

1.1.C.13 Screening of Staff, Volunteers and Contractors for Prior Sexual Abuse

I Policy Index:



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II Policy:

The Department's adult and juvenile facilities will not hire or promote a staff member, or enlist the services of any volunteer or contractor who may have contact with inmates or juveniles, who has engaged in institutional sexual abuse, sexual abuse in the community, or sexual harassment. Facilities shall conduct pre-employment screening for prior sexual abuse of new staff members and staff members up for promotion by asking questions of staff concerning previous sexual misconduct, conducting criminal records background checks, and contacting prior facility employers and inquiring about prior sexual misconduct. Criminal records background checks will be conducted on all new hires, volunteers and contractors.

III Definitions:

Institutional Sexual Abuse:

Staff member has engaged in sexual activity with a prisoner, inmate, resident or student in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution.

Sexual Abuse in the Community:

A conviction or civil or administrative adjudication for engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse.

Sexual Harassment:

- (1) Unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature; or
- (2) Verbal comments or gestures of a sexual nature, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Sexual Misconduct:

Includes prior acts of institutional sexual abuse, sexual abuse in the community, or sexual harassment.

Staff Member:

For the purposes of this policy, a staff member is any person employed by the DOC in an adult or juvenile facility, full or part time. This includes individuals under contract, employees of another State agency and student interns who are assigned to an adult or juvenile DOC facility.

Contractor:

For the purposes of this policy, a contractor is someone employed by a private company who provides a service to an adult or juvenile DOC facility on a reoccurring basis where they may have contact with an inmate or juvenile.

Volunteer:

For the purposes of this policy, a volunteer means an individual who donates time and effort on a recurring basis to enhance the activities and programs provided at an adult or juvenile DOC facility. This includes both level one and level two volunteers as defined in DOC policy 1.1.D.3 [Facility Access & ID Requirements](#).

NCIC III:

National Crime Information Center (NCIC) III is a computerized index of criminal justice information (i.e. criminal record history information, fugitives, stolen properties, missing persons).

IV Procedures:

1. Criminal Records Checks Every Five Years:

- A. A criminal records background check shall be conducted utilizing the NCIC III for all staff members, volunteers and contractors assigned to, or providing a service to an adult or juvenile DOC facility every five (5) years, beginning in 2012 and continuing every five (5) years thereafter.

2. Staff Member New Hires:

- A. During the interview process, the applicant shall be asked about any involvement in institutional sexual abuse, sexual abuse in the community, and sexual harassment.
- B. Prior to an offer of employment, all prior institutional employers listed by the applicant will be contacted for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse by the applicant.
- C. A criminal records background check will be conducted prior to an offer of employment.
- D. The supervisor of the vacant position must take into consideration the results of sections A, B and C above in making an offer of employment and may not make an offer of employment to an individual with a demonstrated history of sexual misconduct.

3. Promotional Hires:

- A. During the interview process, a staff member being considered for a promotion shall be asked if they have had any involvement in institutional sexual abuse, sexual abuse in the community, or sexual harassment.
- B. Prior institutional employers will be contacted and asked about the staff member's prior history of institutionally based sexual misconduct if the staff member's original pre-employment checks are not available for review.
- C. A criminal records background check will be conducted on the staff member being considered for the promotion if the results of the pre-employment or five-year background checks for the staff member are not available for review.

- D. The supervisor of the vacant position must take into consideration the results of sections A, B and C above in making a promotional offer of employment and may not make a promotional offer of employment to staff member with a demonstrated history of sexual misconduct.

4. Volunteers and Contractors:

- A. Criminal records background checks shall be conducted on all volunteers and contractors assigned to or providing a service to an adult or juvenile DOC facility prior to admission to such a facility in accordance with DOC policy 1.1.D.3 [Facility Access & ID Requirements](#).
- B. A volunteer or contractor assigned to or providing a service to an adult or juvenile DOC facility will not be admitted to such a facility if the criminal records background checks reveals a prior history of sexual misconduct.

5. Staff Members, Volunteers, and Contractors Required to Disclose Sexual Misconduct:

- A. Staff members, volunteers, and contractors assigned to or providing a service to an adult or juvenile DOC facility are required to notify their supervisor or agency contact if they become involved in any sexual misconduct investigation in an institution or the community, are indicted, charged, or convicted of any sexual misconduct offense, or disciplined for sexual misconduct or sexual harassment in an employment setting.
- B. Material omissions regarding such sexual misconduct, or the provision of materially false information, shall be grounds for staff member termination and volunteer and contractor restriction from admission to the facility.

6. Responding to Requests for Information About Staff Misconduct:

- A. Requests, pursuant to an application for employment from an outside institutional employer for information about a current or previous staff member's involvement in substantiated allegations of sexual abuse or sexual harassment shall be forwarded to the facility's Human Resources Manager. Requests for this information must be in writing and accompanied by an authorization, release, and waiver.

V Related Directives:

DOC policy 1.1.D.3 [Facility Access & ID Requirements](#)

VI Revision Log:

October 2012: New policy
April 2013: Reviewed with no changes
November 2013: Reviewed with no changes
November 2014: Reviewed with no changes
November 2015: Deleted "Repeated" from definition of Sexual Harassment.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

12/19/2015

Date