

# **Division of Developmental Services**

## **Policy on Education and Support of Sexuality**

January 2004

### **Introduction**

Sexuality is part of who we are as individuals. It is a basic and natural human drive. Sexuality can be expressed through feelings, emotions, and actions. The ways we express our sexuality vary from individual to individual, and also vary at different stages of our lives. The term “sexuality” applies to much more than just “having sex.”

- **We support the right of all people to have privacy, to have relationships of their choice, and to find satisfying ways of expressing their sexuality.**

Most sexual activity occurs in the context of social relationships, although some people choose and prefer solitary sexual activity. People have a variety of ways (both verbal and non-verbal) to indicate interest and desires. Many people need help and support to explore and enjoy social and sexual relationships of their own choosing. Many people also need support in discovering and becoming comfortable with their sexual identity.

- **We support the right of all people to learn about and become comfortable with the many aspects of their sexuality.**

Some people have religious or personal beliefs about how and when sexual expression should occur. Some people have made a religious or personal choice to avoid sexual activity altogether. We should respect the religious and personal beliefs of others. We should not seek to impose our own religious and personal beliefs on others.

- **We support the right of all people to identify their own personal and religious beliefs regarding sexual practices.**

### **Education**

All people need education about safe sexual expression, and opportunities to talk about and discover their sexual feelings. Most people also need education about the possible consequences and legal aspects of sexual expression. Education is needed across the lifespan as individuals develop new interests, have new experiences, or encounter new risks.

- **We support education about sexuality for individuals, families, staff and other workers.**

## Privacy

In our society, some types of sexual expression occur in public places, such as dancing, hugging, and kissing. But most intimate sexual expression occurs in private.

- **We support the right of individuals to have privacy for both intimate and solitary sexual activities.**
- **We support the right of individuals to speak privately and confidentially about their sexual activities and feelings, and to choose those in whom they wish to confide.**

## Choice, Support, and & Consent

Consent in a sexual context has three aspects:

Refusing a request from another person

Agreeing to a request from another person

Initiating a request

All aspects are important.

Individuals need to learn about entering into voluntary relationships that may have sexual elements. Individuals need to learn how to be successful in initiating interpersonal relationships that may have sexual aspects.

- **We support the right of individuals to choose or initiate relationships of a sexual nature.**

Intimate sexual relationships can have a profound effect upon a person's health, safety, and emotional well-being. Because people with developmental disabilities have been more vulnerable to sexual abuse than other citizens, we must be particularly careful to assure that sexual activity is wanted. Individuals need to learn how to protect themselves from predatory, inappropriate or undesired advances.

- **We support the right of all people to be free from unwanted sexual advances and safe from the threat of abuse.**

Certain sexual encounters may be so dangerous to the individual that others will feel responsible to intervene. Responses may range from providing access to birth control, counseling, education, or support to restrictions on the activity. The dangers and responses need to be assessed on an individual basis.

- **We support the right of individuals to have personalized supports that will assist them to identify dangerous situation and to be safe.**

We do not support testing for consent because it is an unreliable method of deciding whether or not a person is able to give consent. An individual's opinions and decisions about sexual relationships may change over time, and even from moment to moment. The level of consent that is needed is related to the degree of risk for the person; for instance, petting and kissing carry considerably less risk than sexual intercourse. Capacity to consent can be learned and increased. Indeed, a person's capacity to consent is developed over years of learning and life experiences. Tools to assess decision-making and knowledge may be useful in designing individualized education and support.

- **We support the right of people to receive individual supports and education to develop capacity and skill in initiating, declining, agreeing to, and engaging in sexual activity.**

### **Illegal Sexual Activity**

There are certain limited situations where others have responsibility to prevent, stop, or report sexual activity that is illegal. In Vermont, these situations include, but are not limited to:

- A sexual encounter where one of the individuals does not consent
- Possession or use of child pornography (print, video, internet)
- A sexual relationship or activity between a paid worker and an individual receiving services
- Sexual activities that involve exploitation or abuse
- Any sexual act with a child under the age of 16
- Any sexual act between a person under 18 and a person who occupies a position of authority over the youth
- Exposing oneself sexually in a public place (lewd and lascivious)
- Prostitution (sex for hire)
- Incest (sex with a close relative)

**Our goal is that all people will be free from victimization and from engaging in illegal sexual activity.**