

PREA Reporting Policy

Resident Reporting (§115.351):

(a) LSS shall provide multiple internal ways for residents to privately report sexual abuse and sexual

harassment, retaliation by other residents or staff for reporting, and staff neglect or violations that contributed to such incidents.

These methods must be accessible at all times and allow for private and confidential communication.

(b) LSS shall also provide at least one way for residents to report abuse or harassment to an entity that is

not part of the agency and is able to immediately forward reports to agency officials while allowing the resident to remain anonymous upon request.

(c) Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly

document all verbal reports. Staff are prohibited from discouraging any resident from reporting.

(d) The facility shall provide residents with access to tools necessary to make written reports. The methods must

be explained to residents at intake and routinely thereafter.

(e) LSS shall provide a confidential method for staff to privately report sexual abuse and harassment of residents,

as required by §115.361.

Exhaustion of Administrative Remedies (§115.352):

(a) There is no time limit on when a resident may file a grievance related to sexual abuse. Grievances that do not

involve sexual abuse may follow applicable time limits.

(b) Residents are not required to use informal grievance processes or attempt resolution with staff for incidents

involving sexual abuse.

- (c) A resident may submit a grievance without involving a staff member who is the subject of the complaint, and such grievances shall not be referred to that individual.
- (d) A final agency decision will be issued within 30 days. If more time is needed, one extension of up to 60 additional days may be granted, with written notice provided to the resident that includes a specific decision date.
- (e) Third parties—including family, legal representatives, advocates, or other residents—may assist or file grievances on behalf of a resident. If requested by the resident, LSS will treat the third-party grievance as official.
- (f) Emergency grievances can be filed with any on-duty or on-call personnel at any time. An initial response must be provided within 48 hours and a final decision within 5 calendar days. The facility shall determine whether the resident is in imminent danger and take immediate protective action.
- (g) Allegations made in good faith shall not result in disciplinary consequences. Allegations determined to have been made in bad faith will be reviewed for appropriate disciplinary action.

How Do You Report?

Residents may report incidents of sexual abuse, sexual harassment, or retaliation through any of the following means. All information will be kept confidential and shared only with individuals who need to know to respond appropriately.

- Report directly to a Supervisor, Program Director, or other trusted staff member.
- Call or write to Child Protection Services at 1-877-244-0864.
- Contact the Agency PREA Coordinator in person, via voicemail, or by email.
- File a grievance in writing or verbally, including anonymously.
- Report to an outside advocacy or support agency, such as Disability Rights South Dakota.
- Submit emergency grievances at any time if in immediate danger of sexual abuse.

Outside Confidential Support Services (§115.353):

Disability Rights South Dakota is available to provide advocacy and support to residents with disabilities. Communication with advocacy organizations may be monitored as necessary for safety, and residents will be informed of any limits to confidentiality.

South Dakota Advocacy Services

221 South Central, Pierre, SD 57501

Phone: 1-800-658-4782

ZERO TOLERANCE (§115.311):

LSS enforces a strict zero tolerance policy for all forms of sexual abuse, sexual harassment, and retaliation. All allegations will be promptly and thoroughly investigated. Perpetrators—including staff, contractors, and residents—will be held accountable through disciplinary, administrative, and criminal sanctions as appropriate.

If you feel unsure, uncomfortable, or believe something isn't right — REPORT.

Even a suspicion or gut feeling should be reported.

No means NO. Yes is NOT allowed. Report every time.

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