory reporting of sexual abuse.
 - k. Laws governing consent for Summit Academy students.
2. All volunteers and contractors who have contact with students shall be trained on their responsibilities under this policy. The level and type of training shall be based on the services they provide and the level of contact they have with students. Regardless of level of contact all volunteers and contractors who have contact with students shall be notified in writing of the agency's zero tolerance policy and how to report incidents or suspicions of sexual abuse, assault or harassment.
3. Investigators who are assigned to cases involving allegations of violations of this policy shall receive specialized training (in addition to the training

provided to all employees) concomitant with the roles in conducting investigations in facility settings. The specialized training shall include:

- a. Techniques for interviewing juvenile sexual abuse victims.
 - c. Sexual abuse evidence collection in facility settings.
 - d. Criteria and evidence required to substantiate a case for administrative action and/or prosecution referral.
4. Medical staff and Mental Health Therapists shall receive specialized training (in addition to the training provided to all employees) in the following:
- a. Detecting and assessing signs of sexual abuse, assault and harassment.
 - b. Preserving physical evidence of sexual abuse and assault.
 - c. Responding effectively and professionally to victims of sexual abuse, assault and harassment.
 - d. How and to whom to report allegations or suspicions of sexual abuse and assault.
5. Within 10 days of admission to Summit Academy, all students shall receive comprehensive, age appropriate education, either in person or video, about their rights to be free from sexual abuse and harassment, and free from retaliation for reporting allegations of sexual abuse, assault or harassment. Additionally, they shall receive information regarding Summit Academy policies and procedures for responding to incidents of sexual abuse, assault or harassment as well as the various methods of reporting. All education and information shall be made available in formats accessible to all students (limited English, deaf, visually impaired or otherwise disabled as well as limited reading skills). Additionally, key information shall be continuously and readily available or visible via posters, brochures, or other formats.

Receipt of the above education and information shall be documented for each student.

D. Allegations of Inappropriate Conduct

Students who believe they have been subjected to conduct prohibited by this policy have the option to report the incident to a designated staff member other than an immediate point-of-contact line staff member. That includes, but is not limited to, the unit/office supervisor, counselor, mental health clinician, medical personnel, any facility administrator, or Summit Academy child advocate. Reports may be made verbally or in writing. The necessary materials to submit written reports will be provided to all students. Students also have the option of reporting allegations to the Pennsylvania Department of Human Services via their respective toll-free numbers posted on all living units. Additionally, students, their families and the public have the ability to report allegations outside Summit Academy to the Department of Human Services.

Facility staff shall accept reports, including reports made regarding other Summit or non-Summit Academy facilities made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

1. For all allegations of sexual abuse or assault, the victim will be immediately referred to Children's Hospital of Pittsburgh 4401 Penn Ave, Pittsburgh, PA 15224 (412) 692-5325 for clinical assessment and gathering of forensic evidence by professionals who are trained and experienced in the management of victims of sexual abuse and assault. Summit Academy will make efforts to establish a Memorandum of Agreement (MOA) with the medical facility.

In all cases the victim must be brought to the medical facility. The medical facility's trained examiner will make the final determination regarding evidence collection. Staff who can provide support to the victim shall accompany the student.

2. Staff shall attempt to make available a victim advocate from a rape crisis center and shall document effort to provide rape crisis services. Services could be sought from Victim Outreach Intervention Center (VOICe) at 1-800-400-8551 or PO Box 401, Butler, PA 16003.
3. Summit Academy medical staff will follow Universal Precaution Procedures, for management of high risk exposures, paying particular attention to the following areas:
 - a. The Department of Health will be notified of the occurrence of a high risk exposure.
 - b. Provision will be made for testing for sexually transmitted diseases (for example, HIV, gonorrhea, hepatitis, and other diseases) and release of information for purposes of medical management of both the victim and alleged perpetrator.
 - c. Prophylactic treatment and follow-up for sexually transmitted diseases will be offered to all victims, as appropriate, if not already done in the emergency room.
 - d. Follow-up will be done by a mental health professional to assess the need for crisis intervention counseling and long-term follow-up.
 - e. A report will be made to Summit Academy program administration to assure separation of the victim from his or her alleged abuser.
4. The parent/legal guardian will be notified of any allegations of inappropriate conduct involving their child.

5. Pregnancy testing, as well as comprehensive information and access to all lawful pregnancy-related medical services, and timely contraception and STD prophylaxis, shall be provided in a timely manner.
6. All medical, mental health and counseling services shall be provided at no cost to the student.

E. Staff First Responder Duties

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

1. Separate the victim and alleged abuser.
2. Preserve and protect the scene until appropriate steps can be taken to collect any evidence.
3. Request the alleged victim not take any actions that could destroy physical evidence, including as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, swimming, drinking or eating.
4. Take steps to prevent the alleged abuser from destroying physical evidence, such as washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

F. Reporting and Investigations

Incidents related to PREA, other assaultive and abusive behavior of children, abuse or neglect, wandering & AWOL, elopement, suicide or attempted suicide, sentinel events and other incident about which there may be relevance in the judgment of the reporter, are to be reported immediately, as required by mandated reporters, at <https://www.compass.state.pa.us>. Allegations of sexual abuse and sexual harassment are referred through Childline to an agency with the legal authority to conduct criminal investigations.

All Summit Academy employees, contractors and volunteers are required to immediately report knowledge or suspicion of any alleged, threatened or actual violations of this policy, including knowledge, suspicion, or information of an incident of sexual harassment, retaliation against residents or staff who reported sexual abuse or sexual harassment, or any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation to their supervisor, any on-duty employee above them in the chain of command, the Clinical Program Director and the Executive Director. Failure to report may result in administrative, criminal or disciplinary sanctions appropriate to individual status.

Every allegation of threatened or actual sexual abuse or sexual assault constitutes a Reportable Incident and shall be reported according to Summit Academy's Critical Incidents Policy, including entering information onto the HCSIS System.

Upon receiving an allegation that a student was sexually abused while confined at another facility, the Executive Director shall notify the facility director of the other facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. The notification shall be documented.

Summit Academy requires that an investigation be conducted and documented whenever a violation of this policy is alleged. Local law enforcement authorities shall be contacted as necessary.

G. Protection Against Retaliation

Summit Academy protects all students and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other students or staff. The Executive Director is charged with monitoring retaliation.

Summit Academy shall employ multiple protection measures, such as housing changes or transfers for student victims or abusers, removal of alleged staff or student abusers from contact with victims, and emotional support services for students or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

For at least 90 days following a report of sexual abuse, the facility shall monitor the conduct or treatment of students or staff who reported the sexual abuse and of students who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by students or staff, and shall act promptly to remedy any such retaliation. Items that will be monitored include any student disciplinary reports, housing, or program changes, negative performance reviews and reassignments of staff. Summit Academy shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

H. Sexual abuse incident reviews

Within 30 days of the conclusion/receipt of the investigation Summit Academy shall conduct a sexual abuse incident review of all allegations (substantiated and unsubstantiated), unless the allegation has been determined to be unfounded. Reviews shall be conducted by a team of staff, and shall include input from direct care staff, investigators, medical staff and mental health practitioners. The review team shall:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical layout may enable abuse;
4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
6. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.

The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

I. Documentation

All case records associated with claims of sexual abuse/assault, including incident reports, investigative reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling must be marked “Confidential” and retained.

All trainings mandated by this policy shall be documented and record maintained in the Human Resources Department.

J. Disciplinary

1. Staff Disciplinary Sanctions

- A. Staff shall be subject to disciplinary sanctions as determined by New Academy up to and including termination for violating agency sexual abuse or sexual harassment policies.
- B. Termination shall be the presumptive disciplinary sanction for staff who have been substantiated for sexual abuse.
- C. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- D. All dismissals for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been

dismissed or subject to dismissal proceedings if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

2. Corrective action for contractors and volunteers

- A. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to law enforcement agencies (unless the activity was clearly not criminal) and to relevant licensing bodies.
- B. The facility shall take appropriate remedial measures and shall prohibit further contact with residents.

3. Interventions and disciplinary sanctions for students

- A. A student may be subject to disciplinary sanctions pursuant to the agency's disciplinary procedures or following a criminal conviction or delinquency finding .
- B. Disciplinary sanctions imposed by the facility shall be commensurate with the nature and circumstances of the abuse committed, the student's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories.
- C. The disciplinary process shall consider whether developmental disability or mental illness contributed to a student's behavior when determining what type of sanction, if any, should be imposed.
- D. Consideration shall be given to providing the offending student therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, which may include alternative placement or enrollment in a non-related facility. However, participation in such interventions will not be used as a condition of access to general programming or education.
- E. The facility may only discipline a student for sexual contact with staff upon a finding that the staff member did not consent to such contact.
- F. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- G. Sexual activity between students is prohibited, however for such activity to constitute sexual abuse it must be forcible or coerced.

K. Notifications to Students

- 1. Following an investigation into a student's allegation of sexual abuse occurring in an agency facility, the agency shall inform the student as to

whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

2. Following a student's allegation that a staff member has committed sexual abuse against the student, the agency shall subsequently inform the student (unless the agency has determined that the allegation is unfounded) whenever:
 - a. The staff member is no longer posted within the student's unit;
 - b. The staff member is no longer employed at the facility;
 - c. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; and/or
 - d. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
3. Following a student's allegation that they have been sexually abused by another student, the agency shall subsequently inform the alleged victim whenever:
 - a. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - b. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
4. All such notifications or attempted notifications shall be documented. Summit Academy's obligation to report under this standard shall terminate if the student is released from the agency's custody.

L. Data Collection and Review

Summit Academy will maintain a log of incidents related to this policy. Reporting will be included in the Annual Report and be made readily available to the public on an annual basis through The Academy's website. Information will be entered into State or National databases, according to law.