



**OREGON YOUTH AUTHORITY**  
**Policy Statement**  
**Part I – Administrative Services**



*Subject:*

**Meeting LGBTQ+ Youth Needs**

*Section – Policy Number:*

**A: General Administration – 10.1**

*Supersedes:*

**I-A-10.1 (10/21)**  
**I-A-10.1 (7/18)**

*Effective Date:*

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*Date of Last Review/Revision:*  
**None**

**Related Standards and References:**

- [28 CFR Part 115](#) National Standards to Prevent, Detect, and Respond to Prison Rape Under PREA
- [OAR 416-435](#) OYA Transgender, Gender Diverse, Gender Fluid, and Intersex Youth
- DAS Policy [50.010.03](#): Maintaining a Professional Workplace
- [OYA policy](#): I-A-10.0 Preventing, Detecting, and Responding to Youth Sexual Abuse and Sexual Harassment
- II-A-2.0 Searches of Youth and Youth Property in Facilities
- III-A-4.0 Searches of Youth and Areas; Processing Contraband in Community Placements
- II-D-1.0 Facility Health Services
- II-D-1.1 Therapeutic Levels of Physical Health Care in OYA Facilities
- II-E-8.0 Youth Dress Standards in OYA Facilities
- III-B-4.0 Youth Rights and Grievances in the Community
- OYA form: [YA 1504](#) Sexual Orientation, Gender Identity and Expression Committee Request
- [JJIS policy](#): V-A-1 Youth Name/Legal Name
- [Attachment A](#): Acceptable Personal Items for Transgender, Gender Diverse, Gender Fluid and Intersex Youth
- [Attachment B](#): Additional Terminology Related to Sexual Orientation and Gender Identity
- [Oregon LGBTQ+ Resources](#)

**Related Procedures:**

- None

**Policy Owner:**

Office of Inclusion and Intercultural Relations Director

**Approved:**

  
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 Joseph O'Leary, Director

**I. PURPOSE:**

This policy establishes standards for OYA staff to follow when responding to LGBTQ+ youth needs.

## II. POLICY DEFINITIONS:

See [Attachment B](#) for additional terminology related to sexual orientation and gender identity. The definitions below are used in this policy.

**Bisexual:** A person who is romantically or sexually attracted to more than one gender .

**Discrimination:** Any act, policy or practice that penalizes or disadvantages youth or subjects them to harassment based on actual or perceived race, ethnicity, religious belief, national origin, sex, physical or mental disability, sexual orientation, gender identity, gender expression, or intersex status.

**Exigent circumstances:** Any set of temporary or unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility, community program, or the community.

**Gay:** The adjective used to describe people whose enduring physical, romantic, and emotional attractions are to people of the same sex (e.g., gay man, gay people). Sometimes lesbian (n. or adj.) is the chosen term for women.

**Gender/Gender identity:** One's innermost concept of self as male, female, intersex, a blend or none. How individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.

**Gender affirming:** An interpersonal, interactive process by which a person receives social recognition and support for their gender identity and expression.

**Gender diverse:** A person's physical appearance and characteristics or behaviors that are different than those stereotypically associated with the person's assigned sex at birth or dominant societal gender expectations typically associated with masculine and feminine traits.

**Gender expression:** The manner in which a person expresses their gender through clothing, appearance, behavior speech, etc. Gender expression is distinct from sexual orientation, gender identity, and designated sex at birth.

**Gender fluid:** An adjective used to describe a person whose gender identity is not fixed; of or relating to a person having or expressing a fluid or unfixed gender identity.

**Informed consent:** Specifically related to medical and mental health treatment, the agreement by a patient (age 14 and over for mental health treatment, and age 15 and over for medical treatment) to treatment, examination or procedure after the patient receives facts regarding the nature, consequences, and risks of the proposed treatment, examination or procedure. Informed consent requires that the person giving the consent understand the facts, implications, and potential consequences of an action.

**Intersex:** A person whose sexual or reproductive anatomy, chromosomal pattern or hormonal presentation does not fit typical definitions of male or female.

**Lesbian:** A woman whose enduring physical, romantic, or emotional attraction is to other women. Some lesbians may prefer to identify as gay (adj.) or as gay women.

**LGBTQ+:** People who have identified themselves as lesbian, gay, bisexual, transgender, queer, questioning, gender diverse, gender fluid, intersex, or something else.

**Queer:** An adjective used by people whose sexual orientation is not exclusively heterosexual (e.g., queer person, queer man). For those who identify as queer, the terms lesbian, gay, and bisexual are perceived to be too limiting or they feel those terms/words don't apply to them. People may use queer to describe their gender identity, gender expression, and sexual orientation.

**Questioning:** An active process in which a person explores their own sexual orientation or gender identity.

**Sex:** Assigned at birth, a biological construct that is based primarily on physical attributes such as chromosomes, external and internal genital, reproductive anatomy, and hormones. \*Note: The distinction between gender and sex is different.

**Sexual orientation:** A person's enduring feelings of attraction (emotional, physical, psychological, or sexual) toward other people.

**SOGIE:** An acronym that stands for sexual orientation, gender identity and gender expression.

**Transgender:** A person whose gender identity is different from the person's assigned sex at birth.

### III. **POLICY:**

OYA provides an inclusive, safe and positive human development environment for all youth in its custody, including youth who identify as lesbian, gay, bisexual, transgender, queer, questioning, intersex, gender fluid or gender diverse (LGBTQ+). OYA promotes environments that provide physical and emotional safety, and effective culturally competent services, education and programs to all youth regardless of their actual or perceived sexual orientation, gender identity, or gender expression (SOGIE). While we are using LGBTQ+, there are a variety of acronyms in use. The intention is to be inclusive of all youth, and that the choice of a particular descriptor should not be construed to suggest that this policy does not include any individual youth.

All OYA staff, direct service contractors, volunteers and interns must strive to cause no harm and endeavor to ensure that youth are protected from discrimination, harassment, and verbal, physical, and sexual abuse by other youth or adults, regardless of SOGIE or intersex status.

OYA collaborates with its youth, their families, and community members to create opportunities for emotional growth and community awareness. OYA supports and fosters an environment where LGBTQ+ youth may develop and explore their self-identities by offering access to the following:

1. Health and wellness information;
2. Gender affirming clothes and hygiene products;
3. Cultural events;
4. Youth development activities;
5. The right to file grievances; and
6. The right to call the OYA Professional Standards Office if they believe a right has been violated or to report abuse.

Any exception to access to these resources (e.g., certain undergarments not approved due to treatment issues; participation in events not approved due to assaultive behavior) must be clearly articulated in a clinical treatment plan developed by a qualified mental health professional, psychologist or medical doctor.

#### **IV. GENERAL STANDARDS:**

- A. Training for OYA staff, direct service contractors, and volunteers
  1. OYA must provide training to all staff, direct service contractors, and volunteers to complete regarding LGBTQ+ issues to raise awareness and capacity to respond to LGBTQ+ youth needs in all OYA locations.
  2. Training must be provided and completed -
    - a) During new employee training;
    - b) During each volunteer training;
    - c) During training for direct service contractors; and
    - d) When determined necessary by OYA.
  3. The training must include:
    - a) How to work with LGBTQ+ youth in a positive, inclusive and supportive manner;
    - b) What behavior constitutes discrimination and harassment;
    - c) Responsibility for preventing, addressing and reporting discrimination and harassment; and
    - d) Ways adults are expected to support positive adolescent development - including modeling desired behavior; demonstrating respect for all colleagues and residents; reinforcing respect for differences; encouraging healthy self-esteem; and helping to manage the stigma sometimes associated with difference.
  4. Health Services and mental health staff who are involved in intake to OYA facilities must also be trained in appropriate initial

assessment of LGBTQ+ youth, and providing on-going support for mental health and other issues for LGBTQ+ youth.

5. All OYA staff, direct service contractors, interns and volunteers must receive a copy of this policy with their orientation materials and must acknowledge receipt and understanding of this policy by way of their signature and the date of receipt.
6. Training materials must be developed in conjunction with LGBTQ+ subject matter experts who have lived experience.
7. Whenever possible, the team delivering the training will include at least one person with LGBTQ+ lived experience, and others must have completed training with subject matter experts.

- B. Staff, direct service contractors, interns and volunteers must report any alleged discriminatory or harassing behavior by another staff member, direct service contractor, intern, volunteer or youth against a youth that may be in violation of this policy, or OYA policy I-A-10.0 Preventing, Detecting, and Responding to Youth Sexual Abuse and Sexual Harassment.

Staff must notify youth who are experiencing discrimination or harassment based on SOGIE that they may file a grievance or call the OYA Professional Standards Office Reporting Line as described in OYA policy II-F-1.1 Youth Grievance Process, or III-B-4.0 Youth Rights and Grievances in the Community.

- C. Intake and screening

Staff must attempt to create an environment that is safe and welcoming for all youth.

1. Designated staff must provide the opportunity for youth to identify as LGBTQ+ during the intake process described in OYA policy I-A-10.0 Preventing, Detecting, Responding to Youth Sexual Abuse and Sexual Harassment.
2. If a youth discloses an LGBTQ+ status, at intake or at any time while a youth is in a facility, staff must inform youth of the LGBTQ+ services coordinator position and how to request contact with them.

Staff must ask the youth to what extent they want to share their status information and with whom. Staff must also inform the youth that in order to provide certain resources or services, the youth's status as LGBTQ+ may be shared with certain staff or providers as needed, and with their consent. For example, if a youth requests preferred gender searches, that request can only be facilitated if the youth is willing to have their gender identity shared with staff. The youth's response must be documented in a JJIS restricted case note.

3. Staff disclosure of information related to a youth's LGBTQ+ status must be limited to information necessary to achieve a specific purpose, such as requests for social or medical resources.
4. Staff must ask and use a transgender, intersex, gender diverse or gender fluid youth's pronouns and chosen name when referring to the youth throughout the intake process and at any time during the youth's commitment to OYA custody.
5. Staff must ask the youth whether the youth prefers staff who identify as male or female conduct the youth's required frisk searches.

In close-custody facilities, staff must ask the youth whether they prefer staff who identify as male or female conduct the youth's visual searches; and may ask the youth their preference regarding supervision of showering and toileting, if necessary.

6. Housing and placement decisions are made on a case-by-case basis based on a youth's health and safety, and if the placement would present management or security problems.

The OYA Sexual Orientation, Gender Identity and Expression Committee (SOGIEC) may recommend placing a youth who identifies as transgender, gender diverse, gender fluid or intersex in a location consistent with the youth's stated gender identity. The SOGIEC will evaluate the youth's need and safety, and consider the youth's input, to determine whether a gender-affirming placement is reasonable and possible.

7. Staff must offer all youth a copy of this policy, with an explanation of their rights, supports, and resources.

D. OYA Sexual Orientation, Gender Identity and Expression Committee (SOGIEC)

1. The SOGIEC makes policy, training and service recommendations to support the needs of youth whose identities include diverse sexual orientations, gender identities and gender expression in close-custody facilities and community placements. The SOGIEC reviews and makes decisions or recommendations on the appropriate placement and support of LGBTQ+ youth upon intake to a close-custody facility, and in response to LGBTQ+ youth requests for services. The SOGIEC may also give recommendations to Community Services staff regarding OYA community LGBTQ+ youth needs upon request.
2. The SOGIEC must have a charter approved by the OYA executive team.
3. SOGIEC members must complete LGBTQ+ awareness training.

4. Form YA 1504 OYA SOGIEC Request

Staff must inform youth to request preferred gender searches, mental health or physical health specific resources or needs (e.g., hormone therapy) on a YA 1504 form.

E. Youth placement and housing

Housing and placement decisions are made on a case-by-case basis based on a youth's health and safety, and if the placement would present management or security problems.

1. Specialized placement

The SOGIEC may recommend placing a youth in a location consistent with the youth's stated gender identity. The SOGIEC will evaluate the youth's need and safety, and consider the youth's input, to determine whether a gender-affirming placement is reasonable and possible.

2. For transgender, intersex, gender diverse and gender fluid youth returning to close custody due to a parole violation, the youth's JPPO and field supervisor along with Community Services, Facility Services and Development Services administration will review youth needs and safety prior to the youth's revocation whenever possible to determine whether a gender-affirming placement for intake is reasonable and possible.

3. The OYA PREA coordinator must reassess transgender and intersex youth close-custody placements at least twice a year to review any threats to safety experienced by the youth. The reassessments must be documented and retained by the PREA coordinator.

4. Sleep quarters in OYA close-custody facilities

a) Staff must not require youth to sleep in individual quarters or be placed in specific housing based solely on their sexual orientation, gender identity, gender expression or intersex status.

b) Staff may only require a youth to sleep in individual quarters when there is a perceived or actual threat of safety to the individual youth or the other youth on the living unit if they sleep in the same quarters. If the requirement is due to perceived or actual threat to other youth, it must not be based solely on sexual orientation or gender identity. The youth may be placed on a sleep program, in compliance with policy II-B-1.2 Use of Time-out, Room-lock Other, Isolation, and Safety Programs.

- c) Staff may allow a youth who reports feeling safer sleeping in an individual room to do so when a room is available for such purpose. If an individual sleeping room is not available, staff must discuss alternative safety planning with the youth. The youth may be placed on a sleep program, in compliance with policy II-B-1.2 Use of Time-out, Room-lock Other, Isolation, and Safety Programs.

5. Community placements

Staff must review whether or not a community resource supports LGBTQ+ youth needs before a referral is made to that specific community resource for such youth and make every effort to address youth support needs through placement, outpatient and other services.

F. Medical and mental health services

1. Youth in OYA close-custody facilities

- a) Health Services staff must provide appropriate medical information and health services for all youth inclusive of LGBTQ+ and gender affirming issues. (See policies II-D-1.0 Facility Health Services, and II-D-1.1 Therapeutic Levels of Physical Health Care in OYA Facilities.)
- b) Qualified mental health professionals (QMHP) must offer appropriate counseling and information to LGBTQ+ youth related to the youth's identity, gender expression, sexual orientation, or intersex condition, if needed or requested.

2. JPPOs must ensure transgender youth who receive Oregon Health Plan benefits are aware of the plan's guidelines for gender affirming treatment. JPPOs will also collaborate with the substitute care providers of these youth to ensure the providers are aware of OHP guidelines.

<https://www.oregon.gov/oha/HSD/OHP/Announcements/Gender-Affirming-Care1223.pdf>

G. Language and name

1. A youth's primary case manager must note a transgender, gender fluid, gender diverse or intersex youth's pronouns and chosen name in the youth's JJIS "Youth Info" tab, in the "Notes" field (e.g., Chosen Name: Angela. Pronouns: her, she, ze, zim, they, them).

Staff must also note youth's preferred settings for usage of pronouns and chosen name (e.g., comfortable with use in all settings; do not use in correctional facilities; not comfortable with use with family).

2. Staff must use a transgender, gender fluid, gender diverse or intersex youth's pronouns and chosen name when referring to the youth, except as indicated in #3 below.
3. Staff must use the youth's legal name for all written records including court documents, medical records, clinical or other service referrals, demographical JJIS entries, and when requested by the youth. Where possible, a youth's chosen name will also be noted on the record (e.g., case notes, unit log).

If a youth legally changes their name or gender while in OYA custody, staff must contact the JJIS Service Desk to make changes in JJIS (See JJIS policy [V-A-1 Youth Name/Legal Name](#)). Once the change is made in JJIS by the Service Desk, staff will use the new legal name on the above-listed documents (not retroactively).

#### H. Clothing, grooming, and personal items

1. In OYA facilities, staff must respond to requests by transgender, intersex, gender diverse, and gender fluid youth for clothing, undergarments, grooming items, and other personal items that are consistent with the youth's gender identity. Items listed in Attachment A: Acceptable Personal Items for Transgender, Gender Diverse, Gender Fluid and Intersex Youth may be approved without SOGIEC consultation.
2. In community placements, OYA staff must collaborate with community placement staff when responding to requests by transgender, intersex, gender diverse and gender fluid youth for clothing, undergarments, grooming items, and other personal items that are consistent with the youth's gender identity.
3. Each request must consider the youth's individual circumstances, including but not limited to the youth's gender identity, gender expression, culture, treatment, safety, mental health, and medical needs and diagnosis.
4. Each request must also consider the safety and security of the facility or community placement, staff, and other youth.
5. Approval or denial of clothing, grooming, or personal items must not be used as a consequence or reward.
6. After approval, youth requests must be addressed as soon as possible.
7. Any clothing, make-up, grooming items, shaving, or other personal items provided to youth in OYA facilities following approval of such a request must be consistent with:
  - a) OYA rules and policies pertaining to use of such items; and

- b) The youth's case plan.
- 8. Staff must not prevent or discipline a youth for a form of personal grooming that does not match stereotypical binary gender norms.
- 9. In order to ensure youth's needs are met, staff must notify the LGBTQ+ services coordinator by email of all youth SOGIE requests, and whether the requests were approved or denied.
- 10. Staff must provide a specific reason if a youth's request for clothing, grooming or personal items is denied. The reason for denial must have a specific, documented, credible basis and must not be solely based on sexual orientation or gender identity.
  - a) The denial must be reviewed by a qualified mental health professional and a Treatment Services supervisor before the youth is notified.
  - b) Upon denying the request, staff must inform the youth that they may make a second request by completing and submitting a YA 1504 form to the SOGIEC.

Staff must assist the youth by offering to e-mail the completed YA 1504 to the SOGIEC, or mailing it to the SOGIEC at:  
530 Center St. NE, Ste 500; Salem, OR 97301.

- 11. The LGBTQ+ services coordinator must notify the youth of the SOGIEC's approval or denial of the request as soon as possible, not to exceed 30 days, except in extraordinary circumstances.

I. Bathrooms and showers in OYA close-custody facilities

- 1. Staff must provide transgender, gender fluid, gender diverse and intersex youth the opportunity to shower and dress/undress separately from other youth. If multiple transgender, gender fluid, gender diverse or intersex youth reside on the same living unit, staff may offer the option of those youth showering together, separate from the general population.
- 2. Staff must not require LGBTQ+ youth to shower separately, dress/undress separately, or use different bathrooms based solely on actual or perceived gender identity or sexual orientation.

Staff may only require a youth to shower separately from other youth when there is a perceived or actual threat to the individual youth's safety, or to the safety of other youth, if they shower together. If the requirement is due to perceived or actual threat to other youth, it must not be based solely on sexual orientation or gender identity.

3. If an LGBTQ+ youth reports safety concerns with using bathrooms or showers designated for all youth use, staff must discuss safety planning with the youth. Any safety-based action must have a specific, documented, credible basis and must not be solely based on a sexual orientation or gender identity reason.
- J. Searches and supervision of transgender, intersex, gender diverse or gender fluid youth
1. Upon a transgender, intersex, gender diverse or gender fluid youth's initial commitment to OYA, designated staff must ask the youth whether the youth prefers staff that identify as male or female conduct the youth's required physical and visual searches; and may ask the youth their preference regarding supervision of showering and toileting, if necessary.
  2. If the preferred staff gender identity is not the same as the youth, staff must ensure the youth documents the request by completing a YA 1504 form.
    - a) A manager from the facility or field supervisor, the LGBTQ+ services coordinator, and the Development Services assistant director must review the request for approval or denial within two hours of receiving the request, when possible. The decision is based on a review of intake information and youth history. Denial must be based on a specific, documented and credible basis. First-time disclosure of transgender, intersex, gender diverse, or gender fluid status is not grounds for automatic denial.
    - b) The SOGIEC must also review and approve or deny the youth's preference. An expedited SOGIEC review may be requested by e-mail or by phone. Until the SOGIEC has finished its review, staff must follow the manager and Development Services assistant director's decision. The SOGIEC may reverse a decision made by the initial review.
  3. Staff must accommodate the youth's stated preference, except if the initial decision or subsequent SOGIEC decision has denied the request, or during exigent circumstances.
  4. If a youth who did not identify as transgender, intersex, gender diverse or gender fluid upon OYA commitment or during initial intake into an OYA close-custody facility later identifies as transgender, intersex, gender diverse or gender fluid, staff must ask the youth whether the youth prefers staff that identify as male or female conduct the youth's required physical and visual searches; and may ask the youth their preference regarding supervision of showering and toileting, if necessary.

- a) If the preferred staff gender identity is not the same as the youth, staff must ensure the youth documents the request by completing a YA 1504 form.
  - b) The SOGIEC must review the YA 1504 form and approve or deny the youth's request. An expedited SOGIEC review may be requested by e-mail or by phone.
  - c) Until the SOGIEC has finished its review, staff who identify as the same sex as the youth's biological sex will search the youth.
5. Staff must document the youth's approved request in JJIS "Alert" as "Search – Requires Female/Male (one is selected) staff," for future reference.
  6. Staff who are trained in searching youth must perform the search according to policy II-A-2.0 Searches of Youth and Youth Property in Facilities, or III-A-4.0 Searches of Youth and Areas; Processing Contraband in Community Placements.
  7. Facility staff must document preferred searches in JJIS Unit Logs.
  8. If a preferred gender staff member is not available or able to perform the search, staff must document that fact in a JJIS Unit Log (OYA facilities) or JJIS case note (community). This includes searches during exigent circumstances or if a youth's preferred gender search request was initially denied but has not yet been reviewed by SOGIEC.
  9. Transgender, intersex, gender diverse or gender fluid youth who have been approved for preferred gender searches and supervision may request to change their preference by completing a YA 1504 form.
    - a) An ad hoc SOGIEC meeting, including representatives from the youth's treatment team, must review the request for approval or denial within two business days of receiving the request.
    - b) Staff must document the SOGIEC's decision in JJIS "Alert" as "Search – Requires Female/Male (one is selected) staff," for future reference.

K. Substance use urinalysis testing

1. Staff must ask a transgender, intersex, gender diverse or gender fluid youth whether the youth prefers staff that identify as male or female to conduct the youth's urine collection process when a urine sample is required for substance use testing.

If the preferred gender staff is not the same as the youth, staff must ensure the youth documents the request by completing a YA 1504 form.

2. The SOGIEC must review the YA 1504 form and approve or deny the youth's request. An expedited SOGIEC review may be requested by e-mail or by phone.
3. Staff must document the youth's approved request in JJIS "Alert" as "Search – Requires Female/Male (one is selected) staff," for future reference.
4. Staff must accommodate the youth's stated preference, except during exigent circumstances, when a preferred gender staff is not available, or the SOGIEC has denied the request.
5. In exigent circumstances or when a preferred gender staff is not available, staff must use an oral swab substance use test.

**V. LOCAL OPERATING PROTOCOL REQUIRED: NO**

Transgender, intersex, gender diverse and gender fluid youth may possess items necessary to present their gender identity consistent with safety and security procedures. The below-listed items have been approved for these youth:

1. Underclothes of the youth's identified gender (e.g., sports bra, boxers);
2. Outer clothes of the youth's identified gender (e.g., pants, shirts);
3. Hygiene items of the youth's identified gender (e.g., deodorant, hair care products and accessories, skin care products, make-up with appropriate privilege level);
4. Chest binders;
5. Gaffs or compression underwear;
6. Breast forms;
7. Packers (e.g., penile prosthesis or other object of phallic shape placed in the crotch of one's clothing to create a bulge); and
8. Stand-to-pee devices.

Terminology related to sexual orientation and gender identity is fluid and changes almost daily. The below-listed definitions adds to those listed in the policy to represent the most current to date, and are periodically reviewed and updated.

**Bias:** To give a settled and often prejudiced outlook to. Implies an unreasoned and unfair distortion of judgment in favor of or against a person or thing.

**Cisgender:** Describes people whose gender identity matches their sex assigned at birth.

**Cisgenderism:** The cultural and systemic ideology that denies, denigrates, or pathologizes self-identified gender identities that do not align with sex assigned at birth. This ideology endorses and perpetuates the belief that cisgender identities and expression are to be valued more than transgender, gender divers, and other gender fluid identities and expressions, creating an inherent system of associated power and privilege. (Duke University Transgender Studies)

**Gender binary:** The inaccurate concept that sex and gender are the same and is categorized into only two distinct forms (i.e., man/woman). Meanwhile, there are many genders and gender identities that exist in the world (e.g., gender expansive, gender fluid, agender, nonbinary, genderqueer).

**Pansexual:** A person who is sexually, romantically, emotionally, physically, or spiritually attracted to all kinds of people, regardless of their gender identity .