

Sexual Activity Policy

Disclaimer: This Sexual Activity Policy and Dress Code Policy Template (“Template”), developed by the Agency for Persons with Disabilities (“APD”) to assist any Adult Day Training (“ADT”) with its formation and future operation, is a model that may be adopted by the ADT to comply with section 393.0663, Florida Statutes; Rule 65G-02.0074, Florida Administrative Code; and the Developmental Disabilities Individual Budget Waiver Services Coverage and Limitations Handbook. The ADT understands that it adopts this Template voluntarily and may instead opt to develop its own Sexual Activity Policy to comply with the aforementioned statute and rules. By voluntarily adopting this Template, the ADT has read and understood all the provisions contained herein and will utilize this Template in accordance with its provisions.

_____ (referred to hereafter as “the ADT”) will ensure that all ADT staff, also referred to as covered persons, are trained on the following sexual activity policy within 60 days of employment, while also safeguarding against the restriction the civil and legal rights of persons with developmental disabilities, including those specified within section 393.13, F.S. This policy will provide guidance with appropriate physical boundaries and standards among all staff and participants of the ADT. Elements of the policy include the following:

Purpose

The purpose of this policy is to maintain a safe, respectful, and professional environment for participants, employees, and volunteers. Sexual activity or any form of inappropriate sexual behavior is strictly prohibited within the ADT, as it jeopardizes the well-being of clients and disrupts the professional atmosphere necessary for care.

This Sexual Activity Policy applies to all employees and volunteers.

Definitions

1. Employee: For the purposes of this policy, employee refers to paid employees of the ADT, Volunteers, and Interns.
2. Sexual Activity: [Defined in section 393.135 Florida Statutes (F.S.)]
 - a. Fondling the genital area, groin, inner thighs, buttocks, or breasts of a person.
 - b. The oral, anal, or vaginal penetration by or union with the sexual organ of another or the anal or vaginal penetration of another by any other object.
 - c. Intentionally touching in a lewd or lascivious manner the breasts, genitals, the genital area, or buttocks, or the clothing covering them, of a person, or forcing or enticing a person to touch the perpetrator.
 - d. Intentionally masturbating in the presence of another person.
 - e. Intentionally exposing the genitals in a lewd or lascivious manner in the presence of another person.
 - f. Intentionally committing any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a victim.

3. Sexual Misconduct: *[Defined in section 393.135 Florida Statutes (F.S.)]* Any sexual activity between a covered person and a client to whom a covered person renders services, care, or support on behalf of the agency or its providers, or between a covered person and another client who lives in the same home as the client to whom a covered person is rendering the services, care, or support, regardless of the consent of the client. The term does not include an act done for a bona fide medical purpose or an internal search conducted in the lawful performance of duty by a covered person
4. Inappropriate Sexual Behavior: Any verbal or written remarks, gestures, or non-physical actions that are sexual in nature. E.g. sexually suggestive comments, jokes, or innuendos.

Prohibition of Sexual Activity

1. Under no circumstance shall a employees and participant engage in any type of sexual activity, to include but not limited to, inappropriate touch such as patting, stroking, etc. of genitalia area, sexual intercourse, sitting on laps, lying together, or kissing.
2. Under no circumstance shall any type of sexual activity be permitted with a participant under the age of eighteen (18), to include but not limited to, inappropriate touch such as patting, stroking, etc. of genitalia area, sexual intercourse, sitting on laps, lying together, or kissing.
3. Any attempt to engage clients, colleagues, or visitors in sexual activity is grounds for immediate disciplinary action.
4. Employees must avoid any behavior that could be perceived as flirtatious, suggestive, or sexual in nature.

Boundaries and Client Care

1. Employees must be vigilant in ensuring that professional boundaries are maintained at all times.
2. Employees are expected to maintain a professional demeanor at all times and refrain from any behavior that could be construed as inappropriate or sexual.
3. Physical touch between a employees and a participant should be brief, age appropriate, not include any sexual activity, and limited to what would be required to ensure the health and safety of the participant or other participants in the program or what is required for hygienic purposes.
4. Under no circumstance shall a employees/volunteers and participant, or two participants be permitted to toilet, bathe, or shower simultaneously.
5. Employees/volunteers and participants must respect personal space of one another, except as may be necessary for participants who require visual supervision due to documented behavioral or medical issues.
6. Employees/Volunteers will become familiar with all participant's required staffing ratios and medical and/or behavioral needs to ensure boundaries are appropriate according to their supervision needs.

Reporting and Response:

Pursuant to Ch. 415.1034, F.S. all employees are mandated reporters, thus required by law to report any reasonable suspicion that a vulnerable adult or a child has been or is being abused, neglected, or exploited to the Florida Department of Children and Families (DCF) Abuse Hotline, online at <http://reportabuse.dcf.state.fl.us> or by phone at 800-962-2837.

Open communication among employees, management, and clients about events occurring in the facility, is required in order to ensure appropriate reporting of incidents of abuse or inappropriate sexual behavior

Employee Responsibilities

1. Any employee who witnesses or becomes aware of sexual activity or inappropriate sexual behavior must report the incident immediately to management, APD through an Incident Report, and to the DCF Abuse Hotline.
2. If the suspected or witnessed sexual activity or inappropriate sexual behavior is criminal in nature, Local Law Enforcement must be contacted.
3. Employees must report any concerns, even if the behavior is subtle or appears to be consensual between clients or other employees.

Management Response

1. Management will promptly explore any reports of sexual activity or inappropriate behavior.
2. If the behavior involves clients, management will evaluate the situation to ensure client safety and determine whether further interventions, such as contacting family members or medical professionals, are necessary.
3. If the behavior involves employees or visitors, management will take immediate action, which may include disciplinary measures, up to and including termination.

Confidentiality

1. All reports and investigations will be handled confidentially to the greatest extent possible. Information will be shared only with those involved in the investigation or resolution process.

Disciplinary Actions

Employees


Any employee found to be engaging in sexual activity or inappropriate sexual behavior within the ADT will face disciplinary action, which may include:

1. Verbal or written warnings
2. Suspension
3. Immediate termination of employment

Clients and Visitors

If a client or visitor is found to be engaging in inappropriate sexual behavior, management will:

1. Address the behavior immediately with the individual(s) involved.

- 
2. Take action to ensure the safety and well-being of others, which may include removal from the ADT for visitors or review of support plans for clients.
 3. Inform APD through the timely submission of an incident report.
 4. Inform legal guardian, if necessary.
 5. Inform clients Waiver Support Coordinator to help ensure necessary services are in place.

Dress Code Policy

Purpose

This policy is designed to maintain a professional and safe working environment while respecting the diverse needs of employees and clients. Employees are expected to always comply with these guidelines while on duty.

This Dress Code Policy applies to all employees and volunteers.

General Guidelines


1. Professional Attire: All employees and volunteers are expected to dress in clean, neat, and professional attire that is appropriate for the tasks being performed.
2. Comfort and Mobility: Employees and volunteers should wear clothing that allow for ease of movement.

Specific Guidelines

1. Tops:
 - a. Avoid logos, except the ADT logo.
 - b. No revealing or low-cut tops. Sleeveless tops should cover the shoulders.
 - c. T-shirts and casual tops are allowed only if they are clean, unwrinkled, and free from offensive imagery or language.
2. Pants/Bottoms:
 - a. Khakis, dress pants, appropriate-length skirts, and appropriate-length shorts are acceptable.
 - b. Denim jeans are allowed but must be clean, without rips or tears.
3. Footwear:
 - a. Shoes must provide safe, secure footing and offer protection against hazards.
4. Hygiene and Grooming:
 - a. Personal hygiene is essential. Hair should be clean and neatly styled.
 - b. Facial hair should be well-groomed.
 - c. Perfumes and strong scents should be avoided to accommodate clients with sensitivities.
5. Accessories:
 - a. Jewelry should be minimal and safe. Dangling earrings, large necklaces, or bracelets that should interfere with care activities are not allowed.
6. Uniform (if applicable):
 - a. If the facility requires uniforms, they must be worn according to guidelines, clean, and well-maintained.

Prohibited Clothing

1. Clothing with offensive, political, or controversial messages or images.

- 
2. Athletic wear, including gym shorts, or workout clothes.
 3. Ripped, torn, or distressed clothing.

Special Considerations

1. Medical Needs: Employees with medical conditions requiring specific attire (e.g., orthopedic shoes) should inform Human Resources or management for approval.
2. Cultural/Religious Wear: Attire related to cultural or religious practices is respected, provided it does not interfere with safety or client care.

Enforcement

1. First Violation: Verbal warning and review of the policy with management.
2. Second Violation: Written warning and potentially sent home for change of clothing. If employee is sent home for a dress code violation, the employee will not be paid for time not worked.
3. Third Violation: May result in disciplinary action up to and including termination.

Exceptions

Any exceptions to the dress code must be approved by the management team in advance.