

Sexual activity: Physical contact between two or more persons of the same or opposite sex for the purpose of arousal or gratification. Such contact includes the following: active or passive contact or fondling of genitals, hands, mouth, buttocks, anus, or breast of another person who expresses or implies consent to the accused offender's conduct. In a custodial setting, any youth-on-youth sexual activity shall not be considered consensual and will constitute sexual abuse for the purposes of investigating.

Sexual assault: Sexual physical contact by threat, force, violence, or without the other person's expressed or implied consent, or other person is unconscious or otherwise physically incapable of resisting.

Sexual harassment: Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or youth directed toward another; and/or repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or youth by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Sexual misconduct: As it relates to employees, any sexual behavior by a departmental employee directed toward a youth. The legal concept of "consent" does not exist between departmental employees and offenders; any sexual behavior between them constitutes sexual misconduct and shall subject the employee to disciplinary action and/or prosecution under the law.

Staff, Employee, or Juvenile Institution staff: Any employee of the Yuba County Probation Department, Yuba County Office of Education, Behavioral Health personnel, Clinic/Medical personnel; to also include volunteers, and other independent contractors working within a Yuba County Juvenile Institution.

Substantiated allegation: an allegation which was investigated and determined to have occurred.

Unfounded allegation: means an allegation which was investigated and determined not to have occurred.

Unsubstantiated allegation: an allegation which was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Youth: An individual who resides in any Yuba County Juvenile Institutions and is cared for by Yuba County Probation Department employees.