

BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY POLICIES AND PROCEDURES MANUAL

Chapter: 4	Care and Treatment Services		
Section: 8	Customer Rights and Protections		
Topic: 11	Sexual Expression		
Page: 1 of 5	Supersedes: Pol: 3-18-04 Proc: 9-30-06, 7-28-98	Approval Date: Pol: 11-21-13 Proc: 10-3-13	<hr style="border: 0; border-top: 1px solid black;"/> <i>Board Chairperson Signature</i> <hr style="border: 0; border-top: 1px solid black;"/> <i>Chief Executive Officer Signature</i>
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Policy

It is the policy of Bay-Arenac Behavioral Health Authority (BABHA) to have procedures that address issues of human sexuality that conform to the law, respect an individual's privacy and protect vulnerable individuals.

Purpose

This policy and procedure was developed to describe the processes associated with addressing issues around sexuality in the people we serve.

Education Applies to

- All BABHA Staff
- Selected BABHA Staff, as follows: CSSs, Clinical Management, Agency Nurses – Residential and Clinical, Ancillary Care and All Direct Care staff
- All Contracted Providers: Policy Only Policy and Procedure
- Selected Contracted Providers, as follows:
 - Policy Only Policy and Procedure
- Other:

Definitions: In this policy and procedure, human sexual behaviors encompasses one or more of the following.

Sexual questioning/curiosity: Defined as situations where individuals, through gestures or words, ask about differences between self and others, body changes, and/or sexual behaviors.

Dating: Defined as social engagement between two persons.

Nudity: Condition of being without clothing or other covering.

Public Nudity: Defined as being nude in public places and is considered not appropriate per social norms.

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Petting and Body Exploration: Two or more persons looking at or fondling each other’s body. Looking at or fondling another person’s body.

Masturbation: Defined as sexual self-stimulation.

Procedure

The fulfillment of sexual needs is a normal part of life for all people no matter their ability or level of function. Human sexuality should be viewed as normal and sexual interaction shall be recognized as a means of sexual expression between consenting adults. Professionals and others providing support services will respect the rights of persons served to engage in sexual activity within appropriate boundaries without judgments, punishment, shaming or ridicule.

As with most sexual behavior, it is appropriate to a particular time and place.

Sexual activity shall *not* be permitted under the following circumstances:

- a. At least one individual's behavior infringes on the rights of others.
- b. The behavior is conducted in public.
- c. At least one individual is under 18 years of age.
- d. The behavior interferes with other designated learning activities.
- e. At least one individual has not participated in a sex education program where, due to the individual’s abilities, such a program is clinically indicated.
- f. At least one individual has not demonstrated an understanding of and responsibility for his/her own sexual behavior and this is documented by clinical documentation (e.g. psychological evaluation).
- g. Sexual activities are limited in at least one individual's plan of service and the Behavior Treatment Review Committee (BTRC) has approved the restriction.
- h. At least one individual does not give or is not able to give consent to be involved in a sexual interaction.
- i. At least one individual is under the influence of alcohol or illicit drugs.
- j. At least one individual's behavior is in violation of Michigan State Laws.

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Sexual Activity, whether it is self stimulation (masturbation) or sexual interaction with another person, will be allowed unless it is prohibited by criteria in this policy. Unless the behavior is against the law, sexual behavior will only be restricted with the appropriate plan approvals. Prohibiting a person from engaging in a sexual activity that is not prohibited in the above criteria makes it a “restrictive procedure” according to Behavior Treatment Guidelines and needs approval of the Behavior Treatment Review Committee.

Staff response to sexual behavior:

- a. Sexual activity will be allowed unless prohibited under the criteria in this policy and procedure.
- b. Staff will address issues of sexuality with sensitivity, dignity and a non-judgmental attitude. They should approach these issues in a relaxed, mature and professional manner appropriate to each person’s chronological age and level of understanding.
- c. If the sexual behavior is occurring in public, staff should attempt to direct the person to a private area (bathroom or bedroom) and if safe to do so leave the area so as to respect the person’s privacy. If the person cannot be redirected to another area then staff will move other’s away from the person/situation and will seek treatment team input on how to handle future occurrences.
- d. If the behavior is not permitted, verbally or by use of other means of communication appropriate to the individual’s level of functioning, interrupt the person’s behavior and redirect them to other activities. If this fails, move other’s out of the area until the situation is over.
- e. Primary case coordinators will work through the person-centered planning team on a case by case basis to determine the need for sex education and birth control. Guardians will be involved with these conversations as appropriate.
- f. Dating should be viewed as a normal adult behavior and seen as an acceptable socializing experience. It should be allowed unless otherwise prohibited by criteria in this policy and procedure. When individual’s receiving service identify a need in this area, staff should assist by helping the person develop appropriate social behaviors, assist with connection with sex education and/or contraception, assist with removing barriers when identified, allowing for privacy as appropriate, etc.

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- g. If a person repetitively displays sexual behavior that is not permitted such as public nudity or public masturbation, these behaviors will be addressed through the person-centered plan and/or through a behavior treatment plan.

Attachments

N/A

Related Forms

N/A

Related Materials

N/A

References/Legal Authority

N/A

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SUBMISSION FORM				
AUTHOR/ REVIEWER	APPROVING BODY/COMMITTEE/ SUPERVISOR	APPROVAL /REVIEW DATE	ACTION (Deletion, New, No Changes, Replacement or Revision)	REASON FOR ACTION - If replacement list policy to be replaced
D. Breyer	D. Breyer	08/24/10	No changes	No changes to P/P - review only
E. Albrecht	PNLT	10/03/13	Revision	Triennial review: Combined multiple policies and procedures related to human sexuality into one policy. Updated with First Person Language. Delete the following policies and procedures: C04-S07-T23 Body Exposure, C04-S07-T24 Public Nudity, C04-S07-T25 Masturbation, C04-S07-T26 Dating, C04-T07-T27 Body Exploration, C04-S07-T28 Heterosexual Intercourse, C04-S07-T30 Homosexual Activity, C04-S07-T29 Birth Control, C04-S07-T31 Sexual Abuse
J. Pinter	J. Pinter	02/10/16	Revision	Moving C04-S07-T21 from Chapter 4 Section 7 (Treatment Plan of Service and Treatment Monitoring) to C04-S08-T11 (Customer Rights and Protections) as part of PP reorganization after closing of AAM
K. Amon	SLT	11/6/18 12/18/18	Changes in the title	Triennial Review-New topic name. Used to be Human Sexuality and removed two of the definitions.
K. Amon	K. Amon	5/13/21	No changes	Triennial Review