

# Zero Tolerance

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

1. **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.**
2. **Sexual misconduct and inappropriate behavior are defined as actions of a staff person, contractor or volunteer that are not beneficial to the client and may be demonstrated through the following acts:**
  - Initiating, encouraging, and/or participating in written communication between clients and staff that is not open and public, such as sending secretive notes
  - Spending too much time with a particular client or creating the perception of preferential treatment
  - Spending time alone with clients beyond the requirement of the scope of work
  - Speaking too familiarly with clients or staff in the presence of clients discussing personal and/or private issues or events
  - Allowing clients 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 clients outside the normal communication process
  - Showing aggressiveness against clients in the program
  - Becoming overly protective or supportive of a client
  - Using inappropriate language, gestures, or teasing at the workplace
  - Touching clients 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 clients to endear clients, gain or promote feeling of acceptance, or to receive gifts.
  - Encouraging a client's involvement in sexually explicit or suggestive acts
  - Aiding or assisting clients 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 clients on or off the premises of the program
  - Encouraging clients to view suggestive material or be involved with suggestive acts
  - Making Sexual innuendos, implied or explicit
  - Arranging romantic liaisons with clients
  - Sharing private information such as telephone numbers, home addresses or other personal information with clients

- Condoning sexual acts between clients

**3. Sexual abuse of a client by another client 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; and
- Any other intentional touching, either directly or through the clothing, of the genital, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

**4. Sexual abuse of a client by a staff member, contractor, or volunteer may be demonstrated by the following acts, with or without consent of the client:**

- 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
- 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
- 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 client
- Voyeurism may be demonstrated by the following acts:
  - Peering at a client who is using the toilet to perform bodily functions
  - Requiring a client to expose his or her buttocks, genitalia or breasts
  - Taking images of all or part of a client's naked body or of a client performing bodily functions

**5. 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 client directed toward another client

- Repeated verbal comments or gestures of a sexual nature to a client 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 clients 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 Program Supervisor.
  - All instances of sexual misconduct or inappropriate behavior must be documented and a supervisory investigation must ensue.
6. **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.**
7. **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 Agency PREA Coordinator Helena Tomé at 609-396-8900.**