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**I. PURPOSE:**

The purpose of this policy is to establish guidelines and procedures to ensure that Youth Study Center (YSC) agents, providers and staff provide fair, equal and non-discriminatory treatment for *all* youth, and so that the YSC can provide the highest quality of services to *all* youth regardless of sexual orientation, gender identity or gender expression, including but not limited to those who identify as lesbian, gay, bisexual, and/or transgender (LGBT).

**II. POLICY:**

**A. Non Discrimination/Non Harassment**

YSC, as a program of the Department of Human Services (DHS), operates under the City of Philadelphia's Fair Practices Ordinance, which prohibits discrimination or differential treatment based on an individual's race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, physical handicap or disability, age or marital status.

LGBT youth at YSC have a right to be safe from emotional, physical, and sexual abuse by other youth, facility agents, staff, and providers. Discrimination or harassment on the basis of actual or perceived sexual orientation, gender identity and gender expression will not be tolerated. If any YSC agent and/or its staff become aware that a youth is being subjected to harassment or violence, YSC will respond with appropriate remedial action designed to stop it. Any such behavior may also be in violation of the YSC workplace violence policy, harassment policy, and other personnel policies. Additionally, the YSC's classification system is designed to prevent the placement of vulnerable youth, including LGBT youth, in rooms or units with aggressive youth who may physically or sexually attack them.

If another resident harasses, ridicules, or directs violence at an LGBT youth, YSC will reprimand the offending youth in accordance with the facility's code of conduct.

YSC agents, staff and providers will use respectful language and terminology that does not further stereotypes about LGBT people. YSC agents, staff, and providers will not refer to youth by using derogatory language, nor will they imply or directly state that such youth are abnormal, deviant, or sinful or any variant thereof, or that such youth can or should change their sexual orientation or gender identity.

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### **B. Confidentiality/Disclosure**

It is the policy of YSC to respect and maintain the privacy of all detained youth and to protect their information when practicable and consistent with state law and regulations. This includes information about sexual orientation and gender identity/expression.

If information regarding sexual orientation/gender identity that a youth discloses cannot be kept private, the youth will be told that such information may have to be shared with a supervisor or fellow staff. Consistent with YSC practice, information regarding youth must be reported to a supervisor if it involves a safety risk or a danger to others.

All youth must be informed that parents/guardians and any others who have a legal right to review the youth's case record may become aware that a youth has disclosed that he or she identifies as LGBT or has raised issues relating to sexual orientation, gender identity or gender expression. If disclosure is required, staff should explain to the youth why it is necessary and to whom the information is being disclosed.

YSC Staff will not directly question youth about their sexual orientation or gender identity/expression. Instead, such disclosures must be initiated by the youth of their own volition. If a youth self-discloses to a YSC staff member that they identify as LGBT, that staff member must explain the YSC Non-Discriminatory Treatment of LGBT Youth Policy as it relates to their safety. YSC staff must manage this information appropriately and preserve the confidentiality of this information. YSC staff should treat this as highly sensitive information and be aware that inappropriate disclosure can have a detrimental impact on a youth and break trust in the YSC staff-youth relationship.

YSC staff should establish a safe, LGBT-affirming and supportive environment that will make youth feel comfortable in disclosing information about sexual orientation and gender identity. This may include displaying LGBT supportive images such as pink triangles, rainbows, or hate-free/safe zone stickers; using gender-neutral language; having a visible non-discrimination statement that explicitly includes sexual orientation and gender identity/expression; and distributing materials to all youth that include information about the rights of and resources available to LGBT youth.

### **C. Intake/Placement/Discharge**

Upon admission to the YSC, and subsequent to any visits on- or off-site, all YSC detainees are searched. Transgender youth may request that male or female staff conduct a search when such search is required. This request will be accommodated, whenever possible, considering staffing and safety needs.

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LGBT youth shall not be physically searched in a manner that is humiliating or degrading or for the purpose of determining the youth's physical anatomy. Transgender youth may request that either a male or female staff member conduct a strip search, if such search is required. YSC shall accommodate this request when possible and consistent with maintaining the security of the facility.

In general, YSC's practice is to place youth on living units according to their sex assigned at birth. Persons assigned as male from birth are placed with other persons assigned as male from birth, and persons assigned as female from birth are placed with other persons assigned as female from birth. In cases where a youth expresses a desire to be the sole resident in a room, when possible, YSC will make a good faith effort to accommodate the request. In that LGBT youth have a right not to be isolated from other youth in the facility, however, YSC will not presume LGBT youth to require placement on a separate unit or in a room where they are the sole resident. To do so would be a violation of the youth's right to be free from unreasonably restrictive conditions of confinement.

If deemed safe and appropriate by YSC staff and the youth, transgender youth should be able to live in a single room on the unit that corresponds to their gender identity.

**D. Names and Language**

Every youth that enters the Youth Study Center will be addressed by their legal name. A transgender youth, while remaining within the facility, can choose to be referred to by his or her preferred name and the pronoun that reflects the youth's gender identity, even if the youth's name has not been legally changed. However, names affiliated with gangs or that otherwise present safety issues will not be permitted.

**E. Clothing/Grooming**

YSC understands that many LGBT youth express their gender identity through clothing and grooming. YSC will ensure that such clothing (including undergarments) and grooming options are provided to transgender and gender non-conforming youth throughout their stay at the facility. As well, YSC will impose no restrictions on how LGBT or gender non-conforming youth choose to style and care for their hair or shave. Consistent with YSC's grooming policy, all youth, regardless of sexual orientation or gender identity/expression, can choose to use the contracted services of either the barber or the beautician.

According to YSC Policy # 14.3, no resident is permitted to add either human or synthetic hair extensions/weaves to their hair while detained at the YSC. Such products and their methods of

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installation are considered contraband and use may present certain risks associated with self-harming or suicidal behaviors. In cases where a youth, upon admission to the YSC, already has extensions/weaves in place, he or she will not be required to remove them, except in cases where the youth's actions with regard to hair extensions/weaves appear to present a danger to him/her or others. Youth with extensions/weaves already in place are not permitted to refresh or otherwise use products to maintain such styles at any point during their stay at the YSC.

#### **F. Bathrooms and Showers**

Consistent with the YSC's safety policies, YSC staff will provide LGBT youth with safety and privacy when using the shower and bathroom, and when dressing and undressing. LGBT youth will not be required to shower or undress in front of other youth and will be permitted to use single occupancy bathrooms or showers if available. In the absence of single occupancy bathrooms or showers, LGBT youth will be given the option of showering alone. YSC staff will provide these accommodations in a manner that does not stigmatize youth, while also balancing safety concerns.

#### **G. Hormone Therapy**

All youth have an initial health screening within an hour of their arrival at YSC. Such screening includes the identification of any medications that the youth is currently taking. If, during the course of the medical screening, a youth indicates that he or she has been undergoing hormonal therapy (either illegally or under the supervision of a medical doctor), in order to prevent potential complications with an abrupt disruption of these treatments, and so as to ensure optimum continuity of care, the YSC medical doctor will, within one business day of being notified about such treatment, arrange an appointment for care at a local LGBT Health Center (Mazzoni Center) for appropriate follow-up and to determine the most appropriate course of action. Given this organization's expertise in LGBT health care, YSC will rely exclusively on their recommendations as to what continuity of care should look like.

YSC health care providers shall provide guidance and information on gender and sexuality issues to LGBT youth in an open and non-judgmental manner. If YSC health care providers assess that a youth is having persistent concerns, uncertainties or questions about his or her gender identity, the YSC medical doctor will arrange an appointment for care at the Mazzoni Center for appropriate assessment and treatment.

In the event the presenting youth is under the age of 18, consent from the youth's parent, legal guardian, or a waiver of such from the Court will be required in advance of proceeding with previously started hormonal treatments.

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**III. DEFINITIONS:** As used in this document, the following definitions shall apply:

**A. Agent:** A person acting under the authority or auspices of the Department of Human Services (DHS) or the Youth Study Center (YSC).

**B. Bisexual:** A person who has an emotional, romantic, and/or sexual attraction to individuals of various genders and/or gender expressions. The person may be equally drawn towards males and females, or primarily towards one sex.

**C. Discrimination:** Any act, policy, or practice that, regardless of intent, has the effect of subjecting any youth to differential treatment as a result of that youth's actual or perceived sexual orientation, gender identity, or gender expression.

**D. Gay:** Usually referring to a man who is emotionally, romantically, and/or sexually attracted to other men. Also this term can be used in reference to the entire lesbian and gay community.

**E. Gender Expression:** The ways that we communicate our gender to those around us. We can express our gender at different times, and in different ways, including clothing, body languages, the way that we speak, appearance, behavior, etc. Gender expression is a separate concept from sexual orientation and gender identity.

**F. Gender Identity:** A person's internal, deeply felt sense of being male or female, regardless of the person's sex assigned at birth.

**G. Gender Non-conforming:** Having or being perceived to have gender characteristics and/or behaviors that do not conform to traditional or societal expectations. A gender non-conforming person may or may not identify as LGBT.

**H. Harassment:** Includes, but is not limited to, name calling; disrespectful gestures, jokes, or comments; inappropriate touching; threats of physical or emotional acts or negative consequences (including religious condemnation); physical abuse; sexual abuse, including unwanted sex acts, touching, pantomime, and threats; and emotional abuse, such as shunning or isolation. Attempting to change a youth's sexual orientation or gender identity is also a form of harassment.

**I. Lesbian:** A woman who is emotionally, romantically, sexually, affectionately, and relationally attracted to other women.

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**J. Provider:** Any person or entity who has a contract with DHS to provide services for youth in residence at the YSC.

**K. Sexual Orientation:** Sexual orientation is the term that describes whether a person is attracted to members of the same sex (gay or lesbian), to members of the opposite sex (heterosexual), or to members of both sexes (bisexual).

**L. Transgender:** A person whose gender identity (their understanding of themselves as male or female) does not correspond with their sex assigned at birth. A transgender female is a female whose birth sex was male but who understands herself to be female. A transgender male is a male whose birth sex was female but who understands himself to be male. Transgender is an umbrella term for many different identities; people who are gender queer, transsexual, cross dressers, drag performers, and other gender identities may fall into the category of "transgender."

**N. Youth:** Any person committed to the custody and care of the YSC, any person who is subject to supervision by the YSC, or any person who is in custody of the state who receives services from the YSC.

*Definitions are adapted from the Bryson Institute of The Attic Youth Center, [www.brysoninstitute.org](http://www.brysoninstitute.org) and the Equity Project's Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts, [www.equityproject.org/pdfs/hidden\\_injustice.pdf](http://www.equityproject.org/pdfs/hidden_injustice.pdf)*

#### **IV. PROCEDURES:**

##### **A. Training**

All YSC staff will be trained on the requirements of the YSC Non-Discriminatory Treatment of LGBT Youth Policy, and training on working with LGBT youth will be mandatory. Training will teach participants: 1) the goals and requirements of the facility's Nondiscrimination Policy and Practice Guidelines Regarding LBGT Youth; 2) how to work with LGBT youth in a respectful and nondiscriminatory manner; and 3) how to recognize, prevent, and respond to harassment against LGBT youth.

All YSC staff will receive training regarding LGBT youth during their orientation and as part of their continuing education requirements. These trainings will be taught by a qualified trainer or group of trainers with expertise in working with LGBT youth and will cover best practices on how better to serve transgender youth. Given that LGBT youth are at high risk for significant distress and self-destructive behaviors due to high rates of depression, anxiety, substance use, and suicidal behavior, training for YSC staff will include information about suicide prevention

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for this vulnerable population. Additionally, all staff and providers will receive a copy of this policy.

#### **B. Youth Rights and Responsibilities/Grievances**

Upon admission to YSC, all youth are provided with a copy of their rights and the process for filing a grievance. Each youth shall receive a copy of the YSC Non-Discriminatory Treatment of LGBT Youth Policy, which shall also be discussed with the youth. Additional copies of this policy shall also be provided to youth when requested.

Youth will follow the grievance procedures (YSC Policy # 16.4) in filing a complaint and reporting to YSC supervisors any actions taken against them by other residents or staff because of their complaint. Youth with grievances regarding harassment, discrimination, or differential treatment due to sexual orientation or gender identity should follow the YSC grievance procedures (YSC Policy # 16.4).

#### **C. Staff Responsibilities**

YSC staff will promptly and appropriately intervene when a youth physically, verbally, or sexually abuses or harasses another youth based on the youth's actual or perceived sexual orientation or gender identity and adhere to the YSC's Rules and Discipline Policy (Policy # 17) when necessary.

All YSC agents, staff and contractors shall be required to report all incidents in violation of this policy in accordance with YSC procedures. Failure to report an incident may result in discipline or other consequences. YSC agents, staff and contractors also have an obligation to report conduct by other employees and contractors that may be in violation of this policy to the other individual's supervisor and the YSC administration.

No YSC staff shall retaliate against any person, including but not limited to any employee or YSC youth, in whole or in part because he or she made a report against them for a violation of the YSC Non-Discriminatory Treatment of LGBT Youth Policy.

If YSC agents or staff engage in behavior that is in violation of this policy, DHS will act in accordance with the Departmental Disciplinary Code outlined in the Disciplinary Procedure (CSR 17.01 and Collective Bargaining Agreements).