

# Zero Tolerance

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## POLICY

Employees, contractors and volunteers are strictly prohibited from engaging in sexual misconduct, inappropriate behavior, sexual abuse or sexual harassment with residents or other staff. Instances of sexual misconduct and/or inappropriate behavior jeopardizes the safety of all staff and residents.

**Sexual misconduct and inappropriate behavior are defined as actions of a staff person, contractor or volunteer that are not beneficial to the resident and may be demonstrated through the following acts:**

- Initiating, encouraging, and/or participating in written communication between residents and staff that is not open and public, such as sending secretive notes
- Spending too much time with a particular resident or creating the perception of preferential treatment
- Spending time alone with residents beyond the requirement of the scope of work
- Speaking too familiarly with residents or staff in the presence of residents discussing personal and/or private issues or events
- Allowing residents to use "pet names" or "nicknames" for staff
- Being in an unassigned work area and/or visiting areas other than where assigned
- Participating in or staging communications or interactions with residents outside the normal communication process
- Showing aggressiveness against residents in the program
- Becoming overly protective or supportive of a resident
- Using inappropriate language, gestures, or teasing at the workplace
- Touching residents in a manner that could be viewed as potentially inappropriate, such as horseplay
- Failing to report incidents of sexual misconduct or inappropriate behavior
- Mentioning granting of favors or rewards to residents to indebted residents, gain or promote feeling of acceptance, or to receive gifts.
- Encouraging a resident's involvement in sexually explicit or suggestive acts
- Aiding or assisting residents or staff in violating the conflict of interest policy
- Destroying and/or falsifying evidence regarding investigations of sexual misconduct or inappropriate behavior
- Participating in any act of sexual behavior with residents on or off the premises of the program
- Encouraging residents to view suggestive material or be involved with suggestive acts
- Making Sexual innuendos, implied or explicit

- Arranging romantic liaisons with residents
- Sharing private information such as telephone numbers, home addresses or other personal information with residents
- Condoning sexual acts between residents

Sexual abuse is defined as a sexual act where the victim does not consent is coerced into a sexual act by overt or implied threats of violence, or is unable to consent or refuse.

**Sexual abuse of a resident by another resident may be demonstrated through the following acts:**

- 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 of another person, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other 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, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in the (first three bullet points) of this section
- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a resident –
- Voyeurism may be demonstrated by the following acts:
  1. Peering at a resident who is using the toilet to perform bodily functions
  2. Requiring a resident to expose his or her buttocks, genitalia or breasts
  3. Taking images of all or part of a resident's naked body or of a resident performing bodily functions

**Sexual harassment may be demonstrated through the following acts:**

- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one resident directed toward another resident
- Repeated verbal comments or gestures of a sexual nature to a resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures

Staff is required to immediately intervene, challenge, and/or report any inappropriate behavior of residents in order to promote a safe and professional workplace. If you or your employees experience any challenges in our programs related to these behaviors, we require that it is immediately reported to a Volunteers of America supervisor.

All instances of sexual misconduct or inappropriate behavior must be documented and a supervisory investigation must ensue.

It is difficult, if not impossible, to describe all of the situations that would constitute sexual misconduct or inappropriate behavior. Any employee who has a question concerning possible misconduct must request advice from their supervisor.

This serves as a notification regarding our zero tolerance policy for sexual misconduct and inappropriate behavior. Any questions or concerns can be directed to our PREA coordinator Jim Sents (410) 837-7222.