

**WOODWARD ACADEMY  
POLICY AND PROCEDURE**

PAGE: 1 OF 13

---

SUBJECT: Prison Rape Elimination Act "PREA"

EFFECTIVE DATE: 1/30/15

---

SECTION: Program Services

---

**POLICY:**

Woodward Academy and employees have zero tolerance for sexual abuse and sexual harassment of residents. The process will include prevention plans that have been communicated to all staff. Employee training will include PREA related definitions and procedures that should an allegation regarding sexual abuse or harassment be made all employees will know how to rapidly restore safety, attend to and support the victim(s) and promptly initiate the investigative process. This policy is in effect to prevent incidents of sexual abuse and/or sexual harassment and to take prompt, effective and compassionate action if allegations of sexual abuse or harassment are made.

**PROCEDURE:**

Woodward Academy has a zero-tolerance policy relating to sexual abuse and/or sexual harassment of a resident and will cooperate in the investigation and prosecution of anyone involved in sexual abuse and/or sexual harassment of a Woodward Academy resident. The primary responsibility of all Woodward Academy employees is resident safety. This policy shall be followed in conjunction with all Federal and State mandatory reporting requirements.

**Definitions:** Definitions related to sexual abuse. (PREA § 115.6) For purposes of this part, the term-  
*Sexual abuse* includes...

Sexual abuse of a resident by another resident; and

Sexual abuse of a resident by a staff member, contractor, or volunteer.

*Sexual abuse of a resident by another resident* 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:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) 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.

**WOODWARD ACADEMY  
POLICY AND PROCEDURE**

PAGE: 2 OF 13

---

SUBJECT: Prison Rape Elimination Act "PREA"

EFFECTIVE DATE: 1/30/15

---

SECTION: Program Services

---

*Sexual abuse of a resident by a staff member, contractor, or volunteer* includes any of the following acts, with or without consent of the resident:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) 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;
- (4) 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;
- (5) 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;
- (6) 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;
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer;

*Voyeurism* means an invasion of privacy of a resident by staff for reasons unrelated to official duties, such as peering at a resident who is using a toilet in the bathroom to perform bodily functions; requiring a resident to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a resident's naked body or of an inmate performing bodily functions.

*Sexual harassment* includes-

- (1) 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 and
- (2) 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.

**WOODWARD ACADEMY  
POLICY AND PROCEDURE**

PAGE: 3 OF 13

---

SUBJECT: Prison Rape Elimination Act "PREA"

EFFECTIVE DATE: 1/30/15

---

SECTION: Program Services

---

**A. Providing Prevention Information to Residents:**

1. The new resident orientation process includes policy and procedures relating to prevention of and response to reports of sexual abuse and/or sexual harassment. This orientation must occur upon admission (or the first business day after admission). The information provided to each new resident must include (but is not limited to):
  - a. Woodward Academy's zero-tolerance policy.
  - b. Self-protection including avoiding risky situations related to sexual abuse and/or sexual harassment prevention/intervention.
  - b. Reporting procedures; how to report sexual abuse and/or harassment. Multiple reporting options at Woodward Academy include; 1) verbally to any staff, counselor or administrator; 2) in writing to any staff, counselor or administrator; 3) in writing through the resident grievance process and 4) externally by telephoning Children's Protective Services (anonymous and third party reports must also be accepted).
  - c. How to obtain counseling services and/or medical assistance if victimized.
  - d. Protection against retaliation.
  - e. Risks and potential consequences for engaging in any type of sexual activity while at Woodward Academy.
  - f. Disciplinary action(s) for making false allegations.
2. The information provided to residents during orientation must be provided verbally and in written form. Further, the information must be in a language and format that the resident can understand.
3. Each resident must sign a written acknowledgement form for the sexual abuse and/or sexual harassment prevention portion of the orientation.
4. The signed acknowledgement form must be filed as part of the resident's case file.
5. Within 10 days of intake, Woodward Academy shall provide comprehensive age-appropriate education to residents either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

**WOODWARD ACADEMY  
POLICY AND PROCEDURE**

PAGE: 4 OF 13

---

SUBJECT: Prison Rape Elimination Act "PREA"

EFFECTIVE DATE: 1/30/15

---

SECTION: Program Services

---

**B. Resident Assessment: Screening for Risk of Sexual Victimization and Abusiveness**

Obtaining information from residents (PREA § 115.341)

- (a) Within 72 hours of the resident's arrival at the facility and periodically throughout a resident's confinement, the agency shall obtain and use information about each resident's personal history and behavior to reduce the risk of sexual abuse by or upon a resident.
- (b) Such assessments shall be conducted using an objective screening instrument.
- (c) At a minimum, the agency shall attempt to ascertain information about:
  1. Prior sexual victimization or abusiveness;
  2. Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse;
  3. Current charges and offense history;
  4. Age;
  5. Level of emotional and cognitive development;
  6. Physical size and stature;
  7. Mental illness or mental disabilities;
  8. Intellectual or developmental disabilities;
  9. Physical disabilities; The resident's own perception of vulnerability; and
  10. Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents.

**C. Placement of residents in housing, bed, program, education, and work assignments.**

1. Woodward Academy must use all information obtained to make housing, bed, program, education and work assignments for residents with the goal of keeping resident's safe and free from sexual abuse and/or sexual harassment.
2. Lesbian, gay, bisexual, transgender or intersex (LGBTI) residents may not be housed solely on the basis of such identification or status. In addition, Woodward Academy must:

**WOODWARD ACADEMY  
POLICY AND PROCEDURE**

PAGE: 5 OF 13

---

SUBJECT: Prison Rape Elimination Act "PREA"

EFFECTIVE DATE: 1/30/15

---

SECTION: Program Services

---

- a. Decide on a case-by-case basis whether to place a transgender or intersex resident in a facility for male or female residents. Placement decisions are based on whether the placement would ensure the resident's health and safety and whether the placement would present management or security problems. The resident's own view of his/her gender identity should be considered when determining placement.
  - b. Review placement and programming assignments at least twice each year to assess any threats to safety experienced by the resident.
  - c. Allow transgender and intersex residents the opportunity to shower separately from other residents.
3. A resident may be separated from other residents as a preventative and protective measure, but only as a last resort when other less restrictive measures are inadequate to keep the resident safe from other residents, and then only until an alternate means of keeping all residents safe can be arranged. During any periods of protective separation, facility staff may not deny a resident (otherwise under control) access to daily large-muscle exercise and legally required educational programming or special education services. Any separated resident must receive daily visits from a medical or mental health care clinician and must have access to other programs to the extent possible.
  4. Assessment activities must be documented.

**D. Staff Training Sexual Abuse and/or Sexual Harassment Prevention and Reporting:**

1. All Woodward Academy staff, contractors and volunteers that have regular contact with residents, must complete initial and annual training for sexual abuse and/or sexual harassment prevention, incident response and reporting. At the conclusion of each training session, all trainees must sign that they attended and understood the training. This signature sheet must be kept on file for a period determined by Woodward's "Record Retention Schedule."

**WOODWARD ACADEMY  
POLICY AND PROCEDURE**

PAGE: 6 OF 13

---

SUBJECT: Prison Rape Elimination Act "PREA"

EFFECTIVE DATE: 1/30/15

---

SECTION: Program Services

---

2. All Woodward Academy staff must read this policy and any related policy or procedure articles prior to assuming duties with residents, when the policy or procedure changes, and on at least an annual basis. Staff must sign a written acknowledgement that they read and understood the policies and procedures. This signature sheet must be kept on file for a period determined by Woodward's "Record Retention Schedule."

**E. Staff Supervision Relative to PREA Standards:**

1. Staff must recognize that sexual abuse and/or sexual harassment can occur in virtually any area in a residential facility. Line of sight supervision and staff-to-resident ratios apply at all times.
2. Staff must always be aware of warning signs that may indicate that a resident has been or is currently being sexually abused and/or sexually harassed. Warning signs include but are not limited to: isolation, depression, lashing out at others, refusing to shower, suicidal thoughts or actions and seeking protection from staff.
3. Staff must be aware of sexually aggressive behavior. Characteristics or warning signs may include but are not limited to: A prior history of committing sex offenses, use of extortion tactics, associating or pairing up with a resident that meets the profile of a potential victim, exhibiting voyeuristic and/or exhibitionistic behavior and a demonstrated inability to control anger.

**F. Resident Response to Sexual Abuse and/or Sexual Harassment:**

Residents must be supported and encouraged to report sexual abuse and/or sexual harassment and be protected from retaliation. A resident that believes that they were the victim of sexual abuse and/or sexual harassment or attempted sexual abuse and/or sexual harassment or believes another resident was the victim of sexual abuse and/or sexual harassment must report this information to a staff member. Residents may also write down their report and turn it into staff, or use the grievance process to report. An option must exist for residents to report sexual abuse and/or sexual harassment to someone outside of the facility. The outside reporting option for Woodward Academy residents is to place a call to Children's Protected Services, 1-800-362-2178. If a resident requests to report outside Woodward Academy, the following must occur:

**WOODWARD ACADEMY  
POLICY AND PROCEDURE**

PAGE: 7 OF 13

---

SUBJECT: Prison Rape Elimination Act "PREA"

EFFECTIVE DATE: 1/30/15

---

SECTION: Program Services

---

NOTE: Calls to the hotline are confidential however it could occur that a resident also volunteers information to staff about sexual abuse and/or sexual harassment. If at any time a resident discloses information about sexual abuse and/or sexual harassment to any Woodward Academy employee, then staff must respond in accordance with the procedures listed under "Staff Response to Sexual Abuse and/or Sexual Harassment".

**G. Staff Response to Sexual Abuse and/or Sexual Harassment:**

Staff must report immediately any knowledge, suspicion, or information that they receive regarding: an incident of sexual abuse and/or sexual harassment that occurred at Woodward Academy, retaliation against residents or staff that reported such an incident; and/or, any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

1. Separate Victim and Perpetrator – zero communication
2. Call Supervisor for guidance.
3. Preserve and protect incident scene (if known) until appropriate steps can be taken to collect any evidence - i.e. restroom or shower – close or block off area, prohibit unauthorized entry, do not touch or remove anything from the scene
4. If abuse occurred within a time period that still allows for the collection of physical evidence, request the alleged victim not take any actions that could destroy physical evidence i.e. washing, brushing teeth, changing cloths, urinating, defecating, smoking, drinking or eating.
5. If abuse occurred within a time period that still allows for the collection of physical evidence, request the alleged abuser not take any actions that could destroy physical evidence i.e. washing, brushing teeth, changing cloths, urinating, defecating, smoking, drinking or eating.
6. Incident report must be turned in before the end of the shift to supervisor to review. Incident reports must contain all facts as known, including the victims statement of allegation in the victims own words. Incident reports must not express the writer's own opinion. Do not extensively interview resident.
7. Complete a DHS-3200 (Report of Actual or Suspected Child Abuse or Neglect) and call in mandatory report – 24 hours verbal and 48 hours written – mandatory reporter

**WOODWARD ACADEMY  
POLICY AND PROCEDURE**

PAGE: 8 OF 13

---

SUBJECT: Prison Rape Elimination Act "PREA"

EFFECTIVE DATE: 1/30/15

---

SECTION: Program Services

---

8. If it is believed or determined that a sexual abuse occurred and that the alleged sexual abuse was within the last 96 hours, the Executive Director or designee must make immediate arrangements to transport the resident to the designated emergency room for a rape kit and the area where the incident occurred must be secured for evidence collection. If it is believed or determined that a sexual abuse occurred more than 96 hours previous, the emergency room must be contacted for further instructions.
9. Following emergency response and completion of the rape kit (if applicable) a resident believed or determined to have been the victim of a sexual abuse must also be examined by medical staff for possible injuries, regardless of when the alleged sexual abuse occurred.
10. Victims and perpetrators of sexual abuse must be encouraged to complete tests for sexually transmitted diseases, including HIV. In the case of a substantiated incident of sexual abuse, the perpetrator must be requested to complete an HIV test. If the perpetrator will not voluntarily take an HIV test, the Executive Director or designee must seek a court order compelling the test.
11. The victim of sexual abuse and/or sexual harassment or attempted sexual abuse and/or sexual harassment must be provided mental health assistance and counseling as determined necessary and appropriate.
12. The Executive Director or designee must notify the Department of Inspection and Appeals.
13. The Executive Director or designee also ensures that incidents of sexual abuse and/or sexual harassment findings of investigations, and other pertinent information is reported to the resident's court of jurisdiction, the resident's worker and the resident's parent(s) or legal guardians.
14. Records of allegations involving an employee must be kept for as long as the employee is employed or the resident is in residence, plus five years.
15. If a report is received of sexual abuse from another agency, The Executive Director must report Director-to-Director to the other facility within 72 hours. The Executive Director will also contact the investigative agency having jurisdiction over the facility where the abuse allegedly occurred and will document the above notifications. NOTE: All other applicable reporting requirements still apply.
16. A designated employee must monitor staff and resident to prevent retaliation for a minimum of 90 days after a sexual abuse report is made.



**WOODWARD ACADEMY  
POLICY AND PROCEDURE**

PAGE: 9 OF 13

---

SUBJECT: Prison Rape Elimination Act "PREA"

EFFECTIVE DATE: 1/30/15

---

SECTION: Program Services

---

**H. Protection against retaliation:**

- 1.) For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct or treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff
  - a. The conduct and treatment of residents or staff that report an abuse incident or are cooperating witnesses, will be monitored by mid or upper-level management for at least 90 days
  - b. Monitoring will include periodic status checks and disciplinary reports. The status monitoring will be documented.
  - c. Monitoring of other individual who cooperates with an investigation who expresses fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.
  - d. An agency's obligation to monitor shall terminate if the agency determination that the allegation is unfounded.

**I. Alternate Housing Placement of Victims and Perpetrators:**

The Executive Director or designee must take immediate steps to protect the alleged victim from further potential sexual abuse and/or sexual harassment (if still at the facility) by separating the alleged victim from the alleged perpetrator(s) including arranging for separate housing, dining, and/or other elements of daily routine to the extent necessary to ensure protection.

**J. Investigation Protocols:**

Each incident of alleged or reported sexual abuse and/or sexual harassment must be investigated to the fullest extent possible. Evidence collected must be maintained under strict control. The Executive Director or designee will refer all allegations involving potentially criminal sexual abuse to a law enforcement agency (Woodward Police Department Officer, Joe Cox) to ensure that an entity with legal authority to conduct criminal investigation may decide whether investigation or prosecution is warranted.

**WOODWARD ACADEMY  
POLICY AND PROCEDURE**

PAGE: 10 OF 13

---

SUBJECT: Prison Rape Elimination Act "PREA"

EFFECTIVE DATE: 1/30/15

---

SECTION: Program Services

---

1. Suspected or alleged resident-on-resident sexual abuse of any type:
  - a. Reporting must occur as listed in Section G above.
  - b. If the assault is alleged to have occurred within the past 96 hours, the victim must be transported to Dallas County Emergency Room (or alternate if directed by Administration or emergency personnel) for examination by qualified personnel. If the assault is alleged to have occurred more than 96 hours earlier, the hospital is contacted for instructions.
  - c. Staff must not discuss the details of sexual abuse allegations or incidents, beyond the extent needed to maintain safety and security at the facility, with persons other than Supervision/Management, investigators, and prosecuting officials.
  
2. Suspected or alleged staff-on-resident sexual abuse of any type:
  - a. Reporting must occur immediately, as listed in Section G above.
  - b. The Executive Director or designee must make all required notifications, including notification to the suspected employee restricting work activities.
  - c. Pending notification from the Director or designee, the suspected employee must not be in direct contact with facility residents.
  - d. If there has been suspected or alleged sexual activity of any type the victim is transported for a forensic examination and evidence is protected using the same procedures as listed in Section F above.
  - e. Woodward Academy shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

**K. Reporting to residents:**

- 1.) Following an investigation into a resident's allegation of sexual abuse suffered at Woodward Academy, the agency shall inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
  
- 2.) Woodward Academy will request the relevant information from the investigative agency in order to inform the resident if the agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility or has been convicted.

**WOODWARD ACADEMY  
POLICY AND PROCEDURE**

PAGE: 11 OF 13

---

SUBJECT: Prison Rape Elimination Act "PREA"

EFFECTIVE DATE: 1/30/15

---

SECTION: Program Services

---

- 3.) All such notifications or attempted notifications shall be documented.
- 4.) Woodward Academy's obligation to report under this standard shall terminate if the resident is released from the agency's custody. – documented during incident review meeting notes
- 5.) Following a resident's allegation that a staff member has committed sexual abuse against the resident, Woodward Academy shall subsequently inform the resident (unless the agency has determined that the allegation is unfounded) whenever:
  - a. The staff member is no longer posted within the resident'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; or
  - d. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

**L. Independent Audits and Agency Monitoring and Reporting, Data Collection:**

1. In addition to internal administrative review and analysis, and Department of Inspection and Appeals (DIA) reviews, and an independent and qualified auditor (The Joint Commission) must audit the agency at least every three years. Auditors must be able to access and tour the facility, review documents and records, and interview residents and staff.
2. The facility must designate a PREA compliance manager that has the time and authority to oversee facility compliance efforts.
3. Sexual abuse incident reviews. (PREA § 115.386)
  - A. The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
  - B. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
  - C. The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.

**WOODWARD ACADEMY  
POLICY AND PROCEDURE**

PAGE: 12 OF 13

---

SUBJECT: Prison Rape Elimination Act "PREA"

EFFECTIVE DATE: 1/30/15

---

SECTION: Program Services

---

4. The review team shall:
  - i. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - ii. 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;
  - iii. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  - iv. Assess the adequacy of staffing levels in that area during different shifts;
  - v. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff;
  - vi. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager; and
  - vii. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.
  
5. The agency must distribute information to the public on how to report sexual abuse and sexual harassment on behalf of residents, information on its zero tolerance policy for sexual abuse of residents, and sexual abuse data reports.
  
6. Facility management must review each incident of sexual abuse for cause, staffing, and physical barriers, and make recommendations for prevention and implementation of remedy(s).
  
7. The facility must develop, document, and implement a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring to protect residents from sexual abuse. At least annually, facility Administration and the facility PREA compliance manager must review the plan to ensure:
  - a) Generally accepted residential child care practices are met.
  - b) Findings of inadequacy are addressed.
  - c) Adequate numbers of Supervisory personnel.
  - d) Physical plant inadequacies, such as "blind spots" on video monitoring systems are addressed to the maximum extent possible.
  - e) Responses are made where there is a prevalence of sexual abuse reporting on a certain shift, in a certain location, with certain personnel, or as pertaining to other factors.

**WOODWARD ACADEMY  
POLICY AND PROCEDURE**

PAGE: 13 OF 13

---

SUBJECT: Prison Rape Elimination Act "PREA"

EFFECTIVE DATE: 1/30/15

---

SECTION: Program Services

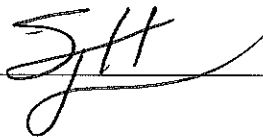
---

8. Mid and/or upper level Supervision must make unannounced rounds to identify and deter staff sexual misconduct and sexual abuse. The unannounced rounds will be documented weekly in group living meeting notes. Staff making unannounced rounds are prohibited from alerting other staff that the rounds are taking place.
  
9. The facility must collect accurate, uniform data for every allegation of sexual abuse. At a minimum the data must be sufficient to answer all questions on the annually-required Survey of Sexual Violence. Aggregated data must be:
  - a. Reviewed in order to assess and improve sexual abuse prevention, detection, and response practices.
  
  - b. Made available to the public through a public Website or some other means at least annually, NOTE: Personal identifiers must be removed.

REVISED: 2/7/2019

---

APPROVED BY:



PREPARED BY: Jess Kuhlmann

---

ANNUAL REVIEW (sign and date): 2/7/2019

