

REGION V SERVICES
SOCIALIZATION/SEXUALITY
PROCEDURES MANUAL

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Region V Services would like to thank the members of the Region V Services Socialization/Sexuality Task Force who revised the work of those below into this procedures manual. These members are:

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REGION V SERVICES
PROCEDURES ON SOCIALIZATION/SEXUALITY

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I. SOCIALIZATION/SEXUALITY POLICY

Purpose

Region V Services ensures that each person is afforded rights and that each person shall be encouraged to practice responsible behavior as a citizen of the United States.

Individuals served are given training in responsible social/sexual behavior. Information and training is made available to family members. Region V Services also provides the necessary training to employees to provide guidance to people with developmental disabilities and their families.

The foremost concern of employees of Region V Services focuses on the rights and welfare of the persons they serve.

Region V Services prohibits sexual exploitation of all persons served. Any sexual contact between staff (paid or volunteer) and a person in services shall be prohibited. Employees of Region V Services see themselves as advocates for persons with developmental disabilities by working with other members of the planning team, recognizing dignity of risk, and respecting the identity and sexuality of persons they assist.

Philosophy

We are all sexual beings growing up with individually determined values of family, culture, and community.

We have inborn and basic human needs which include sexuality.

Every person has the right to develop self-identity, self-esteem and self-respect.

Every person has the opportunity to receive individualized socialization/sexuality education, health care, counseling and support, including legal support, to the fullest extent throughout life.

Every person has the opportunity to make choices and to accept responsibility regarding social relationships and sexual expression.

When more than one person is involved in sexual expression, each person has the right to decide whether or not to participate.

Every person has basic human rights, such as privacy, confidentiality, and freedom of association. The practice of these rights is encouraged, protected, and defended so that all persons are free from physical, sexual, and emotional abuse.

II. DEFINITIONS

Confidentiality

Confidentiality is the guarantee that information about a person is made available to others only with the knowledge and consent of the individual and/or his/her legal guardian. Giving out such information is on the basis of the "need to know" principle, by which others receive only as much information as they need in order to serve and help the individual.

Need to Know

Staff, team members and other professionals who are involved in decision-making which affects the welfare of persons served need to know facts pertinent to those decisions. A staff member in direct supervision of a person with a developmental disability needs to know what has occurred with that person relative to the responsibilities of his/her job. Such information is not to be divulged to those who have no such responsibilities. Observation of sexual habits is particularly privileged information and is not to be discussed or inquired about outside of these parameters.

Legal Guardians

A guardian is a person who has legal care of the person and estate of his/her ward pursuant to testamentary or court appointment, but excludes one who is merely a guardian ad litem.

A limited guardian is one who has special or limited powers and duties with respect to his/her ward, e.g., a guardian who has custody of the estate but not of the person, or vice versa.

A guardian ad litem is a special guardian appointed by the court on behalf of an infant or incompetent person. The guardian ad litem is considered an officer of the court to represent the interest of the infant or incompetent in any litigation.

Sexual Abuse (Sexual Exploitation)

Sexual abuse is any action meeting the sexual needs of the person performing the action which occurs as a result of coercion, physical force, or taking advantage of another person's vulnerability and trust.

Sexuality Education/Counseling/Training

Region V Services approved educational opportunities have been designed to help the person develop understanding, acceptance, respect and trust for oneself and others while accepting responsibility for one's actions in personal relationships.

Sexuality education includes training that will help persons served to identify physical, emotional and social growth, maturation, and individual needs. This education may include traditional "counseling" for individuals identified by the interdisciplinary team or as requested by the individual. Individual education will be available for those needing it.

Socially Inappropriate

It is difficult to define "appropriate" behavior, but some general guidelines and examples follow. Some behaviors which are a matter of personal choice and acceptable in private (for example, masturbation, viewing legal pornography, etc.) are not acceptable in public. It is considered socially inappropriate to exhibit one's genitals in public, or to stand nude in front of a window easily viewed by a passerby. Displays of affection (e.g., kissing and petting) are not socially appropriate in some settings. Therefore, sexual expression is judged in terms of appropriateness with regard to the context and feelings of others present, not simply with regard to the particular act itself.

III. LEGAL CONSIDERATIONS

Constitution and Bill of Rights: Fundamental Freedoms

There are several basic freedoms which are protected for all citizens including persons who are developmentally disabled. Many of these rights are found in the Bill of Rights to our Constitution and especially in the First, Eighth, and Fourteenth Amendments. All citizens enjoy the right to:

- ! privacy
- ! free association and speech
- ! equal protection under the Law
- ! marry and raise children

Duties and Responsibilities from Federal and State Laws:

Region V Services is responsible:

- ! to inform persons served of their rights and personal liberties.
For example, each person has the right to communicate, associate and meet privately with others unless such activity infringes upon the rights of others.
- ! to provide privacy, confidentiality and a place where a person served may be alone.
- ! to treat each person served with consideration, respect and recognition of his or her own dignity and individuality.

Nebraska Revised Statute Section 28-319 defines sexual assault as any person who subjects another person to sexual penetration and knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct; or, the person is 19 years old or older and the victim is less than 16 years old.

A sexual assault on a child is defined as an incident in which a person who is 19 years old or older has sexual contact with a victim who is 14 years old or younger.

If there is sexual activity between developmentally disabled persons, it is possible that under certain circumstances, it would be considered sexual assault.

Nebraska Adult Protective Services Act

The "vulnerable adult" is defined as any person 18 years of age or older who has a substantial mental or functional impairment or for whom a guardian has been appointed.

The word "abuse" means any knowing, intentional, or negligent act or omission on the part of a care giver, a vulnerable adult, or any other person which results in a physical injury, unreasonable confinement, cruel punishment, sexual abuse, exploitation, or denial of essential services to a vulnerable adult.

Sexual abuse is defined either as the above acts involved in the crime of sexual assault; or, sexual abuse occurs if there is sexual penetration involving an incestuous relationship.

Nebraska Revised Statute Section 28-372 requires that any physician, psychologist, nurse or other medical, developmental disability, or mental health professional; care giver or employee of a care giver, operator or employee of a sheltered workshop; owner, operator, or employee of any facility licensed by the Department of Health; or human services professional or paraprofessional, not including a member of the clergy, has reasonable cause to believe that a **vulnerable adult** has been subjected to abuse, or, observed such adult being subjected to conditions or circumstances which reasonably would result in abuse, he or she shall report the incident or cause a report to be made to the appropriate law enforcement agency or the Department of Social Services.

Nebraska Revised Statute Section 28-711 provides that when any physician, medical institution, nurse, school employee, social workers, or other person has reasonable cause to believe that a **child** has been subjected to abuse or neglect or observed such child being subjected to conditions or circumstances which reasonably would result in abuse or neglect, he or she shall report such incident or cause a report to be made to the proper law enforcement agency or to the Department of Social Services.

Ability to Consent to Sexual Contact:

"Capacity" to consent will be different in different situations, depending on the people involved and the decision under consideration. The term "ability to consent" means that an adult person is capable of making a decision to engage in the type of sexual contact under consideration, with knowledge and understanding of the activity. Thus, the ability to "consent" includes:

- ! An awareness of having the choice to engage in or to abstain from the type of sexual contact under consideration.
- ! An ability to make a choice as to whether or not to engage in the type of sexual contact under consideration.
- ! An awareness of the nature of the activity. This "awareness" relates to the type of sexual contact involved. A person's awareness may be different

for different types of sexual contact. For example, a person may have an awareness of the nature of "touching" but not of "intercourse".

- ! An understanding of what constitutes appropriate sexual expression, and the possible need for restrictions on the sexual expression at issue as to time, place, or behavior.
- ! If appropriate to the situation, an understanding that certain sexual behaviors may be regarded as unacceptable or immoral by others, and that if a person chooses to engage in such behaviors certain social consequences may occur.
- ! An understanding of how to prevent sexually transmitted diseases and pregnancy.
- ! An understanding that sexually assaultive or exploitative behavior is inappropriate and prohibited.

IV. PROTECTION AND PROMOTION OF RIGHTS

Privacy - *All persons have the right to privacy in order to have the opportunity for sexual expression*

Intimate sexual expressions are the right of each individual when conducted in privacy with the consent of the partner(s).

When expressing sexuality, each individual has a right to privacy where he/she lives.

Persons have the opportunity to discuss their sexuality on a formal, informal, and private level in appropriate settings with persons of their choice.

Sexual expression and choices of persons are private and subject to the rules of confidentiality.

Personal or intimate sexuality issues are not discussed in group settings unless it is with the consent of the person, in order to plan for increasing social and interpersonal skills, and in consultation with those team members with a need to know, (see definitions).

Expression - *All persons have a right to sexual expression, including the right to develop sexual relationships, practice their sexual orientation, choose marital status, to procreate and to parent.*

People with disabilities have rights as citizens of the state to:

- ! choose friends outside their homes and to entertain friends in their homes;
- ! practice variations in sexual expression, e.g., celibacy, heterosexuality, bisexuality, homosexuality, masturbation or cross-dressing (see definitions on socially inappropriate).
- ! marry and/or have children, except as precluded by statute.

Affection and sexual interactions shall be private and by mutual consent.

Voluntary restrictions agreed to by persons served can be acceptable, as long as it is understood that the person served always has the right to change his/her mind. The person with a developmental disability always has the right to challenge an interdisciplinary team decision, even if other members of the team are united in disagreement with that person.

Persons served have the right to request information on sexuality issues from Region V Services or to receive services from appropriate professionals. Persons served are to be encouraged to ask questions and make problems and concerns known.

Access to Education and Counseling - *All persons have the right to access services, including education, health care, and other community resources*

Socialization/sexuality education provided by the agency, both formally in classes and informally through staff interaction, will be consistent with the socialization/sexuality policy.

Socialization/sexuality education is not limited to biological issues but includes: hygiene, grooming, social skills, values clarification, decision making, relationship building, and dating. Sexually transmitted diseases, premarital and marital counseling, birth control and family planning, parenting, and childbirth education will only be covered with those people who indicate a need or desire for this information.

Training in self protection and how to avoid being exploited will be provided to persons with disabilities. This shall include assertiveness training, teaching how to say "no", reporting incidents of abuse and exploitation, and may include self-defense training.

Education and training will be individualized to meet the person's needs and level of understanding.

Access to specialized counseling will be made available to people regarding issues of sexuality.

Persons with disabilities who also have maladaptive sexual behavior, sexual disorders, or sexual dysfunctions shall have access to appropriate treatment.

Community Resources and Relationships

For counseling on issues such as abortion or sterilization, persons served will be required to make use of community resources and will be referred to an agency that specializes in family planning.

Staff will make every effort to have open communication with parents, guardians and persons served. Parents and guardians will be encouraged to assist in providing socialization/sexuality education.

Region V Services Responsibilities

The agency:

- ❖ will have policies and practices which ensure opportunities for appropriate expressions of socialization/sexuality for all people with disabilities.
- ❖ will ensure that people with disabilities will participate in the development of policies and practices which promote privacy and provide for sexual expression.
- ❖ will identify and use community resources regarding human sexuality, (e.g., counseling, education, support, family planning).
- ❖ will make assistance and support available to people with disabilities in addressing socialization/sexuality issues with parents, family members and other providers. This may include obtaining an advocate.
- ❖ has procedures to screen allegations of sexual misconduct. Any suspected illegal activity will be reported immediately to the appropriate agency, i.e., law enforcement or Department of Social Services.
- ❖ staff will respond to socially inappropriate (see Definitions), sexual behavior in an objective manner which preserves the dignity of the persons involved.
- ❖ has policies that prohibit staff/volunteers from sexually exploiting persons with disabilities.
- ❖ shall provide training to all appropriate staff and to persons served. Training for new staff shall precede their involvement with these issues.

Interdisciplinary Team Responsibilities

The role of the interdisciplinary team members shall be:

- ❖ to ensure that social and sexual issues are considered and discussed at least annually as an integral part of life planning for each individual served;
- ❖ to ensure that social and sexual issues are identified and acted upon;
- ❖ to ensure that consideration, discussion, education, and programming reflect all components of the policy herein, including philosophy, rights and responsibilities, consent, need to know, etc.;
- ❖ to work in concert to address social and sexual issues in order to promote self-sufficiency, independence and emotional fulfillment of the persons served.

In the event the person served does not agree with the rest of the team regarding any issues of sexuality, the person's wishes are the final decision. The rest of the team must understand that it does not have legal jurisdiction regarding the final decisions in this area.

The personal moral judgments of staff members cannot be a determining factor in deciding what is acceptable sexual behavior for persons served.

In the event people served believe their rights have been denied by the rest of the team, they shall have the same due process rights as identified under the established grievance procedures.

V. RESOURCES AND TRAINING

Resources

Sexuality issues are often founded in moral and personal values. In addition, there are legal concerns about sexuality and sexual behavior of persons with disabilities. Understanding both the legal and moral issues requires ongoing education on the part of parents, staff, and persons served. Therefore Region V Services recognizes the need to maintain current resources, e.g., periodicals, books, video cassettes, slides, etc., for the purpose of educating persons served, their families and staff about socialization/sexuality issues.

The "Socialization and Sexuality Assessment (SSSA): For Persons with Developmental Disabilities" is available in each area program. There are staff in each agency trained in its use.

Training

The goal of Region V Services with respect to training in the area of socialization/sexuality is twofold:

- A. to provide training to a core group of staff in each area program on socialization/sexuality issues who will, in turn, be responsible for conducting socialization/sexuality education classes to persons served in their agencies; and
- B. to provide training to all staff, parents, families, and guardians on socialization/sexuality education as it relates to these policies and procedures.

The following "processes" have been outlined to secure this training:

A. For persons served and their families:

- 1. the interdisciplinary team, service coordinator, or family recommends the need for assessment of the person served based on issues or concerns which have been raised;
- 2. the assessment is completed;
- 3. the interdisciplinary team reconvenes and reviews the assessment results and makes recommendations for socialization/sexuality education, training or counseling for the person served;
- 4. socialization/sexuality education, training, or counseling for the individual is provided.

B. For employees:

- 1. information regarding universal precautions are given to the employee upon hire detailing Region V Services' Guidelines on Infectious Disease Control,

2. within the first two (2) weeks of employment, the employee watches a video on practicing universal precautions,
3. within the first three (3) months of employment, policies & procedures on socialization/sexuality are reviewed with the employee by the employee's supervisor,
4. within the first six (6) months of employment, training in sensitivity awareness to socialization/sexuality issues is provided to the employee.

VI. INFECTIOUS DISEASE GUIDELINES

Purpose

To establish uniform infectious disease guidelines for the employees of Region V Services and persons served.

Policy

It is the policy of Region V Services to follow the procedures outlined below in employing and interacting with persons who have or who may have an infectious disease. Universal precautions should **always** be used.

Definition

Infectious diseases are conditions which are communicable in nature and are able to produce serious illness in another person. These may include, but are not limited to, Hepatitis A & B, tuberculosis, Human Immunodeficiency Virus (HIV), staphylococcal skin infection, Rubella, and Rubeola.

A. Employment of persons who have an infectious disease

An employee known to have an infectious disease which may be communicated in the work force, should inform his/her supervisor of the disease at least one (1) calendar day before the employee's next scheduled work shift.

An employee with an infectious disease may be authorized to use sick leave or vacation time, or may be placed on a leave of absence without pay pending his/her physician's diagnosis and statement specifying::

1. the potential of infecting other employees or persons served at the work place or while performing job duties,
2. the necessity of, and timing for, periodic medical evaluation regarding his/her condition, prognosis, and ability to return to work,
3. any special precautionary measures beyond universal precautions necessary to allow continued performance of job duties (e.g., gloves, masks) or to help prevent infection to other persons,
4. the employee's ability to return to his/her previous job or another job within the agency.

Region V Services may require that clinical and laboratory information provided by the employee be reviewed by a medical professional of Region V's selection regarding the employee's ability to return to work.

If it is determined that the employee with an infectious disease is able to work, periodic medical evaluations may be requested, at the employee's expense, to determine the employee's continued ability to work.

Region V Services shall determine the extent to which information about the disease needs to be known by co-workers.

If it is determined that the employee is unable to work, the employee may be allowed to utilize accrued vacation and sick leave until that leave is exhausted. Thereafter, Region V Services may place the employee on a leave of absence for a specified period of time, depending on his/her medical condition. This leave of absence shall not exceed one year.

B. Employee interaction with a co-worker who has an infectious disease.

All employees, including those with an infectious disease, shall be afforded the same courtesies experienced by their co-workers. Any employee assigned to an area in which another employee or other person is known to have an infectious disease, shall be expected to perform his/her normal work duties.

All Region V Services employees are expected to take precautions to prevent the spread of infectious disease, including thorough hand washing and disposal of personal wastes. As all body fluids are potentially contaminated, blood and body fluid precautions are expected before and after contact with these substances. A copy of the universal precautions for dealing with body fluids, developed by the Center for Disease Control, is given to all new employees along with information on Hepatitis B.

If an employee declines to carry out his/her job duties because of a belief that he/she is at risk of infection by being in contact with an ill person and the performance of those duties poses no recognized risk of infection by the medical community, the employee shall be advised that such action constitutes an unwarranted fear and shall be instructed to proceed with his/her job responsibilities.

If an employee fails to execute his/her normally assigned duties following a lawful order to do so, then disciplinary action may be taken. The supervisor will proceed with the appropriate disciplinary actions authorized by Region V Services' Personnel Policies.

Adequate documentation to support any disciplinary action taken against the employee shall be maintained in the employee's personnel file.

An employee with special health problems or needs, who is assigned to work with people who have an infectious disease, shall have the responsibility of discussing the issue with his/her supervisor and providing such medical history or information as is requested.

C. Interactions with a person served who has an infectious disease

In the event a person served has been diagnosed as having an infectious disease which may be transmitted to others, the person's physician will determine what precautions are needed to prevent the spread of the disease. The team will meet to develop a plan to implement the physician's recommendations.

It is not the intent of Region V Services to exclude individuals from service who have been diagnosed as having an infectious disease. The agency will take whatever measures are reasonable and necessary to protect the health and safety of employees and persons served.

D. Significant exposures to blood or body fluids

A significant exposure is defined as a situation in which the body fluids (such as blood, saliva, urine, feces, etc.) of a person have entered another person's body either through a body opening (such as the mouth or nose), mucous membrane (such as the eye), or a break in the skin (such as a cut or abrasion), a needle stick with a contaminated or used needle, intimate respiratory contact (such as CPR without a barrier), or any other manner.

The supervisor of a person served or an employee who has experienced a significant exposure must be notified as soon as the situation allows. An Incident Report must also be written. The individual may, at the agency's expense, contact their own physician for assistance in evaluating the significant exposure. The individual may, at the agency's expense, contact a physician of the agency's choosing. All information regarding employees or persons served who have an infectious disease is considered confidential and will be handled like all other confidential information.

E. Employee Training on Infectious Disease Control Guidelines

Upon hire all employees of Region V Services will be given information regarding Region V Services' "Infectious Disease Control Guidelines". Employees will be informed of the need to follow universal precautions when handling all body fluids. Employees will, as a condition of employment, sign a consent form allowing them to be screened for Hepatitis B. Employees will be expected to acknowledge in writing that they have received information from Region V Services regarding universal precautions to take for all infectious diseases.

VII. PROCEDURAL GUIDELINES

[Region V Services would like to thank Progress Industries, Newton, Iowa, for developing the procedures from which this was adopted.]

Due consideration will be given to each individual's moral and religious convictions before any possible education, that has been recommended by the Individual Program Planning Team, will be put into effect.

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A. SEXUAL QUESTIONING/CURIOSITY

DEFINITION OF SEXUAL QUESTIONING/CURIOSITY:

When individuals, through gestures or words, ask about differences between self and others, body changes, and/or sexual behaviors.

GUIDELINES:

Staff shall respond to individual's sexual questioning and concerns with sensitivity and dignity in a relaxed, mature, and professional manner, commensurate with each individual's chronological age and level of understanding. Questioning may be considered a behavior which indicates readiness for socialization/sexuality education and training.

PROCEDURES (RESPONSIBILITY AND ACTION):

ALL STAFF

1. Respond to the questions in a non-judgmental manner.
2. If an individual is non-verbal and expresses curiosity, respond to the individual at a level appropriate to his/her understanding.
3. If an answer is unknown, staff should ask their supervisor or the individual to whom they are referred.
4. Document the behavior/question and action taken and inform the appropriate supervisor, as necessary.

SUPERVISORY STAFF - INDIVIDUAL PROGRAM PLANNING (IPP) TEAM

1. Assist the staff member in responding to the individual's question(s), if needed.
2. If socialization/sexuality education is indicated, enroll the individual in a training program appropriate to his/her developmental level and particular needs.

B. NUDITY

DEFINITION OF NUDITY:

The condition of being without clothing or other covering.

GUIDELINES:

Nudity shall be recognized as a normal occurrence of human behavior and shall be permitted only in preparation for or during showering, bathing, dressing, retiring, or any private activities.

PROCEDURES (RESPONSIBILITY AND ACTION):

ALL STAFF

1. When an individual is inappropriately nude or attempting to be nude without the goal of showering, dressing, retiring, etc.:
 - . a. Direct the individual to the appropriate area for dressing, showering, or toileting.
 - . b. Ask the individual to dress if they are capable of accomplishing the directive. If not, the individual shall be dressed by the staff.

- . c. Discuss the behavior with the individual. Determine the extent of the person's understanding of the behavior and discuss the inappropriateness of the behavior with them.
 - . d. If the individual resists the directive, document the behavior and action(s) taken.
 - . e. Report the behavior as required.
2. If inappropriate nudity is a recurring event, the IPP team may need to design a program that will address the reported behavior.
 3. Review the reported behaviors and make appropriate recommendations regarding a treatment approach which may include socialization/sexuality education.

C. BODY EXPLORATION AND TOUCHING

DEFINITION OF BODY EXPLORATION AND TOUCHING:

Body Exploration:

Looking at, touching, or fondling the body for the purpose of curiosity.

Touching

Inappropriate touching includes, but is not limited to the following:

1. Touching strangers.
2. Touching that causes discomfort or injury to the other person.
3. Touching that causes the person to be seen as immature, objectionable, and/or offensive, causing embarrassment to self and others.
4. Touching individuals who cannot legally give consent.

GUIDELINES

Body exploration and touching shall be considered a normal means of human sexual expression at early developmental levels and may indicate readiness for socialization/ sexuality education. It is permitted under appropriate circumstances.

Body exploration and touching shall be distinguished from petting and masturbation.

PROCEDURES (RESPONSIBILITY AND ACTION):

ALL STAFF

When appropriate:

1. Leave the individual(s) alone when the location and degree of body exploration/touching and degree of privacy are appropriate and he/she is not infringing on the rights of others.

When inappropriate:

1. Interrupt the individual's behavior in a non-punitive manner
2. Take advantage of the "teachable moment" and discuss the behavior with the individual utilizing appropriate socialization/sexuality material.
3. Document the behavior and action taken as needed to the appropriate supervisor.

SUPERVISORY STAFF - INDIVIDUAL PROGRAM PLANNING TEAM

1. Review the reported behaviors and make appropriate recommendations regarding a training program which may include socialization/sexuality education, as needed.

2. Follow mandatory reporting procedures when appropriate. (Adult Protective Services and Child Protective Services)

D. DATING:

DEFINITION OF DATING:

A social engagement between two individuals where both have expressed a desire to be in the company of each other.

GUIDELINES:

Dating shall be recognized as an acceptable socializing experience in human social and sexual development.

PROCEDURES (RESPONSIBILITY AND ACTION):

ALL STAFF

1. Identify appropriate sites for dating if asked.
2. Determine the level of supervision required in consultation with the individuals. This decision will be based on their ability to interact in a socially appropriate manner.
3. Provide supervision as indicated by the IPP team.

SUPERVISORY STAFF - INDIVIDUAL PROGRAM PLANNING TEAM

1. If necessary, the IPP Team may need to design a program that will address the training needs of the individual(s).

E. PETTING

DEFINITION OF PETTING:

Any kissing or caressing of the body for the purpose of sexual arousal.

GUIDELINES

Petting shall be recognized as a means of sexual expression between two consenting adults and is permitted under appropriate circumstances.

Petting shall be considered appropriate under the following circumstances:

- ❖ The individual's behavior does not infringe upon the rights of others.
- ❖ The individuals have demonstrated an understanding of and responsibility for their sexual behavior.
- ❖ The location and degree of privacy is appropriate.
- ❖ The behavior is not excessive and does not interfere with other designated learning activities.
- ❖ The behavior is not injurious.
- ❖ The individuals know appropriate social behavior, including an understanding of discretion and privacy.
- ❖ The individuals know how and when to say yes or no, either verbally or behaviorally.

PROCEDURES (RESPONSIBILITY AND ACTION):

ALL STAFF

When permitted:

1. Allow individuals to continue petting uninterrupted.
2. At the appropriate time, discuss with the individuals their feelings and understanding of the behavior and the accompanying responsibility.

When not permitted:

1. Interrupt behavior in a non-punitive manner.
2. Discuss with the individuals the feelings and understandings of the behavior.
3. Document the behavior and actions taken in an Incident Report.
4. Report the behavior to the Adult Protective Services/Child Protective Services according to the seriousness of the incident.

SUPERVISORY STAFF - INDIVIDUAL PROGRAM PLANNING TEAM

1. If necessary, the IPP Team may need to design a program plan that will address the training needs of the individual(s).

F. MASTURBATION

DEFINITION OF MASTURBATION:

Sexual self-stimulation.

Excessive Masturbation:

When the act of masturbation consistently interferes with the individual's participation in his/her daily activities or becomes physically harmful.

GUIDELINES:

Masturbation shall be considered a normal means of sexual expression. As with all explicit sexual behavior, it is appropriate to particular times and places and shall be permitted under the appropriate circumstances:

- ❖ If proper hygienic procedures are followed.
- ❖ If the behavior is not infringing on the rights of others.
- ❖ If conducted in private.
- ❖ If masturbating is not a health hazard, injurious, interferes with training/programming, or life activities.

Staff should be aware that masturbation is not always purely sexually motivated. Other precipitating factors can include: boredom, attention-seeking, frustration or agitation, ill-fitting clothes, genital infections or irritation, or social withdrawal. In addition, medication can result in sexual dysfunction which may contribute to prolonged masturbation (i.e., inability or difficulty in achieving orgasm). These factors must be considered by the Interdisciplinary Team when developing programs.

PROCEDURES (RESPONSIBILITY AND ACTION):

ALL STAFF

When appropriate:

1. Leave the individual alone when the location and degree of privacy are appropriate and he/she is not infringing on the rights of others.

When not permitted:

1. Interrupt the behavior in a non-punitive manner.
2. Discuss the issues of privacy and appropriateness with the individual in a non-punitive manner.
3. If the individual is masturbating in public, ask him/her to stop and escort him/her to a private place to discuss appropriate places for private acts. The staff person should document the incident on an Incident Report.

SUPERVISORY STAFF - INDIVIDUAL PROGRAM PLANNING TEAM

1. If necessary, design a program plan that will appropriately address the reported behavior.
2. Review the reported behaviors and make appropriate recommendations in developing an individual training program which may include socialization/ sexuality education.

G. SEXUALLY TRANSMITTED DISEASES

DEFINITION OF SEXUALLY TRANSMITTED DISEASES:

Any disease which occurs as the result of a sexual act.

GUIDELINES:

All individuals have the responsibility to protect themselves against sexually transmitted diseases. Individuals have the right to be educated regarding the transmission and protection against such diseases.

PROCEDURES (RESPONSIBILITY AND ACTION):

SOCIALIZATION/SEXUALITY EDUCATION INSTRUCTOR

- a. Teach the nature and consequences of sexually transmitted diseases and teach responsible methods of protection.

ALL STAFF

When staff have knowledge that an individual was involved in an act which could have led to a sexually transmitted disease:

- a) Staff will discuss the act with the individual, and the implications of their actions.
- b) With the individual's permission, the staff will contact their immediate supervisor.

IMMEDIATE SUPERVISOR

- a) Notify the Individual Program Planning Team

INDIVIDUAL PROGRAM PLANNING TEAM

- a) Determine if medical tests for sexually transmitted diseases are warranted.
- b) Encourage the individual to be tested.
- c) Encourage the individual to follow the health professional's recommendations.
- d) Offer supports requested by the individual.

H. BIRTH CONTROL

DEFINITION OF BIRTH CONTROL

For the purpose of this policy, birth control includes abstinence and contraceptive devices such as birth control pills, IUD's, diaphragms, condoms, etc.

Sterilization is a medical procedure which may render an individual sterile. This procedure should be performed only after the consultation of a physician with the informed consent of the individual and/or guardian with court approval.

GUIDELINES:

Education and information on birth control shall be available to individuals. Notice of the availability of birth control information shall be conveyed to each individual in a method they can understand. Individuals shall be informed that any decisions they make regarding birth control shall not influence their receipt of services.

EXPLANATION:

When appropriate, staff shall refer individuals to the IPP team for discussion of possible contraceptive needs.

The individual's physician shall have primary authority for prescribing contraceptives, upon request from individual and/or consent of guardian.

Individuals will be responsible for their own non-prescription birth control devices.

Documentation shall be done on individuals who were given birth control information.

Because of the potentially significant implication for the person served and others, decision-making in the area of birth control must include special efforts to insure informed consent and due consideration of the ability of the individual to take responsibility for the consequences of his or her actions.

Sterilization will not be initiated by this agency.

PROCEDURES (RESPONSIBILITY AND ACTION):

ALL STAFF/INDIVIDUAL

1. If need exists, refer individual to the interdisciplinary team for discussion of possible contraceptive measures.

SUPERVISORY STAFF - INDIVIDUAL PROGRAM PLANNING TEAM

1. Discuss individual's needs for contraceptive services.
2. If need exists, refer individual to physician for consultation.

I. MARRIAGE

DEFINITION OF MARRIAGE

1. A legal union of two consenting adults. The institution whereby a man and a woman are joined in a special kind of social and legal bond.

GUIDELINES

Marriage is recognized as an acceptable part of human social development between two consenting individuals.

PROCEDURES (RESPONSIBILITY AND ACTION):

INDIVIDUAL PROGRAM PLANNING (IPP) TEAM

1. Identify whether or not the individuals are their own guardians. If guardianship is in place, secure the approval of guardians.
2. Refer the couple to a counselor who has experience with persons with developmental disabilities.
3. Help identify supports needed, such as:
 - . a) Socialization/sexuality training
 - . b) Finances/budgeting
 - . c) Suitable housing
 - . d) Genetic counseling (if appropriate)

J. HETEROSEXUAL ACTIVITY

DEFINITION OF HETEROSEXUAL ACTIVITY:

Sexual relations between members of the opposite sex.

GUIDELINES:

Sexual relations will be recognized as a means of sexual expression between consenting adults of the opposite sex. Individuals are urged to attend socialization/sexuality education program as recommended by the person's IPP Team. As with all sexual behavior, heterosexual relations will not knowingly be permitted in inappropriate times and places, but will be permitted under the appropriate circumstances.

Sexual activity will be permitted under the following circumstances:

- ❖ The location and degree of privacy is appropriate.
- ❖ Individuals are consenting adults.
- ❖ The behavior is not interfering with other designated learning activities.
- ❖ Individuals have demonstrated an understanding of and responsibility for their sexual behavior.

Sexual activity will not be permitted under the following circumstances:

- ❖ The individuals' behavior infringes upon the rights of others or is coercive or abusive.
- ❖ The behavior is conducted in public.
- ❖ One or both individuals are under 19 years of age.
- ❖ The behavior interferes with other designated learning activities.
- ❖ Individuals have not demonstrated an understanding of and responsibility for their sexual behavior as defined in this policy.

PROCEDURES (RESPONSIBILITY AND ACTION):

ALL STAFF

When permitted:

1. Allow individuals to continue the sexual activity uninterrupted.
2. At an appropriate time, discuss with the individuals their feelings and understanding of the behavior and the accompanying responsibility.

ALL STAFF

When not permitted:

1. Interrupt the behavior in a non-punitive manner.
2. At an appropriate time, discuss with the individuals their feelings and understanding of the behavior and the accompanying responsibilities.
3. Notify immediate supervisor.
4. Document the behavior and action taken including Incident Report, Adult Protective Services or Child Protective Services as required.

SUPERVISORY STAFF - INDIVIDUAL PROGRAM PLANNING TEAM

1. If necessary, the IPP Team may design a program plan that will appropriately address the reported behavior or individual(s) training needs.

K. HOMOSEXUAL ACTIVITY

DEFINITION OF HOMOSEXUAL ACTIVITY

Sexual relations between members of the same sex.

GUIDELINES:

Sexual relations will be recognized as a means of sexual expression between consenting adults of the same sex. As with all sexual behavior, it will not knowingly be permitted in inappropriate times and places, but is only permitted under certain conditions and particular settings and times.

EXPLANATION:

Homosexual activities do not always reflect the individual's sexual preference. Seeking physical contact with others of the same sex is not necessarily homosexual in intent, but may occur in response to situations where the sexes are segregated, limiting one's choices. The IPP process should provide opportunities for people to meet with others with whom they may form friendships.

Sexual activities will be permitted under the following circumstances:

- a. The location and degree of privacy is appropriate.
- b. Individuals are consenting adults.
- c. The behavior is not interfering with other designated learning activities.
- d. Individuals have demonstrated an understanding of and responsibility for their sexual behavior.

Sexual activities will not be permitted under the following circumstances:

- a. The individual's behavior infringes upon the rights of others or is coercive or abusive.
- b. The behavior is conducted in public.
- c. One or both individuals are under 19 years of age.
- d. The behavior interferes with other designated learning activities.
- e. Individuals have not demonstrated an understanding of and responsibility for their sexual behavior as defined in this policy.

PROCEDURES (RESPONSIBILITY AND ACTION):

ALL STAFF

When permitted:

1. Allow individuals to continue the behavior uninterrupted.
2. At an appropriate time, discuss with the individuals their feelings and understanding of the behavior and the accompanying responsibility.

When not permitted:

ALL STAFF

1. Interrupt the behavior in a non-punitive manner.
2. At an appropriate time, discuss with the individuals their feelings and understanding of the behavior and the accompanying responsibilities.
3. Notify immediate supervisor.
4. Document the behavior and action taken including an Incident Report, Adult Protective Services/Child Protective Services as required.

SUPERVISORY STAFF - INDIVIDUAL PROGRAM PLANNING TEAM

1. If necessary, the IPP Team may design a program plan that will appropriately address the reported behavior or individual(s) training needs.

L. PREGNANCY

DEFINITION OF PREGNANCY:

The development of the egg in the uterus following fertilization.

GUIDELINES:

Adults have the right to choose to have a child or children.

PROCEDURES (RESPONSIBILITY AND ACTIONS):

THE FOLLOWING POINTS ARE ENCOURAGED IF PREGNANCY IS CONSIDERED:

1. Individuals are consenting adults.
2. Individuals understand the responsibility involved in child-rearing, nurturing, and financial obligations.
3. Use of birth control should be practiced until pregnancy is desired.
4. Individuals would be encouraged to be married.
5. Individuals have consulted with their physician and have had genetic counseling, if appropriate.

UNDER THE FOLLOWING CIRCUMSTANCES, PREGNANCY WOULD BE DISCOURAGED

1. Individuals are not consenting adults.
2. Individuals do not demonstrate an understanding of sexuality and parenting responsibilities.
3. Individuals have not consulted with a physician.
4. Physician has determined that a pregnancy would be a risk to the individual.

UNPLANNED PREGNANCY:

ALL STAFF

1. If staff suspect that an individual has become pregnant, they will report this to their immediate supervisor.

INDIVIDUAL PROGRAM PLANNING TEAM

1. If the medical tests confirm a pregnancy, this issue shall be addressed by the IPP Team in a timely manner.

M. BODY EXPOSURE

DEFINITION OF BODY EXPOSURE:

The exposing of one's body to provoke, excite, or stimulate the individual or others.

GUIDELINES:

Body exposure shall not be considered a socially acceptable behavior.

PROCEDURES (RESPONSIBILITY AND ACTION):

ALL STAFF

1. When an individual is exposing his/her body:
 - a. Ask the individual to dress if capable of accomplishing the directive. If not, cover the individual and re-direct.
 - b. Discuss the behavior with the individual. Topics to cover might include:
 - 1) Acceptable areas for being undressed (i.e., own room with curtains and door shut, bathroom with door shut and no one else in the room).
 - 2) If the individual can understand, discuss laws against public exposure.
2. Document the behavior and action taken in an Incident Report.

SUPERVISORY STAFF - INDIVIDUAL PROGRAM PLANNING TEAM

1. If necessary, the IPP team may need to design a program that will address the reported behavior.

N. SEXUALLY EXPLICIT MATERIAL

DEFINITION OF SEXUALLY EXPLICIT MATERIAL:

Any material such as books, photographs, movies, or videos that clearly depicts erotic behavior which is intended to cause sexual excitement.

GUIDELINES:

Adults have the right to possess sexually explicit material. Some individuals may be more susceptible to the impression received from viewing sexually explicit materials than others. Persons served, 19 years of age and older, may possess sexually explicit material that is not prohibited by law if kept in private. Sexually explicit material shall not be displayed in congregate living areas in facilities rented or owned by Region V Services; it is to be kept in books, folders, or in personal drawers so that respect for the feelings and values of others is maintained.

PROCEDURES (RESPONSIBILITY AND ACTION):

ALL STAFF

1. If sexually explicit material is found in the personal possession of an adult, the individual shall be allowed to keep it.

2. If sexually explicit material is found in an area of congregate living, it shall be removed from the area and returned to the individual.
3. If there is any question or doubt as to whether or not the material is pornographic, (illegal), it shall be referred to the supervisor.
4. If an individual 19 years of age or older shares his/her material with other individuals who are under the age of 19, staff are to interrupt the activity in a non-punitive manner.
5. Volunteers/staff will not purchase or will not provide sexually explicit materials, for persons served.

SUPERVISORY STAFF - INDIVIDUAL PROGRAM PLANNING TEAM

1. Determines whether or not the individual can deal responsibly with sexually explicit material.

O. SEXUAL ABUSE

DEFINITION OF SEXUAL ABUSE:

Any sex act between persons is sexual abuse by either of the participants when the act is performed with the other participant in violation of State Law. (See III. Legal Considerations)

Sexual Abuse has been defined when:

1. The act is done by force or against the will of the other. If the consent of the other is procured by threats of violence toward any person or if the act is done while the other is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness, the act is done against the will of the other.
2. The individual is not able to give legal consent.
3. The individual is under the age of consent (19).

GUIDELINES:

All individuals have the right to be free from sexual abuse and exploitation.

EXPLANATION:

1. Any sexual activity between staff (paid or volunteer) and a person served shall be prohibited, and considered abuse.
2. Any sexual act committed by an adult with an underage individual is a criminal act.
3. The occurrence of sexual abuse or exploitation may indicate a need for professional social-sexual education, training, and counseling.
4. The reporting of sexual abuse or exploitation will be done on the basis of state law.

PROCEDURES (RESPONSIBILITY AND ACTION):

When Witnessed or Suspected:

ALL STAFF

1. Interrupt the behavior in a non-punitive manner, if possible, and separate the individuals immediately.
2. Assess for any evidence of physical injury.

3. Notify immediate supervisor, medical personnel, law enforcement agencies, and Adult Protective Services/Child Protective Services if required.
4. File an Incident Report.

INDIVIDUAL PROGRAM PLANNING TEAM

1. Will review the reported incident and determine if a plan to address behaviors is needed.

WHEN A PERSON SERVED REPORTS AN INCIDENT OF SEXUAL ABUSE (UNWITNESSED):

ALL STAFF

1. Contact immediate supervisor.
2. Document behavior on Incident Report, and follow mandatory reporting procedures as required.