




TITLE: Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex Youth (LGBTQI)	PAGE 1 OF 6
	NUMBER: 179-YSA-02
RELATED RULE/CODE:	SUPERSEDES: 179-YSA-02 dated 6/28/2017
RELATED ACA STANDARDS:	EFFECTIVE DATE: April 1, 2019
RELATED PREA STANDARDS: 115.311, 115.331, 115.376, 115.377, 115.342, 115.346	APPROVED:  Ryan Gies, Director

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5139.01, which delegates to the Director of the Department of Youth Services the authority to adopt rules for the governance of the department, the conduct of its officers and employees, the performance of its business, and the custody, use, and preservation of the department's records, papers, books, documents, and property.

II. PURPOSE

The purpose of this policy is to ensure that all youth identified as LGBTQI who are placed in the custody of DYS have the right to be safe from sexual abuse and sexual harassment by other youth, staff, volunteers and contractors.

III. APPLICABILITY

This policy applies to persons employed by the Ohio Department of Youth Services (DYS), independent contractors providing a service to DYS, volunteers, and youth.

IV. DEFINITIONS

Bisexual – A person who is attracted to and may form sexual and romantic relationships with males and females.

Cross-Gender Search – The search of a youth by a staff of a different gender. Searches of transgender or intersex youth assigned to a male unit conducted by a female staff shall be considered a cross-gender search.

Gay – Generally refers to a person who is emotionally, romantically, and sexually attracted to people of the same gender.

Gender Expression – The way a person shows their masculinity or femininity; this is usually an extension of their gender identity.

Gender Identity – A person’s internal sense of himself or herself as male, female, no gender or another gender, regardless of anatomy.

Intersex – A person whose sexual/reproductive organs do not match what is typically defined as male or female.

Lesbian – Generally refers to a female who is emotionally, romantically, and sexually attracted to other females.

LGBTQI – Person who self-identifies to be lesbian, gay, bisexual, transgender, questioning, or intersex.

Questioning – The questioning of one’s gender, sexual identity, sexual orientation, or all three.

Sexual Orientation – Sexual orientation describes patterns of emotional, romantic, and sexual attraction—and one's sense of personal and social identity based on those attractions. A person's sexual orientation is not an either/or matter; sexual orientation exists along a continuum, with attraction exclusively to the opposite sex on one end of the continuum and attraction exclusively to the same sex on the other end.

Transgender – A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth.

V. POLICY

It is the policy of the Ohio Department of Youth Services (DYS) to ensure that youth identified as lesbian, gay, bisexual, transgender, questioning, or intersex (LGBTQI) who are placed in the custody of DHS receive fair, equal and non-discriminatory treatment and medical care. Staff provide the highest quality of services to all youth regardless of sexual orientation, gender identity or gender expression. Additionally, it is the policy of DHS to respect and maintain the privacy of all youth and to protect their information.

VI. PROCEDURE

A. Youth Disclosure

1. All disclosures regarding sexual orientation or gender identity shall be initiated by the youth.
2. Staff shall not directly question a youth about his/her sexual orientation or gender identity/expression; exceptions shall be the completion of the PREA Risk Assessment in the Juvenile Justice Case Management System (JCMS) and during a youth’s session with his counselor/clinician.

B. Confidentiality

1. Staff, volunteers and contractors shall not disclose youth information, to include sexual orientation, gender identity or gender expression consistent with state law and regulations.
2. Information regarding a youth's sexual orientation, gender identity or gender expression shall be shared with other staff only on a need-to-know basis and when determined to be therapeutically necessary to ensure the youth's safety or when deemed medically necessary.
3. If a youth wishes to disclose his/her sexual orientation, gender identity or gender expression with parent/ legal guardian, a behavioral health services clinician shall provide assistance, if requested. All such disclosures and communications shall be documented in the JJCMS case notes by the BHS staff or case manager receiving the communication.

C. Youth Rights and Responsibilities

1. LGBTQI youth shall not be isolated or otherwise separated from other youth solely due to his/her LGBTQI status.
2. Staff shall enforce the same rules and offer incentives consistently regardless of his/her LGBTQI status.

D. Abuse or Harassment Reporting Responsibilities

1. Staff who are involved in, witnesses or otherwise becomes aware of abuse or harassment of an LGBTQI youth shall follow DYS Policy 179-YSA-01, Sexual Abuse and Sexual Harassment: Reporting and Responding.
 - a. Upon learning of abuse or harassment of an LGBTQI youth, staff shall take immediate measures to ensure the safety of the youth, including but not limited to physically separating the alleged abuser/harasser and the alleged victim.
2. Failure of a staff to report abuse or harassment of an LGBTQI youth may warrant disciplinary action up to and including termination pursuant to DYS Policy 131-SEM-05, General Work Rules.

E. Special Considerations

1. Placement
 - a. Facility staff shall use all information obtained from the PREA Risk Assessment in JJCMS to make housing, bed, program, education, and work assignments for youth with the goal of keeping all youth safe and free from sexual abuse and sexual harassment.
 - b. LGBTQI youth shall be removed from the general population only as a last resort until an alternative means of keeping all youth safe can be arranged. The Facility Placement

Committee shall meet, discuss and document in JJCMS youth case notes all special accommodations/transfers for youth in determining his/her safety in accordance with DYS 153-CLS-04, Facility Transfer Policy. The Facility Placement Committee shall consider on a case-by-case basis whether a placement would ensure the residents' health and safety and whether the placement would present management or security problems. If a youth is separated, the facility shall clearly document the basis for the facility's concern for the youth's safety, and the reason why no alternative means of separation can be arranged.

- i. The youth's own views with respect to his or her own safety shall be given serious consideration.
 - ii. During any period of separation, DYS staff shall not deny youth daily large muscle exercise and any legally required educational programming or special education services. Refer to DYS Policy 177-REC-01, Recreational Programming.
 - iii. Youth that have been temporarily separated from the general population, shall receive daily visits from a behavioral health services clinician. Medical staff shall also visit the youth when necessary, in accordance with DYS Policy 156-DSC-05, Seclusion.
 - iv. Youth shall also have access to other programs and work opportunities to the extent possible as outlined in DYS Policy 154-WRK-01, Facility Youth Job Assignment Program.
- c. LGBTQI youth shall not be placed in particular housing, bed, or other assignments solely based on such identification or status, nor shall DYS consider lesbian, gay, bisexual, transgender, questioning, or intersex identification or status as an indicator of likelihood of being sexually abusive.
 - d. When deciding to assign a transgender or intersex youth to a facility for male or female, and making other housing and programming assignments, the placement committee shall consider on a case-by-case basis whether a placement would ensure the youth's health and safety, and whether the placement would present management or security problems.
 - e. Every week, the PREA compliance manager (PCM) shall afford each youth described in this section a review to determine whether there is a continuing need for separation from the general population. The facility PCM shall report to the Facility Placement Committee via email when or if a youth has requested to be moved back into general population. This review shall also be recordrafted in JJCMS case notes.
 - f. The Facility Placement Committee shall reassess the placement and programming assignment for each transgender or intersex youth at a minimum of every thirty (30) days unless a request by the youth has been made for a review. This review shall be recorded in JJCMS youth case notes.
2. As with all youth, transgender and intersex youth shall be given the opportunity to shower and use the bathroom separately from other youth.

3. All searches of LGBTQI youth to include pat down and strip searches shall be conducted in a professional and respectful manner, in the least intrusive manner possible, consistent with security needs, and accordance with DYS Policies 185-RPS-29, Facility Youth and Area Searches and 179-YSA-02 Lesbian, Gay Bisexual, Transgender, Questioning and Intersex (LGBTQI) youth.
 - a. A transgender or intersex youth may request a cross-gender search for pat-down or strip searches. Strip searches shall be conducted by medical staff only. Such consideration shall be clearly documented in JJCMS case notes.
 - b. The facility PCM shall meet with the youth within twenty-four (24) hours of intake and document any special requests made by the youth and then schedule an administrative team meeting to discuss and document the outcome. The team members shall consist of facility superintendent, facility program deputy, medical health services administrator (HSA), unit management administrator, unit manager, social work supervisor(s), psychology staff, facility PCM and any other staff member deemed applicable.
 - c. The basis for the request(s) and the outcome of the team meeting shall be documented in the JJCMS behavioral health case notes.
 - d. The facility PCM, in conjunction with unit management, shall meet with the youth to review the outcome of the team meeting the same day and document in JJCMS case notes.
 - e. Operations shall document all cross-gender pat down searches on the Search Report. (DYS2329).
 - f. Every week, the facility PCM shall afford each youth described in this section a review to determine whether there are any changes needed or any staff non-compliance.

F. Medical and Behavioral Health Services

1. Medical or behavioral health clinicians shall not attempt to change a youth's sexual orientation, gender identity or gender expression through the use of therapeutic techniques or any other means.
2. LGBTQI youth shall receive medical and behavioral health services consistent with DYS policies.

VII. ATTACHMENTS

DYS2329 Search Report

Table of Effective Changes

Number	Effective Date	Superseded/Modified	Significant Changes
304.06	05/10/2013	NA	First Issuance
304.06	07/21/2014	05/10/2013	
304.06	06/28/2017	07/21/2014	Renumbered to 179-YSA-02 (Dec. 2017)
179-YSA-02	04/01/2019	06/28/2017	Adopted new policy template. Major revisions to policy.