

Prevention, Detection and Response to Sexual Abuse, Assault and Harassment (PPM 3247.01)

Approved By: Sheila J. Poole (signed) Sheila J. Poole, Acting Commissioner	Date Issued: March 18, 2014	Number of Pages: 15	Appendix Pages: N/A
Related Laws: Correction Law § 168-a(2) Penal Law Article 130 Sex Offenses Sections 130.00(1) through 130.90(2) Prison Rape Elimination Act (PREA)	Division/Office: Juvenile Justice and Opportunities for Youth	Contact Office/Bureau/Unit: Office of Program Services	
Supporting Regulations: None	American Correctional Association Standards (ACA): 4-JCF-3D-06-1 through 3D-06-10		
Regulatory Bulletins & Directives: None	Related Policies: PPM 3456.00 Child Abuse and Neglect Reporting in OCFS Programs PPM 3247.03 Supervision of Youth PPM 3429.00 Reportable Incidents PPM 1810.00 Reporting Crimes PPM 3402.00 and 3402.01 Admissions and Orientation PPM 3243.42 Communicable Disease and Disease Control PPM 2021.04 Employee Screening for Child Abuse and Maltreatment PPM 2026.03 Criminal History Screening PPM 2651.00 Employee Discipline PPM 3247.17 Addressing Allegations of Employee Misconduct PPM 3442.00 Lesbian, Gay Transgender and Questioning Youth	Supersedes: PPM 3247.01 (08/20/08)	
Local Operating Practice: Required			

SUMMARY:

This policy outlines the Office of Children and Family Services' (OCFS) zero tolerance policy concerning sexual abuse, sexual assault and sexual harassment of OCFS youth as well as procedures for prevention, detection and response within OCFS operated facilities.

I. POLICY

OCFS has a zero tolerance policy concerning sexual abuse, sexual assault and sexual harassment of OCFS youth and is committed to the prevention and elimination of sexual abuse/assault within Division of Juvenile Justice and Opportunities for Youth (DJJOY) facilities through compliance with the Prison Rape Elimination Act (PREA) of 2003. OCFS is committed to the equal opportunity to participate in and benefit from all aspects of the agency's efforts to prevent, detect and respond to sexual abuse, assault and harassment. Violations of this policy may result in disciplinary sanctions for staff and youth perpetrators and/or criminal prosecution as authorities deem appropriate. Violations of this policy which may be a criminal matter will be referred to the appropriate authorities.

II. DEFINITIONS**A. Contractors**

Any person, not an employee, providing any service for an agreed upon form of compensation.

B. Employees

Any person compensated by OCFS via state payroll regardless of civil service status.

C. Sexual Abuse

1. Sexual abuse of a resident by another resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
2. Sexual abuse of a resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the resident:

- a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- b. Contact between the mouth and the penis, vulva, or anus;
- c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- d. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)--(5) of this section;
- g. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a resident, and
- h. Voyeurism by a staff member, contractor, or volunteer.

D. Sexual Assault

Sexual intercourse, anal sexual conduct or oral sexual acts by means of forcible compulsion.

E. Sexual Contact

“Sexual contact” is defined by current Penal Law section 130.00(3) as any touching of the sexual or other intimate parts of a person not married to the actor for the purpose of gratifying the sexual desire of either party, including touch of the victim by the actor or touching of the actor by the victim, whether directly or through clothing. The aforementioned definition may change should Penal Law section 130.00(3) be amended. “Sexual contact” as used in this policy also includes sexual touching including but not limited to caressing and kissing regardless of whether youth voluntarily engage in such activity. A youth placed with OCFS and in a residential facility cannot legally consent to sexual contact with an employee, regardless of the youth’s age (Penal Law, section 130.05[2] [h]).

F. Sexual Conduct

“Sexual Conduct” encompasses definitions in C, D, E, G and H of this policy.

G. Sexual Harassment

1. Repeated and unwelcome sexual advances, requests for sexual favors, and other verbal comments, gestures or actions of a derogatory or offensive nature by one youth directed toward another and

2. Repeated verbal comments or gesture of a sexual nature to a youth, by a staff, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about the body or clothing, or obscene language or gestures.

H. Sex Offenses

Any act identified as a sex offense by Article 130 of the New York State Penal Law or as defined by New York State Correction Law § 168-a (2).

I. Substantiated*

An allegation that was investigated and determined to have occurred.

J. Unfounded*

An allegation that was investigated and determined NOT to have occurred.

K. Unsubstantiated*

An allegation that was investigated and there was insufficient evidence to make a determination as to whether or not the event occurred.

L. Visitors

Any person having access to any OCFS facility, office or program that is not a contractor, employee or volunteer as defined in this policy.

M. Volunteers

Any person who, by mutual agreement with OCFS, provides a service without compensation.

N. Voyeurism

An invasion of privacy of a resident by a staff member, contractor, or volunteer for reasons unrelated to official duties, such as peering at a resident who is using a toilet in his or her cell to perform bodily functions; requiring a resident to expose his or her buttocks, genitals or breasts; or taking images of all or part of the youth's naked body or of a resident performing bodily functions.

O. Youth

Persons who are or have been in OCFS custody.

* **NOTE:** The above definitions are taken from the Prison Rape Elimination Act National Standards for Juvenile Facilities and only apply to this policy. They are not interchangeable with the definitions of the same words as used in Social Services Law.

III. PROHIBITIONS

The following acts are prohibited:

- A. Sexual conduct with OCFS youth by OCFS staff, volunteers, visitors or contractors. These individuals must also comply with PPM 3247.00, "Interpersonal Boundaries."
- B. Sexual conduct among OCFS youth in OCFS facilities.
- C. Cross-gender strip searches and pat searches except for thoroughly documented exigent circumstances.
- D. Opposite gender viewing of youth under circumstances when breasts, buttocks or genitalia would normally be exposed (shower/hygiene time, performing bodily functions, and changing clothes). Each facility director shall develop local operating procedures designed to prevent such viewing.
- E. Searching or physically examining a transgender or intersex youth for the sole purpose of determining the youth's genital status.

IV. PROCEDURE

A. Prevention - Supervision and Monitoring

DJJOY shall develop and document a staffing plan and video monitoring plan for each of its facilities that take into account:

1. Generally accepted professional standards for juvenile justice practices.
2. Composition of the different populations within its facilities.
3. Number and placement of supervisory staff.
4. Programs occurring on each shift.
5. Relevant laws, regulations and standards.
6. Prevalence of substantiated and unsubstantiated incidents of sexual abuse.
7. Any other relevant factors.

Minimum staff to youth ratios shall be 1 to 8 during waking hours and 1 to 16 during sleeping hours. Any deviations from the plan due to exigent circumstances shall be documented.

On an annual basis DJJOY will assess its staffing and monitoring plans to determine if adjustments are needed to:

1. The staffing plan.
2. Prevailing staffing patterns.
3. Video surveillance systems and/or emerging technology.
4. Resources committed to adherence to staffing and monitoring plans.
5. Implementation of the policy and practice of having administrative staff conduct and document unannounced rounds (all shifts) to identify and deter staff sexual

abuse and sexual harassments. Policy in place that prohibits staff from alerting other staff members that these supervisory rounds are taking place.

Staff of opposite gender must announce their presence when entering a living unit or area where youth change clothes, shower, or perform bodily functions.

B. Admission/Housing

Youth will be screened for potential vulnerabilities to victimization and propensity to victimize others with sexually aggressive behavior upon arrival at an OCFS facility. This screening will be documented using form OCFS-4928. Living unit and room assignments will be made accordingly.

Youth may be isolated from other youth only as a last resort when less restrictive measures are inadequate to keep them and other youth safe and then only until an alternative means of keeping all residents safe can be arranged. During any period of isolation youth shall receive large muscle exercise, educational programming, daily visits from medical or mental health staff, and access to other programs to the extent possible.

Placement and programming for transgender and intersex residents shall be re-assessed at least twice a year to review any threat to safety experienced by the youth.

Upon admission youth will be provided information, in age appropriate manner, concerning prevention, intervention, self-protection, reporting of sexual abuse or assault and the agency's zero tolerance policy. Youth will also receive information regarding treatment and counseling for victims of sexual abuse or assault.

The above information will be communicated orally and in writing, in a language clearly understood by the youth, during the admission process. Language assistance resources are available through the OCFS Public Information Office.

Youth will be clearly advised that sexual conduct encompassing all definitions in this policy by adults or other youth in OCFS facilities is prohibited and that youth are to feel comfortable to report any such activity to his/her counselor, ombudsman or any staff member in authority.

Youth shall be referred to a mental health clinician under the following circumstances:

- a. He or she is identified as a high risk with a history of sexually assaultive behavior. Such youth shall be monitored, counseled, and provided appropriate treatment.

- b. He/she is identified as at risk for sexual victimization. Such youth shall be monitored and counseled.

C. Employee Training and Youth Education

1. All employees shall receive training that is specific to juveniles and the gender of the population they are working with. Employees must sign an acknowledgement verifying that they understand the training they receive. Staff must be retrained when they transfer to a different gender population. Current employees must receive this training and receive refresher training annually. The training shall include the following:
 - a. Agency's zero tolerance policy.
 - b. Fulfilling their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures.
 - c. Youth's right to be free from sexual abuse, assault and harassment.
 - d. Right of youth and employees to be free from retaliation.
 - e. Dynamics of sexual abuse and sexual harassment in juvenile facilities.
 - f. Common reactions of juvenile victims of sexual abuse and harassment.
 - g. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual and sexual abuse between youth.
 - h. How to avoid inappropriate relationships with youth.
 - i. Effective and professional communication with youth including those who identify as lesbian, gay, transgender and questioning (LGBTQ) or gender non-conforming.
 - j. Compliance with relevant laws related to mandatory reporting of sexual abuse.
 - k. Laws governing consent for OCFS youth.
2. All volunteers and contractors who have contact with youth shall be trained on their responsibilities under this policy. The level and type of training shall be based on the services they provide and the level of contact they have with youth. Regardless of level of contact all volunteers and contractors who have contact with youth shall be notified in writing of the agency's zero tolerance policy and how to report incidents or suspicions of sexual abuse, assault or harassment.
3. Investigators who are assigned to cases involving allegations of violations of this policy shall receive specialized training (in addition to the training provided to all employees) concomitant with the roles in conducting investigations in facility settings. The specialized training shall include:

- a. Techniques for interviewing juvenile sexual abuse victims.
 - b. Proper use of Miranda and Garrity warnings.
 - c. Sexual abuse evidence collection in facility settings.
 - d. Criteria and evidence required to substantiate a case for administrative action and/or prosecution referral.
4. Medical staff and mental health clinicians shall receive specialized training (in addition to the training provided to all employees) in the following:
- a. Detecting and assessing signs of sexual abuse, assault and harassment.
 - b. Preserving physical evidence of sexual abuse and assault.
 - c. Responding effectively and professionally to victims of sexual abuse, assault and harassment.
 - d. How and to whom to report allegations or suspicions of sexual abuse and assault.
5. Within 10 days of admission to an OCFS operated facility all youth shall receive comprehensive, age appropriate education, either in person or video, about their rights to be free from sexual abuse and harassment, and free from retaliation for reporting allegations of sexual abuse, assault or harassment. Additionally, they shall receive information regarding OCFS policies and procedures for responding to incidents of sexual abuse, assault or harassment as well as the various methods of reporting. All education and information shall be made available in formats accessible to all youth (limited English, deaf, visually impaired or otherwise disabled as well as limited reading skills). Additionally, key information shall be continuously and readily available or visible via posters, brochures, or other formats.

Receipt of the above education and information shall be documented for each youth in the Juvenile Justice Information System.

D. Allegations of Inappropriate Conduct

Youth who believe they have been subjected to conduct prohibited by this policy have the option to report the incident to a designated staff member other than an immediate point-of-contact line staff member. That includes, but is not limited to, the unit/office supervisor, counselor, mental health clinician, medical personnel, any facility administrator, or the OCFS Ombudsman. Reports may be made verbally or in writing. The necessary materials to submit written reports will be provided to all youth. Youth also have the option of reporting allegations to the Office of the Ombudsman and/or the Special Investigations Unit via their respective toll-free numbers posted on all living units. Additionally, youth, their families and the public have the ability to report allegations outside OCFS via the toll-free number for the Justice Center for the Protection of People with Special Needs (Justice Center).

Facility staff shall accept reports, including reports made regarding other OCFS or non-OCFS facilities that are made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

1. For all allegations of sexual abuse or assault the victim will be immediately referred to the medical facility the facility has previously identified for clinical assessment and gathering of forensic evidence by professionals who are trained and experienced in the management of victims of sexual abuse and assault. Facilities will make efforts to establish a Memorandum of Agreement (MOA) with the medical facility. These efforts shall be documented.

In all cases the victim must be brought to the medical facility. The medical facility's trained examiner will make the final determination regarding evidence collection. Staff who can provide support to the victim shall accompany the youth.

2. Staff shall attempt to make available a victim advocate from a rape crisis center and shall document effort to provide rape crisis services.
3. OCFS health staff will follow the procedures in PPM 3243.42 "Communicable Diseases and Disease Control" as needed for management of high risk exposures, paying particular attention to the following areas:
 - a. The Bureau of Health Services will be notified of the occurrence of a high risk exposure.
 - b. Provision will be made for testing for sexually transmitted diseases (for example, HIV, gonorrhea, hepatitis, and other diseases) and release of information for purposes of medical management of both the victim and alleged perpetrator.
 - c. Prophylactic treatment and follow-up for sexually transmitted diseases will be offered to all victims, as appropriate, if not already done in the emergency room.
 - d. Follow-up will be done by a mental health professional to assess the need for crisis intervention counseling and long-term follow-up.
 - e. A report will be made to the facility or program administrator or designee to assure separation of the victim from his or her alleged abuser.
3. The parent/legal guardian will be notified of any allegations of inappropriate conduct involving their child.

4. Pregnancy testing, as well as comprehensive information and access to all lawful pregnancy related medical services, and timely contraception and STD prophylaxis, shall be provided in a timely manner.
5. All medical, mental health and counseling services shall be provided at no cost to the youth.

E. Staff First Responder Duties

Upon learning of an allegation that a youth was sexually abused, the first staff member to respond to the report shall be required to:

1. Separate the victim and alleged abuser.
2. Preserve and protect the scene until appropriate steps can be taken to collect any evidence.
3. Request the alleged victim not take any actions that could destroy physical evidence, including as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, swimming, drinking or eating.
4. Take steps to prevent the alleged abuser from destroying physical evidence, such as washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

F. Reporting and Investigations

All OCFS employees, contractors and volunteers are required to report knowledge of any alleged, threatened or actual violations of this policy to their supervisor, any on-duty employee above them in the chain of command, the On Call Administrator (OCA) or the facility/program director. They also have the ability to privately report abuse and sexual harassment of residents to the Justice Center. Failure to report may result in administrative, criminal or disciplinary sanctions appropriate to individual status.

Every allegation of threatened or actual sexual abuse or sexual assault constitutes a reportable incident and shall be called into the Central Communications Unit (CCU) in accordance with PPM 3429.00, "Reportable Incidents". CCU staff shall then enter all available information regarding the incident into the Juvenile Justice Information System (JJIS).

Upon receiving an allegation that a resident was sexually abused while confined at another facility, the Facility Director of the facility that received the allegation shall notify the Facility Director of the other facility or appropriate office of the agency (if

not an OCFS operated facility) where the alleged abuse occurred and shall also notify the appropriate investigative agency. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. The notification shall be documented.

If the notified facility is an OCFS operated facility the Facility Director that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

OCFS requires that an investigation be conducted and documented whenever a violation of this policy is alleged. The Justice Center has responsibility to investigate all PREA related allegations and incidents. Notifications and reports are to be made in accordance with the emergency notification procedures detailed in OCFS PPM 3429.00, "Reportable Incidents"; and OCFS PPM 3456.00, "Child Abuse and Neglect Reporting in OCFS Programs." Local law enforcement authorities shall be contacted as necessary.

G. Protection Against Retaliation

OCFS has establish policies to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff (see PPM 3443.00, "Youth Rules" and PPM 2613.00, "Employee Reporting of Personal Threats"). Each facility shall designate which staff members or departments are charged with monitoring retaliation.

OCFS shall employ multiple protection measures, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations (see PPM 3456.00 Child Abuse and Neglect Reporting in OCFS Programs, PPM 2613.00, Employee Reporting of Personal Threats and PPM 2615, Work Place Violence Prevention Program).

For at least 90 days following a report of sexual abuse, the facility shall monitor the conduct or treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff, and shall act promptly to remedy any such retaliation. Items that will be monitored include any resident disciplinary reports, housing, or program changes, negative performance reviews and reassignments of staff.

OCFS Home Office staff shall conduct periodic status checks on residents.

OCFS shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

H. Sexual abuse incident reviews

Within 30 days of the conclusion/receipt of the investigation the facility shall conduct a sexual abuse incident review of all allegations (substantiated and unsubstantiated), unless the allegation has been determined to be unfounded. Reviews shall be conducted by a team of staff, grade 18 and above, and shall include input from direct care staff, investigators, medical and mental health practitioners. The review team shall:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical layout may enable abuse;
4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
6. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.

The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

I. Documentation

All case records associated with claims of sexual abuse/assault, including incident reports, investigative reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling must be marked “Confidential” and retained in accordance with an established schedule and PPM 3450.00 “Case Record Management”.

Form OCFS-4928, as a part of the youth’s case record, is a confidential document and shall be maintained in accordance with PPM 3450.00 “Case Record Management”.

All trainings mandated by this policy shall be documented as required by the Bureau of Training.

J. Disciplinary

1. Staff Disciplinary Sanctions

- A. Staff shall be subject to disciplinary sanctions as determined by OCFS and consistent with collective bargaining agreements up to and including termination for violating agency sexual abuse or sexual harassment policies.
- B. Termination shall be the presumptive disciplinary sanction for staff who have been substantiated for sexual abuse.
- C. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- D. All dismissals for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been dismissed or subject to dismissal proceedings if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

2. Corrective action for contractors and volunteers

- A. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to law enforcement agencies (unless the activity was clearly not criminal) and to relevant licensing bodies.
- B. The facility shall take appropriate remedial measures and shall prohibit further contact with residents.

3. Interventions and disciplinary sanctions for residents

- A. A youth may be subject to disciplinary sanctions pursuant to the agency's disciplinary procedures or following a criminal conviction or delinquency finding .
- B. Disciplinary sanctions imposed by the facility shall be commensurate with the nature and circumstances of the abuse committed, the youth's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories.
- C. The disciplinary process shall consider whether developmental disability or mental illness contributed to a youth's behavior when determining what type of sanction, if any, should be imposed.

- D. Consideration shall be given to providing the offending youth therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse. However, the facility may not require participation in such interventions as a condition of access to general programming or education.
- E. The facility may only discipline a youth for sexual contact with staff upon a finding that the staff member did not consent to such contact.
- F. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- G. Sexual activity between residents is prohibited, however for such activity to constitute sexual abuse it must be forcible or coerced.

K. Notifications to Youth

1. Following an investigation into a youth's allegation of sexual abuse occurring in an agency facility, the agency shall inform the youth as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
2. Following a youth's allegation that a staff member has committed sexual abuse against the youth, the agency shall subsequently inform the youth (unless the agency has determined that the allegation is unfounded) whenever:
 - a. The staff member is no longer posted within the youth's unit;
 - b. The staff member is no longer employed at the facility;
 - c. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; and/or
 - d. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
3. Following a youth's allegation that he or she has been sexually abused by another youth, the agency shall subsequently inform the alleged victim whenever:
 - a. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - b. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
4. All such notifications or attempted notifications shall be documented. DJJOY's obligation to report under this standard shall terminate if the resident is released from the agency's custody.

L. Data Collection and Review

The DJJOY PREA Database is the central repository for all information regarding allegations of sexual abuse and sexual assault. Data will be entered into DJJOY PREA Database using standardized data fields and standardized definitions.

This database of all reported allegations, threats or actual violations of this policy will be maintained by DJJOY for reporting compliance with the provisions of the Prison Rape Elimination Act of 2003.