

## TRI-CAP Policy and Procedure for Sexual Harassment and Sexual Abuse Investigations

### D. Investigation

1. Consistent with TRICAP's Critical Incident policy, any reported incident of sexual assault must be investigated. The nature of such incidents requires staff to treat the information gathered in the investigation in a sensitive and confidential manner.
2. Upon learning of a sexual assault staff will immediately contact the Administrative Manager, and local law enforcement personnel. The Executive Director shall be contacted by the Administrative Manager.
3. The Administrative Manager will ensure ongoing assistance, cooperation and coordination with authorities, medical/mental health practitioners and probation/parole agents and shall remain informed about the process of the investigation.
4. Copies of all police reports and other official reports shall be reviewed by the Executive Director and the Administrative Manager and include in the critical incident review. A copy of all reports shall be placed in the residents file.
5. The departure of the alleged abuser or victim from the employment or control of the facility shall not provide basis for terminating an investigation.

### E. Prosecution/Discipline

1. All instances of alleged sexual assault shall be referred to local authorities for investigation with a recommendation that any resident/staff suspected of sexual assault be prosecuted to the fullest extent of the law.
2. Any staff involved in sexually abusive or assaultive behavior will be subject to investigation and the TRICAP disciplinary process. Staff found guilty of sexual abuse/assault shall be terminated from TRICAP.
3. Disciplinary sanctions for staff up to and including termination shall be imposed for violations of policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse).
4. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies and to any relevant licensing bodies, unless the activity was clearly not criminal.

5. Residents involved in sexually abusive or assaultive behavior will be subject to investigation and the TRICAP disciplinary process. Residents found guilty of sexual abuse/assault shall face disciplinary sanctions up to and including termination from TRICAP. A resident's mental disability or mental illness contributing to his or her behavior shall be considered when determining a sanction. Residents may also be required to participate in counseling, therapy or other interventions.
6. Residents may only be disciplined for sexual contact with staff upon a finding that the staff member did not consent to such contact.
7. For the purpose of disciplinary action, a report of sexual abuse made in good faith based on a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying.