



**OFFICE OF REFUGEE RESETTLEMENT
PREVENTION OF SEXUAL ABUSE
COMPLIANCE AUDIT TOOL**

**ICF INTERVIEW GUIDE
FOR
A RANDOM SAMPLE OF STAFF**

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13) STATEMENT OF PUBLIC BURDEN: The purpose of this information collection is to interview and document responses from care provider staff during site visits. PSA audits are required in the Interim Final Rule on Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Children (45 CFR Part L). Public reporting burden for this collection of information is estimated to average 1 hour per response for the care provider and 1 hour per response for the contractor performing the audit, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. This is a mandatory collection of information (Homeland Security Act, 6 U.S.C. 279). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995, unless it displays a currently valid OMB control number. If you have any comments on this collection of information please contact UCPolicy@acf.hhs.gov.

Interview Details

Facility Name: _____

Name of person interviewed: _____

Title of person interviewed: _____

Date of interview: _____

Interviewer: _____

GUIDELINES FOR AUDITORS: INTERVIEWS WITH RANDOM SAMPLE OF STAFF

Selecting staff for interviews:

During the onsite visit, the auditor must interview a **minimum** of five care provider staff who have contact with unaccompanied children (UC). As part of the pre-audit questionnaire, the auditor must request a list of staff sorted by assignment (e.g., youth case worker) and by shift. The auditor must select at random one line staff from different assignments or work locations, and request that those selected be brought for an interview during the onsite visit. The goal is to conduct interviews with representative staff working across a range of disciplines (e.g., youth care worker, program administration, clinical services, etc.).

Interviews must be conducted in a setting where staff will feel free to talk without being overheard by other staff.

At large care provider facilities or those with many different housing units, the auditor may choose to interview more than five staff members to develop a more comprehensive assessment. The decision regarding the total number of staff members to interview should take into consideration the time available for interviews of both unaccompanied children and staff during the visit.

Informing staff of the compliance audit's purpose and the reason for their requested participation:

Prior to interviewing each member of staff, the auditor should communicate the following:

“Thank you for meeting with me. My name is [NAME]. I work with ICF, which has a contract with the Office of Refugee Resettlement (ORR) to assess whether this care provider is in compliance with standards that have been established by the federal government to prevent sexual abuse and sexual harassment. I have been certified by ORR to conduct this assessment. I selected your name at random from a list of all staff and would like to ask you some questions about the care provider’s policies and practices. I am interviewing other staff members at this facility. Your participation is voluntary, and you may choose not to answer any or all of the questions.”

“As a matter of professional conduct, I will do my very best to protect the confidentiality of the information that you provide to me. Under no circumstances can I be required to turn over my interview notes to the care provider if they ask me for them. As I conduct my interviews, I will not be discussing what you tell me with any facility staff. However, you should be aware that I will provide this information to ORR.”

“You should also know that for the final report that I will give to the care provider at the end of this compliance audit, I am prohibited from including any personally identifying information of yours. If you experience any negative consequences for talking with me, such as retaliation or threatened retaliation, please do not hesitate to contact me. I can be reached at **[THIS SHOULD BE THE SAME CONTACT INFORMATION PROVIDED IN ADVANCE OF THE COMPLIANCE AUDIT VISIT THAT SOLICITS UC COMMENTS].**”

“Do you have any questions? Do I have your permission to ask you some questions?” IF YES TO PERMISSION, GO TO QUESTION 1.

Keep in mind you want to ask the questions in your own style and cadence. These questions are NOT intended to be asked verbatim. You will want to ask questions that help establish rapport while obtaining the necessary information for the audit. The questions below are provided to you as a guideline and represent the various types of information needed for the audit.

1. What topics have you been trained on and what was discussed in those trainings?

(Per Interim Final Rules, or IFR, and policy they should have received training on the topics noted below. Probe about when training/refresher was last received.) (§411.31(a))?

- a. ORR and the care provider facility's zero tolerance policies for all forms of sexual abuse, sexual harassment, and inappropriate sexual behavior.
- b. The right of unaccompanied children and staff to be free from sexual abuse, sexual harassment, and inappropriate sexual behavior.
- c. Definitions and examples of sexual abuse and sexual harassment.
- d. Situations where sexual abuse, sexual harassment, and inappropriate sexual behavior may occur.
- e. Physical, behavioral, and emotional signs of sexual abuse, and methods of preventing and responding to sexual abuse.
- f. How to avoid inappropriate relationships with unaccompanied children.
- g. How to communicate effectively and professionally with unaccompanied children, including unaccompanied children who are LGBTIQ+.
- h. How to report sexual abuse, sexual harassment, or inappropriate behavior as well as how to comply with relevant laws related to mandatory reporting.
- i. How to keep information related to reports of sexual abuse, sexual harassment, and inappropriate sexual behavior confidential.
- j. How to understand and discuss sexual behavior with children and youth from different cultures.
- k. Trauma that unaccompanied children may have experienced.
- l. Existing resources outside and inside the facility for children and youth that can help a victim of sexual abuse or sexual harassment.
- m. How to understand the culture and age of unaccompanied children.

2. What are the procedures for conducting pat-down searches, including cross-gender pat-down searches? (§411.14(f)) Are you permitted to conduct cross-gender pat-down searches or pat-down searches alone? (§411.14)
 - a. Can you provide an example of a circumstance that would warrant such a search?
 - i. *(If they answer correctly, then interviewer can follow up with question 3.)*
3. What are the procedures for pat-down searches of transgender and intersex minors? (§411.14(f))
4. What are staff required to do if they have any knowledge, suspicion of, or information regarding an incident of sexual abuse or harassment? (§411.61(a))
5. What are staff supposed to do if they know that a UC or another staff member is being retaliated against for reporting an incident? (§411.61(a))
6. How can minors report sexual abuse or sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, or staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment? (§411.51(a))
7. How can children and youth report sexual abuse and sexual harassment to an entity or person who is not part of the care provider? (§411.51(b))

8. Where are the pre-programmed phones located? (§411.51(a))
 - a. Can you describe when a minor may use these phones and for what purpose?

9. When a minor alleges sexual abuse or sexual harassment, what are their options for reporting? (§411.51(c))
 - a. *(Auditor should be listening for verbally, in writing, anonymously and through third parties.)* (§411.51(c))

 - b. Do you document verbal reports? (§411.51(c))
 - i. If YES, how long, ordinarily, after a UC makes a verbal report do you document it? (§411.51)

10. Do you know if there is a process for UC to report a grievance if they have one, and what is the process? (§411.52)

11. Can a minor obtain assistance in preparing a grievance? Who can provide assistance? (§411.52(d))

12. If you are the first person alerted that a child has allegedly been the victim of sexual abuse or harassment, what is your responsibility in that situation?
 - a. Can you describe how you report this information? *(Probe: To whom would you report the alleged sexual abuse or sexual harassment? Is there anyone with whom you would not share the information?)* (§411.61)

- b. *(Probe: See if any of these actions are included.)* (§411.64)
 - i. Separating the alleged victim, abuser, and any witnesses
 - ii. Preserving and protecting any crime scene until the appropriate authorities can take steps to collect any evidence
 - iii. Requesting that the alleged victim, alleged perpetrator, and any witnesses not take any actions that could destroy physical evidence (such as washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating), if the abuse occurred within a time frame that allows for the collection of physical evidence

13. What staffing ratio is required during waking and sleeping hours?

(Note to auditor: This question is not conclusive of non-compliance if the staff member does not provide direct supervision to unaccompanied children.) (§411.13)

14. How does the program take steps to ensure that children and youth with disabilities or who are limited English/Spanish proficient have an equal opportunity to participate in efforts to prevent sexual abuse (e.g., providing accessible documents and orientation)? (§411.15)

15. Does the care provider provide access to in-person, telephonic, or video interpretative services to assist UC with disabilities or youth who are limited English proficient when making an allegation of sexual abuse or sexual harassment? (§411.15)

16. If you learn a child is at risk of imminent sexual abuse or sexual harassment, what actions do you take to protect the child?

(Note to auditor: The standard requires immediate action but does not describe precise actions that must be taken. The purpose of this question is to understand the care provider's process and is not conclusive of compliance.) (§411.62)

17. Are staff permitted to view minors when showering, performing bodily functions, and changing clothes? (§411.14(d))

a. Are there any exceptions this rule? (§411.14(d))

18. Are you aware of the policy prohibiting staff from searching or physically examining a minor in care for the sole purpose of determining that minor's sex? (§411.14(e))

19. What is the reporting requirement if you're involved in off-duty misconduct? (§411.16(b))