

LCCS POLICY 165

Sexual Abuse and Misconduct Prevention Policy

Original Issue Date:	1/20/2022
Revision Dates:	
Revision Number:	
Current Effective Date:	1/20/2022
Board Approval Date:	1/19/2022
Obsolete/Combined Date:	
Reason for Obsoleting/Combining:	
See new Policy #:	
Scope:	All Agency staff, Board Members, Interns/Volunteers, Contract Workers
Responsibility:	All Lucas County Children Services employees
Purpose:	
Legal Cite:	ORC Section 2907.01 through 2907.09, 2919.22, 2151.031, 2151.421, 5153.16; OAC 5101:2-7, 5101:2-36-04, 5101:2-36-08

POLICY STATEMENT

LCCS has a zero-tolerance policy for any sexual abuse committed by an employee, volunteer, agent or board member. Following any report of potential sexual abuse by an LCCS staff member, volunteer, agent or board member, LCCS will initiate an investigation. LCCS may utilize an outside third party to investigate misconduct. Upon completion of the investigation, and based upon the findings, LCCS may have cause to take disciplinary action up to, and including, termination of employment, and/or criminal prosecution

LCCS is committed to following all state and federal legal requirements for reporting allegations or incidents of sexual abuse or misconduct by staff, volunteers, agents or board members to appropriate law enforcement authorities. LCCS will cooperate fully with any investigation conducted by law enforcement or other regulatory/protective services agencies.

It is the policy of LCCS not to attempt to investigate or assess the validity or credibility of an allegation of sexual or physical abuse as a condition before reporting the allegation to proper law enforcement authorities.

Definitions and Examples

Sexual abuse or misconduct may include, but is not limited to:

- Child sexual abuse – any sexual activity, involvement, or attempt of sexual contact with a person who is a minor (under 18 years old) where consent is not or cannot be given.
- Sexual activity with another who is legally incompetent or otherwise unable to give consent (i.e., statutory rape).
- Physical assaults or violence, such as rape, sexual battery, abuse, molestation or any attempt to commit such acts.
- Unwanted and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, brushing, massaging someone's neck or shoulders, and/or pulling against another's body or clothes.
- Sharing material such as pornographic or sexually explicit emails, texts, images, or objects.

PROCEDURE - including required timeframes and documentation

Reporting Procedures

Agency staff and volunteers are required to immediately report any suspicion of child sexual abuse to LCCS Intake and their manager/supervisor. Agency staff and volunteers will also report to their manager/supervisor any indication of, or warning signs concerning, abuse involving a child. Agency staff/volunteers/agents who identify such suspicious behavior or a violation of policy by a fellow staff member, or volunteer, should report the event to their supervisor/manager immediately. If you are aware of or suspect sexual abuse of any kind is taking place, you must immediately report it to your Manager/Supervisor or another person you designate such as a Human Resource personnel. Appropriate family members will be notified of alleged instances of sexual abuse. Where appropriate or required by law, the agency will report any incidents of potential sexual abuse to the appropriate authorities. The agency should report the alleged sexual abuse incident to the county risk management representative.

Signs of Sexual Abuse

Some, but not all, of the physical and behavioral evidence or signs that someone is being sexually abused are listed below. Keep in mind that some of these signs can emerge at other times of stress such as during a divorce, death of a family member or pet, problems at school or with friends or other anxiety-inducing or traumatic events.

Physical evidence of abuse:

- Difficulty in walking
- Torn or stained undergarments
- Pain or itching in genital area
- Bruises or bleeding of the external genitalia
- Sexually transmitted diseases
- Wetting and soiling accidents unrelated to toilet training

Behavioral signs of sexual abuse:

- Reluctance to be left alone with a particular person
- Wearing lots of clothes especially in bed
- Fear of touch
- Nightmares or fear of night
- Apprehension when sex is brought up
- Leaves "clues" that seem likely to provoke a discussion about sexual issues
- Writes, draws, plays or dreams of sexual or frightening images
- Refuses to talk about a secret shared with an adult or older child
- Suddenly has money, toys or other gifts without reason
- Thinks of self or body as repulsive, dirty or bad
- Exhibits adult-like sexual behaviors, language and knowledge
- Asks other children to behave sexually or play sexual games
- Mimics adult-like sexual behaviors with toys or stuffed animal

Employee and Worker Screening and Selection

LCCS is committed to maintaining a diligent screening program for prospective employees and volunteers. The organization may utilize a variety of methods of screening and selection, including but not limited to applications, personal interviews, criminal background checks and personal and professional references.

Prevention Policies

The following policies are mandatory for all LCCS staff and volunteers who at any time work with or have access to children either on agency property or in conjunction with an agency function.

- Screening - Under no circumstances may ANY staff or volunteer assist or participate with youth prior to completing and passing the required drug screening and background investigation as required by the agency.
- Being alone with children – Due to the nature of the work of the agency, there are times when staff may be alone with children. Any time spent alone with a child needs to be minimized to situations where it is necessary to conduct the business of the agency (i.e., interviews in private, clinic screens, transporting). At no time should a staff member invite a child to their home.
- Hugging and touching of children – Appropriate physical contact is important in the emotional development of all children and children at different developmental levels may need differing degrees of physical contact. Therefore, agency staff members and volunteers should not perform frontal hugs of children – hugs should be from the side. The staff member/volunteer should get down to the child's physical level when possible. Agency staff/volunteers should not touch children in any body location that would be covered by a bathing suit. Agency staff/volunteers should not pick-up (i.e., physically lift) or allow school-aged children to sit on their laps.

- Inappropriate touching – Inappropriate touching between a child and agency staff/volunteers are strictly prohibited, including, but not limited to, excessive touching, inappropriate hugging, kissing, sexually oriented behavior, sexually stimulating or otherwise inappropriate games or having a youth sit on a non-family member adult’s lap.
- Verbal interaction – Communication between staff/volunteers/ and youth should not include any topic or language that is sexual in nature, except when needed to discuss contraception or normal sexual development, medical information, discussions needed to assess a child for counseling services or during an investigation of sexual abuse allegations. Prohibited communications include, but are not limited to, cursing and any other language or comments which may violate the agency's Anti-Harassment and Discrimination policy. Staff/volunteers should avoid relationships with children of a peer-to-peer nature. For example, staff/volunteers should avoid sharing their own personal problems with youth.

Investigation and Follow Up Procedures

LCCS takes all allegations of child sexual abuse by staff, volunteers, agents or board members seriously and will promptly and thoroughly investigate. LCCS will cooperate fully with any investigation conducted by law enforcement or other regulatory/protective service agencies. It is the agency's objective to conduct a fair and impartial investigation. The agency has the specific option of placing the accused on leave of absence, or on reassignment to a non-child contact area, while the investigation is ongoing. LCCS will make reasonable efforts to keep the matters involved in litigation confidential, while still allowing for a prompt and thorough investigation.

Prohibited acts which must be reported include not only physical acts but also any comments or conversations of a sexual nature, grooming behavior, etc.

Violations of this policy, including failure to report, will result in discipline, up to and including termination.

LCCS has a zero tolerance policy for all forms of abuse to children and adults.

CASE PRACTICE GUIDES

RELATED POLICIES and FORMS

LCCS Policy #486 Sexual Harassment

LCCS Policy #488 Bias Free Communication