



# **Confidentiality, Safety and Participant Rights: Sample Policy Chicago Continuum of Care**

## ***Introduction***

This sample policy provides basic language that can be used by HUD funded projects in the Chicago Continuum of Care (CoC) to help ensure compliance with non-discrimination and the Fair Housing Act.

All Chicago recommends this sample policy as a starting point for agencies without a policy on this topic. For agencies that have already established a policy, we recommend reviewing this sample and incorporating any components that will help strengthen your policy. We recommend agencies expand beyond the language provided to further identify in your own policies and procedures how these actions are incorporated within your own unique program operations.

For any agencies that choose to incorporate language from this sample policy into their own policy, ensure that it accurately represents the work carried out by staff. This most likely requires educating staff on the policy and procedures and reviewing files regularly for completeness and accuracy.

## ***Confidentiality, Safety, Participant Rights and Equal Access Rule***

### **A. Policy**

This policy outlines the procedures and guidelines established by [Agency Name] to protect the privacy, health, safety, and security of participants, ensuring nondiscriminatory practices in accordance with the Equal Access Rule set forth by the Department of Housing and Urban Development (HUD). Our commitment is to create an inclusive and respectful environment that upholds the rights and dignity of all individuals.

The Department of Housing and Urban Development's (HUD) [Equal Access Rule](#) prohibits housing discrimination based on sexual orientation, gender identity, or marital status in HUD-funded or insured housing programs (HUD, 24 CFR 5.105(a)(2)). This rule ensures that all individuals, regardless of sexual orientation, gender identity, or marital status, have equal access to housing opportunities and services provided by HUD, including shelters and other housing assistance programs, thereby promoting fairness and inclusivity in the housing sector.

### **B. Procedure**

#### **1. Confidentiality**

##### ***Gender Identity Verification***

In adherence to HUD's Equal Access Rule, [The Agency] strictly prohibits the requirement for participants to "prove" their gender identity at any point during their program enrollment. [Agency Name] asks for identification during intake. Identification will be accepted with gender that does not match the self-identified gender of the individual. Agency does not request medical evidence or other documentation



related to gender. For people in need of identification, Agency helps them obtain it. We understand the potential sensitivity of such information and are committed to respecting the privacy and dignity of all participants. Ensuring that information on gender identity remains confidential is paramount, and [The Agency] is dedicated to eliminating any risk of outing a participant.

### *Confidentiality Assurance*

To maintain participant trust and confidence, The Agency implements robust confidentiality measures. All information related to gender identity and other protected characteristics is treated with the utmost sensitivity and is securely stored in compliance with applicable laws and regulations. Staff members are trained on the importance of confidentiality, and access to such information is restricted to individuals who require it for program administration purposes only. Staff must not share a participant's transgender status, non-binary status, intersex status, or medical history without the client's direct permission. If necessary, staff may share a client's preferred name and gender pronouns to ensure that staff and clients respectfully address the client (Metro Denver Homeless Initiative, 2023).

## **2. Safety**

### *Anti-Harassment Policies*

[The Agency] is committed to fostering an environment free from harassment, discrimination, and violence. Our anti-harassment training explicitly includes language that addresses violence towards LGBTQAI+ individuals. We actively strive to create a culture of respect and inclusion within our housing programs.

Mandatory anti-harassment training for new hires is led by program supervisors and staff members from outside agencies with more extensive knowledge of LGBTQAI+ specific procedures. Refresher training is provided to staff once a year, and recordings of previous training are available as a resource.

In the unfortunate instance where participants or residents experience conflict, harassment, or violence from staff or other residents based on their gender identity or any other protected characteristic, [The Agency] has established the following intervention procedures:

- **Swift and Appropriate Intervention:** In the event of conflict, harassment, or violence based on gender identity or any other protected characteristic within our organization's programs or residences, swift and decisive intervention should be taken as soon as possible. This may include separating parties involved, contacting authorities if necessary, and implementing disciplinary measures against perpetrators in accordance with our organization's policies and applicable laws.
- **Reporting:** Participants can report harassment to any agency staff member with whom they feel safe speaking with.
  - Reports are to be documented using [The Agency]'s Harassment Reporting form found on our document portal.



- All incidents are to be escalated to the program supervisor, who will then take appropriate action to implement support and correct documentation.
- If attention is brought to a past conflict, agency staff should report the incident to their program supervisor within **2 business days**.
- **Provision of Necessary Support:** Following any incident of conflict, harassment, or violence, it is imperative to provide comprehensive support to the affected participants or residents. [The Agency] will provide pathways to immediate emotional support, counseling services, and access to resources such as advocacy groups or legal assistance, tailored to the specific needs of those impacted. Additionally, staff will work collaboratively with the affected individuals to develop safety plans and provide ongoing support to mitigate any further risk of harm.
- **Thorough Documentation of the Incident:** Accurate and thorough documentation of reported incidents is crucial for accountability, transparency, and future prevention efforts. A complete report file includes:
  - All reported incidents, including the nature of the incident and individuals involved.
  - Actions taken by staff, and any follow-up measures implemented.
  - Additional information provided by the participant that reported.

This documentation serves as a valuable tool for tracking patterns of behavior, identifying systemic issues, and informing policy revisions or additional staff training to prevent future occurrences of discrimination or violence based on protected characteristics.

### **3. Participant Rights and Equal Access Rule**

#### *Notice on Equal Access Rights*

In accordance with HUD's Equal Access Rule, [The Agency] will provide participants with a [Notice on Equal Access Rights](#). This notice outlines the commitment to preventing discrimination and ensuring equal access to housing programs for all individuals, regardless of their sexual orientation, gender identity, or marital status. The Notice on Equal Access Rights is handed to participants during intake into our programs and is designed to inform them of their rights to fair and equal treatment.

#### *Posting Notice of Rights*

To further emphasize our commitment to nondiscrimination and equal access, [The Agency] prominently posts notices of participant rights in all agency facilities and public spaces frequented by program participants. These notices serve as a visible reminder of our dedication to creating an inclusive environment and promoting awareness of HUD's Equal Access Rule.

#### *Education on Filing Formal Complaints*

In addition to providing participants with information about their rights, [The Agency] actively educates participants on the process of filing formal complaints with their local HUD office in the event of discriminatory practices. Local HUD Office information can be found [here](#). Additional information on



filing complaints can be found in the “Non-discrimination” section of this handbook on [insert page number].

Participants are informed of the steps they can take to raise concerns or report incidents that they believe may be discriminatory. This education includes:

- a. **Informative Sessions:** [The Agency] conducts informative sessions to educate participants about the Equal Access Rule, their rights, and the importance of reporting any discriminatory practices they may encounter.
- b. **Written Materials:** Written materials, such as brochures or pamphlets, are distributed to participants, detailing the procedures for filing formal complaints. These materials include contact information for designated individuals within the organization who can assist with the complaint process.
- c. **Accessible Resources:** [The Agency] makes resources, such as complaint forms and guidance documents, easily accessible to participants. This ensures that individuals who believe they have experienced discrimination can navigate the complaint process with clarity and confidence.
- d. **Confidentiality Assurance:** [The Agency] emphasizes the importance of confidentiality throughout the complaint process. Participants are assured that their concerns will be handled discreetly, and appropriate measures will be taken to protect their privacy.