

SEXUAL ABUSE AND MOLESTATION

PURPOSE: To establish a policy prohibiting sexual abuse and misconduct.

SCOPE: This policy applies to all Care Staffing Professionals employees and applicants for employment.

POLICY STATEMENT: Care Staffing Professionals prohibits and does not tolerate sexual abuse or misconduct in the workplace or during any organization-related activity. Care Staffing Professionals provides procedures for employees, volunteers, board members or any other victims of sexual abuse or misconduct to report such acts. Those reasonably suspected or believed to have committed sexual abuse or misconduct will be appropriately disciplined, up to and including termination of employment, as well as criminally prosecuted. No employee, regardless of his or her title or position has the authority to commit or allow sexual abuse or misconduct.

Sexual Abuse and Molestation

Sexual abuse or sex abuse, also referred to as molestation, is defined as abusive sexual behavior by one person upon another. It is often perpetrated using force or by taking advantage of another. Molestation often refers to an instance of sexual assault against a small child, whereas sexual abuse is a term used for a persistent pattern of sexual assaults. The offender is referred to as a sexual abuser or (often pejoratively) molester. The term also covers any behavior by an adult or older adolescent towards a child to stimulate any of the involved sexually.

The following definitions or examples of sexual abuse, misconduct or harassment, may apply to any and/or all of the following persons – employees, volunteers or other third parties. Sexual abuse or misconduct may include, but is not limited to:

- A. Child sexual abuse – any sexual activity, involvement, or attempt of sexual contact with a person who is a minor (under 18 years old) where consent is not or cannot be given.
- B. Sexual activity with another who is legally incompetent or otherwise unable to give consent.
- C. Physical assaults or violence, such as rape, sexual battery, abuse, molestation or any attempt to commit such acts.

- D. Unwanted and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, brushing, massaging someone's neck or shoulders, and/or pulling against another's body or clothes.
- E. Material such as pornographic or sexually explicit images, posters, calendars, or objects.
- F. Unwelcome and inappropriate sexual activities, advances, comments, innuendoes, bullying, jokes, gestures, electronic communications or messages (e.g. email, text, social media, voicemail), exploitation, exposure, leering, stalking or invasion of sexual privacy.
- G. A sexually hostile environment characterized as comments or conduct that unreasonably interferes with one's work performance or ability to do the job or creates an intimidating, hostile, or offensive environment.
- H. Direct or implied threats that submission to sexual advances will be a condition of employment or affiliation with the organization.

Reporting Procedure

Immediately report suspected sexual abuse or misconduct to their supervisor, another Care Staffing Professionals supervisor, or Chief Operations Officer. It is not required to directly confront the person who is the source of the report, question or complaint before notifying any of the individuals listed. Care Staffing Professionals will take every reasonable measure to ensure that those named in complaint of misconduct, or are too closely associated with those involved in the complaint will not be part of the investigative team.

Anti-retaliation and False Allegations

Care Staffing Professionals prohibits retaliation made against any employee, volunteer, board member, or other person who lodges a good faith complaint of sexual abuse or misconduct or who participates in any related investigation. Making knowingly false or malicious accusations of sexual abuse or misconduct can have serious consequences for those who are wrongly accused. Care Staffing Professionals prohibits making false or malicious sexual misconduct allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination of employment and criminal prosecution.

Retaliation

It is a violation of the law and company policy to harass someone based on their filing of a complaint. Retaliation is adverse treatment that is likely to deter employees from engaging in a protected activity such as participating in a harassment investigation.

Initiating An Investigation Regarding Harassment

Employees or applicants for employment who experience behavior in violation of this policy are urged to contact their supervisor, another Care Staffing Professionals supervisor or the Chief Operations Officer. The Chief Operations Officer may also initiate an investigation should such an alleged practice come to his/her attention. A thorough investigation of the facts will be promptly conducted. If evidence supports such a claim, immediate, appropriate and corrective action will be taken. Under the law, individuals are protected from retaliation. Every effort will be made to preserve confidentiality consistent with conducting a thorough investigation.

Reporting to Law Enforcement or Appropriate Child or Adult Protective Services

Care Staffing Professionals is committed to following the state and federal legal requirements for reporting allegations or incidents of sexual abuse or misconduct to appropriate law enforcement and child or adult protective services organizations. It is the policy of Care Staffing Professionals not to attempt to investigate or assess the validity or credibility of an allegation of sexual or physical abuse as a condition before reporting the allegation to proper law enforcement authorities or protective services organizations.

Employee and Worker Screening and Selection

As part of its sexual abuse and misconduct prevention program, Care Staffing Professionals is committed to maintaining a diligent screening program for prospective and existing employees, volunteers and others that may interact with those employed by, associating with or serviced by Care Staffing Professionals. The organization may utilize a variety of methods of screening and selection, including but not limited to applications, personal interviews, criminal background checks, training modules, and personal and professional references.

Supervision of Youth

To provide a safe environment for minors, Care Staffing Professionals strives that a minimum of two adult workers supervise or be in attendance with minors during organization-related activities. The purpose is to avoid one-on-one interactions between adults and minors that are not easily observable by others. If individual meetings with a minor must be held in an office, keep the door open. Only conduct closed door meetings when another adult is put on notice of the meeting and the door remains unlocked.

Internet Links

California Department of Fair Employment & Housing (<https://www.dfeh.ca.gov/>)

Civil Rights Department – File A Complaint (<https://www.dfeh.ca.gov/complaintprocess/>)

Equal Employment Opportunity Commission (<https://www.eeoc.gov/>)

Sexual Harassment Prevention Training (<https://www.dfeh.ca.gov/shpt/>)

Additional Resources

Also see:

- Code of Business Ethics
- EPP 3 – Harassment
- EPP 7 – Violence In The Workplace
- EPP 8 – Crime Victim Leave
- EPP 26 – Patient Client Complaint and Grievance Policy
- EPP 27 – Patient Rights and Responsibilities Policy