

**NEWPORT NEWS DEPARTMENT of  
JUVENILE SERVICES**

**Sexual Misconduct and Harassment for  
Staff (Handbook)**



*A Guide for Staff,  
Contractors and  
Volunteers*

**May 2016  
§115.331 (PREA)**

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The Newport News Department of Juvenile Services (NNDJS) shall maintain a “zero tolerance” for resident-on-resident sexual assault, staff sexual misconduct and/or sexual harassment toward offenders.

The Newport News Department of Juvenile Services is committed to providing a safe and healthy environment for all staff, visitors and our juvenile residents. Juvenile Services has a **ZERO TOLERANCE** for sexual misconduct of any kind and will impose discipline for such misconduct, up to and dismissal for staff and serious sanctions for residents who victimize other residents. Incidents of sexual misconduct committed by employees, visitors, professionals and/or contractors/vendors, against our residents, shall also be referred to law enforcement for investigation and prosecution, when applicable.

Newport News Department of Juvenile Services employees shall not engage in any form of misconduct and does not support staff members who do. We recognize that staff misconduct and failure to follow professional standards taints our reputation, credibility, and jeopardizes the safety and security of the department.

## What is sexual misconduct?

Sexual misconduct is any behavior or act of a sexual nature toward a resident by an employee, consensual or nonconsensual, and one or more of the following: intentional touching of the genitalia, anus, groin, breast inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; or completed, attempted, threatened, or requested sexual acts; or occurrences of incident exposure, invasion of privacy, or staff voyeurism for sexual gratification.

Sexual Misconduct is:

- Any behavior or act of a sexual nature directed toward a resident by an employee and one or more of the following:
- Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, humiliate, harass, degrade, arouse, or gratify sexual desire; or
- Indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification; or
- Kissing

Due to the resident's custody or supervision status, no prohibited act of sexual misconduct or harassment between a staff member and a resident can have as an affirmative defense, claim of consent.

***Sexual acts or sexual contacts between any staff person and a resident, even if the resident consents, initiates or pursues the contact, is prohibited and against the law.***

## What is sexual harassment?

Sexual harassment is any repeated and unwelcoming sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures by a resident, staff member, contractor or volunteer directed toward another.

Sexual harassment can take many forms, including but not limited to:

### Verbal

- Referring to an resident as a girl, hunk, doll, babe, or honey
- Whistling at someone, cat calls
- Making sexual comments about a person's body
- Telling sexual jokes or stories
- Asking about sexual fantasies, preferences, or history
- Asking personal questions about social or sexual life
- Making kissing sounds, howling, and smacking lips
- Making sexual comments about a person's clothing, anatomy, or looks
- Repeatedly asking out a person who is not interested
- Telling lies or spreading rumors about a person's personal sex life

### NON-VERBAL

- Looking a person up and down (Elevator eyes)
- Staring at someone
- Blocking a person's path
- Following the person
- Giving personal gifts
- Displaying sexually suggestive visuals
- Making sexual gestures with hands or through body movements
- Making facial expressions such as winking, throwing kisses or licking lips

**PHYSICAL**

- Giving a massage around the neck or shoulders
- Touching the person's clothing, hair, or body
- Hugging, kissing, patting, or stroking
- Touching or rubbing oneself sexually around another person
- Standing close or brushing up against another person

**What is over-familiarity?**

Over-familiarity involves the development of a personal relationship with a resident with whom staff should keep a professional distance. Examples of behavior which constitute over-familiarity include but are not limited to:

- Showing favoritism
- Having personal discussions with residents unless it is an expectation of the staff members job responsibilities
- Giving and accepting favors
- Being overly defensive of residents conduct
- Being overly sympathetic
- Relaxing rules for “certain residents”
- Taking personal, rather than professional, interest in a resident, and
- Over-identifying with the residents.

Indicators that an over-familiar relationship may be developing include:

- Isolation from fellow staff,
- Residents in an unauthorized area or repeatedly out of their assigned area,
- Staff spending an unexplainable amount of time with a resident,

- Accepting personal telephone calls or associating on a personal basis with residents or their families unless it is an expectation of the staff member’s job responsibilities,
- Drastic behavior changes on the part of a resident or staff (i.e., dress, makeup, and hair),
- Staff sharing food or snacks with residents, and believing a resident is indispensable (“she/he is the only one who can do this job”),

The above list of behaviors and indicators is specific and many others have not been listed. However, this behavior can lead to sexual misconduct and harassment, or can even lead to intimidation by residents. Staff can treat residents with respect and concern without becoming overly familiar and will gain more respect from residents as a result.

**Retaliation**

NNDJS strictly prohibits any staff member from interfering with an investigation including intimidation or retaliation against any residents or staff witnesses.

**Reporting**

Employees are held accountable by Newport News Department of Juvenile Services policy and procedure and the code of conduct to report any inappropriate staff/resident behavior **immediately**. All efforts will be made to ensure confidentiality and no retaliation will occur against the reporting staff member. Employees who fail to report will be held accountable and sanctioned through disciplinary action and possible prosecution. Reports can be made by contacting the PREA Coordinator by phone, e-mail or in person. You do not have to follow the chain of command.

## Avoiding Inappropriate Staff/Resident Relationships

Inappropriate staff/resident relationships can be avoided by maintaining a professional demeanor. Following are behaviors which will prevent staff from becoming involved with residents and maintaining professionalism:

- Maintain professional distance,
- Focus behavior on duties and assignments,
- Do not become overly familiar with any particular resident,
- Do not share personal information,
- When speaking to residents about other staff refer to them as Ms. or Mr.,
- When speaking to residents refer to them as Ms. or Mr. and their last name,
- Do not accept gifts or favors from residents, and
- Be knowledgeable of the City's and facility's policy and procedure, code of conduct, and facility rules and regulations.

## Some Other Things to Consider

As long as you have a responsibility to maintain custody, evaluate work performance, and/or provide input to issues that affect residents', it is not possible to have a relationship as equals.

Inappropriate relationships between residents and staff are rarely ever a secret. Inappropriate relationships can undermine professional careers by subjecting staff to disrespect and manipulation by other residents that may be aware of the situation.

Once in a relationship, professional judgment may become clouded and the normal defenses that exist to protect staff may be compromised. When acting on emotions, staff may make decisions which would otherwise be considered inappropriate in a residential environment, either in custody or in the community.

Others will be judging staff decisions for professionalism and trustworthiness. Staff's conduct and the decisions that are made will reflect not only on the staff's own reputations, but on that of their peers and the facility.

Because of the difference in power between residents and staff, there can never be a consensual or equal relationship between residents and staff.

Further, staff's personal and professional reputation may be jeopardized because of unprofessional conduct. Their effectiveness as a staff member of Newport News Department of Juvenile Services their careers and even their families can be negatively impacted or destroyed.

If staff question professional boundaries with a resident or feel uncomfortable with a resident's actions or advances, staff should talk to a respected person or bring the matter to the attention of their supervisor, before it gets out of control.

*Residents depend upon staff to provide for their board and care, ensure their safety, address their health care needs, supervise their work and conduct while in residential care and to act as role models for socially acceptable conduct.*

## **State Statute and Policy**

It is important to point out that resident abuse, which includes sexual contact with a resident, is a Felony.

No prohibited act of sexual misconduct with residents can have as an affirmative defense, a claim of consent.

- Consensual sexual intercourse with a resident is by its nature an assault.
- Sexual misconduct includes any sexual behavior that is directed towards a resident.

To fully understand the scope of this crime it is very important to note the definition of "Sexual Misconduct" which is: "any act or attempted act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act including the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument, or object done for the purpose of arousing or gratifying the sexual desire of any person."

Newport News Department of Juvenile Services, in an effort to continually promote the professionalism of our staff, will pursue prosecution of any staff member who is involved in this type of activity. Any physical contact with a resident of a sexual nature could result in prosecution. If you have any questions, please contact your supervisor or administration for clarification.

*Ten Questions to Ask Yourself about Your Relationships with Residents*

- |  | YES                      | NO                       |
|--|--------------------------|--------------------------|
| 1. Do you look forward to seeing a particular resident when you come to work?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Have you done anything with a resident you would not want your spouse or your supervisor to know about?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Would you be reluctant to have a co-worker observe your interactions or behavior with a resident?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Do you talk about personal matters with residents? Do you believe you can ask a resident to do personal favors for you? Have you ever received personal advice from a resident? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Have you said anything to a resident you would not want overheard by co-workers or supervisors?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Do you have thoughts or fantasies of touching a particular resident? Does this extend to planning how you can be with the resident?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Do you think you have a right to touch a resident wherever and whenever you want to?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Do you have a feeling of not being able to wait to share good/bad news with a particular resident?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Do you think residents are not allowed to say no to you, no matter what you ask?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Have you allowed residents to talk about past sexual experiences or sexual fantasies when not an expectation of your job or tell sexual jokes in your presence?                | <input type="checkbox"/> | <input type="checkbox"/> |

*If you answered YES to one or more of these questions, you should discuss this issue with your supervisor before it's too late.*