

## **HSDS-13 HUMAN RIGHTS AND GRIEVANCE STANDARD**

### **Standard**

Northeast Arc Day Service division will promote, safeguard and protect the human rights and legal rights and liberties of all individuals participating in a Northeast Arc Day Service program in accordance with agency policy, state and federal regulations.

### **Procedure**

#### **Individual Rights and Responsibilities**

- All individuals have the right to be treated with dignity and respect at all times.
- All individuals have the right to own, use and manage their own possessions and funds, and will we give the support necessary to do so as independently as possible. All persons served have the right to be free from financial or other exploitation.
- All individuals have the right to free uncensored, unrestricted communications, including mail, telephone and visitation.
- All individuals have the right to privacy, including confidentiality of records, private communications, private medical examination and treatment.
- All individuals have the right to be fully informed regarding any medical treatment, program treatment plans, legal action or other activity or action directly involving their lives.
- All individuals have the responsibility to manage his/her life in a responsible manner and be given support necessary to do so as independently as possible. The rights of one individual should not infringe on those of another, nor cause undue risk to self or others.
- All individuals have the right to participate in research projects for which they have provided informed consent. Implementation of research procedures will not be allowed to interfere with the support services contracted for. In the event that an individual seeks Northeast Arc assistance with the implementation of research procedures, approval from the Executive Director must be obtained. All support staff involved with implementation must be informed of the following: description of treatment, intended nature, outcome and risks/side effects, and benefits of treatment and alternatives of the proposed treatment.

#### **Program Responsibilities**

- The Program is responsible for the adherence to all Human Rights policy, procedures, and applicable regulations to ensure the rights and liberties of all individuals participating in their programs.

- The Program Director or designee has the responsibility to assure that reasonable guidelines of behavior management are developed with and for the individuals and in accordance with applicable agency policy and regulatory requirements.
- The Program Director or designee has the responsibility to seek approval for the denial or restriction of specific rights if (given reasonable guidelines and training) an individual appears unable to manage his/her behavior, possessions, funds or other rights without infringing on the rights of others or causing undue risk to self or others.
- Each Program Director will appoint a Human Rights Officer to represent the interest of the individuals in the program as well as provide training to staff and individuals with regards to human rights on an annual basis.
- The Program Director or designee is responsible for the program's active participation in the agency's Human Rights Committee. The Program Director or designee is responsible to monitor and make available incident reports, grievances, proposed behavior plans, proposed research projects, training verification documentation and any other related matters as deemed relevant or requested for review by the Human Rights Committee.

### **Personal Care**

- The Northeast Arc subscribes to the belief of providing personal care to individuals in a gender appropriate manner to protect the individual's rights to dignity and privacy and minimizing the risk or sexual harassment or abuse. Every effort will be made to ensure staffing patterns that allow for the provision of intimate personal care (i.e. toileting, bathing, hygiene and dressing) by staff persons of the same sex. In the event that care must be provided by a staff person of the opposite sex, care shall be given in the most dignified manner possible.
- Personal care will be provided using the least restrictive manner possible. Staff must be aware of the individual's reaction to care provided and their perception of the physical attention they are receiving. If an individual favors your care, requests assistance with intimate routines repeatedly or unnecessarily, or exhibits a sexually related response, staff are advised to discontinue the interactions and request the assistance of another staff person. All staff are advised to be aware of the manner in which personal care is provided.

### **Violation of Human Rights**

In the event staff observes that an individual's rights have been violated or is informed by an individual that his/her rights have been violated, they must act on this observation or reporting in the following way:

- If violation appears to be abuse or neglect the DPPC must be notified immediately in accordance with the mandated reporting policy. The Program Director shall be informed immediately of any violations involving abuse and will initiate an internal investigation as appropriate.
- The Program's Human Rights Officer should be informed of the violation (when not involving abuse or neglect) as soon as possible.

- The HRO shall investigate the allegation by talking to the staff and individuals involved. The staff should be informed of the situation if appropriate to do so and attempts to resolve the situation should be made. The HRO should provide the staff person additional training as appropriate. If the situation cannot be resolved in this manner further investigation will be necessary. The Program Director shall be notified of any incident of a violation of rights and will be responsible to conduct further investigation as necessary.
- The Human Rights Officer in conjunction with the program director shall make a determination as to whether or not a right has been violated and shall meet with all parties involved to ensure that no further incident occurs. Any further course of action needed shall be determined at this time.
- In the event a violation occurs more than one time or is considered more than just a minor incident, then the situation must be brought to the Division Director's attention for possible disciplinary action (dismissal is possible for certain infractions or multiple infractions).
- All individuals have the right to grieve any action taken regarding a rights violation.

**Grievance Procedure:**

The following procedure is implemented to insure fair and timely resolution of grievances. All steps are progressive and all attempts will be made to resolve the grievance at the earliest step possible.

- The individual will have the opportunity to meet informally with appropriate staff and when necessary a supervisor to discuss the nature of their grievance. Attempts will be made to try to resolve the situation. If the situation is not resolved to the individual's satisfaction the individual shall be supported to file a written grievance using the grievance form.
- Written grievances are routed to the Program Director who is required to provide the individual with a written response within three working days. If at this point the situation is not resolved to the individual's satisfaction the grievance form shall be routed to the Division Director who is required to provide the individual with a written response within three working days.
- If at this point the individual is still not satisfied with the grievance and responses to date, the grievance form shall be routed to the Human Rights Committee. Written response due three days following a scheduled meeting of the Human Rights Committee. The Division Director, Program Director and/or Human Rights Officer can request a more immediate meeting of the committee if the situation necessitates it.
- At this point if the grievance is not addressed to the individual's satisfaction the grievance is forwarded to the Executive Director with a written response to be received by the individual or guardian within three working days. The decision of the Executive Director is final.

- Individuals shall not be discriminated against nor have their services effected for filing a grievance. If any act of retaliation by a Northeast Arc employee is reported and substantiated , disciplinary action will be taken immediately

The Human Rights Officer will be responsible for assisting the individual and/or guardian through the process as necessary and for routing grievance forms in accordance to this procedure.

**Northeast Arc**  
**Day Service Division**  
**Grievance Form**

<b>Individual's Name:</b>	<b>Program:</b>
	<b>Date:</b>
<b>Description of Grievance:</b>	
<b>Individual's Signature:</b>	<b>Human Rights Officer Signature:</b>
<b>Program Director's response</b>	
<b>Director's signature:</b>	<b>Response date:</b>
<b>Individual's signature:</b>	<b>Individual response:</b>
<b>Date:</b>	<b>Satisfied : ____ Dissatisfied: ____</b>

<b>Division Director's response</b>	
<b>Director's signature:</b>	<b>Response date:</b>
<b>Individual response:</b>	<b>Individual's signature:</b>
<b>Satisfied: _____ Dissatisfied: _____</b>	<b>Date:</b>

<b>Human Rights Committee response:</b>	
<b>HRC signature:</b>	<b>Date:</b>
<b>Individual response:</b>	<b>Individual's signature:</b>
<b>Satisfied : _____ Dissatisfied: _____</b>	<b>Date:</b>

<b>Executive Director's Response:</b>	
<b>Executive Director's signature:</b>	<b>Response date:</b>
<b>Individual's Comments:</b>	<b>Individual's signature:</b>
	<b>Date:</b>