



New Hampshire Division for Children, Youth and Families Policy Manual
2476 PREA REQUIREMENTS FOR MANAGING SYSC PERSONNEL, CONTRACTORS, VOLUNTEERS AND MENTORS

Chapter: Sununu Youth Services Center

Section: Personnel

Approved:

Joseph E. Ribsam, Jr., DCYF Director

Policy Directive: **22-17**

Effective Date: **February 2022**

References of Note

Federal Authority: [42 USC 1997](#), and [28 CFR 115](#)

Statutes: [RSA 169-B](#), [RSA 621](#), and [RSA 621-A](#)

Administrative Rules: [Per 1002](#) and [Per 1501](#)

Case Law:

This policy establishes standards that meet or exceed the Prison Rape Elimination Act (PREA) regarding the hiring, promotion, corrective and disciplinary actions of staff (employees, contracted positions, interns, or volunteers), contractors, and mentors who may have direct contact with youth.

Required Practices

Any deviations to the following information must be documented with Supervisory Approval.

- I. DCYF shall complete criminal background records checks, obtain child registry check results, and contact all prior institutional employers for information on substantiated allegations of sexual harassment, abuse, or misconduct (or any resignation during a pending investigation of an allegation of sexual harassment, abuse, or misconduct) for all new staff applicants, contractors, and mentors who may have direct contact with youth, prior to hiring or enlisting such services.^I
 - A. These background records checks shall be performed at least:
 1. Every 5 years for staff and contractors;^{II} and
 2. Annually for mentors.
- II. All staff applicants, contractors, and mentors shall be required to disclose previous sexual abuse, harassment, or misconduct on the SYSC PREA Employment Questionnaire (Form 2478), to accompany written applications during interviews for hiring or promotions, and any interviews or written self-evaluations conducted as part of any performance reviews.
 - A. Staff have a continuing, affirmative duty to disclose any sexual abuse, harassment, or misconduct^{III};
 - B. Omissions by staff regarding any sexual abuse, harassment, or misconduct or the provision of false information regarding any such conduct shall be grounds for termination^{IV}; and

- C. Any incidents of sexual harassment shall be considered in determining whether to hire or promote staff, or to enlist the services of any contractor or mentor.^V
- III. DCYF shall not hire or promote anyone who may have contact with youth, and shall not enlist the services of any contractor or mentor who may have contact with youth, who:
- A. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 USC 1997);
 - B. Has been convicted of 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; or
 - C. Has been civilly or administratively adjudicated to have engaged in the activity described in B above.^{VI}
- IV. Any violation of this policy by staff, shall result in appropriate disciplinary actions that are:
- A. Consistent with the Administrative Rules of the Division of Personnel, Per 1002 Discipline; and
 - B. Proportionate to the policy violation, the staff member's disciplinary history, and the sanctions imposed for comparable offenses on other staff with similar histories^{VII}.
 - 1. Appropriate discipline may include staff termination without notice, and referral to law enforcement for criminal investigation^{VIII}.
 - (a) Termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse^{IX}.
 - (b) Terminations for violations of this policy (or resignation by an employee who would have been terminated if not for their resignation) shall be reported to the NH State Police (NHSP) (unless the activity was clearly not criminal) and all applicable licensing bodies^X.
 - C. Absent consent by the individual, Administrative Rule Per 1501 prohibits DCYF from disclosing information about substantiated allegations of sexual abuse or sexual harassment involving former staff to employers outside New Hampshire state government.^{XI}
- V. Contractors or mentors who engage in sexual abuse shall be prohibited from contact with youth and reported to the NHSP (unless the activity was clearly not criminal) and to all applicable licensing bodies^{XII}.
- VI. The SYSC Administrator, or designee, shall take appropriate remedial measures and shall consider whether to prohibit further contact with youth, in the case of any other violation of this policy by a contractor or mentor^{XIII}.

Standard Operating Procedures		
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SOP	Title	Applicable Disciplines
2476.1	Required Background Checks	SYSC

Applicable Forms	
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Form	Title
2478	SYSC PREA Employment Questionnaire

Glossary and Document Specific Definitions	
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A - B C - D E - F G - I J - L M - N O - Q R - S T - V W - Z

Document Change Log			
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PD	Modification Made	Approved	Date

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- I 28 CFR 115.317 (c)&(d)
 - II 28 CFR 115.317 (e)
 - III 28 CFR 115.317 (f)
 - IV 28 CFR 115.317 (g)
 - V 28 CFR 115.317 (b)
 - VI 28 CFR 115.317 (a)
 - VII 28 CFR 115.376 (c)
 - VIII 28 CFR 115.376 (a)
 - IX 28 CFR 115.376 (b)
 - X 28 CFR 115.376 (d)
 - XI 28 CFR 115.317 (h)
 - XII 28 CFR 115.377 (a)
 - XIII 28 CFR 115.377 (b)