

# Rights, Respect, Dignity & Privacy

1. **Purpose**

Core Services is committed to protecting and promoting people’s rights through the day to day application of policy training and oversight practices. All employees must receive training on how to protect and promote (educate people) on person rights.

1. **Scope**

Rights, Respect and Dignity are a non-negotiable part of each person’s life. Rights, Respect & Dignity Policy Training must be completed by all new hires.

**Definitions**

Due Process – a course of formal proceedings carried out regularly and in accordance with established rules and principles.

Rights, Respect and Dignity are at the forefront of every person’s day to day life and therefore require a thoughtful consideration process before decisions are made regarding a person’s rights, privacy or dignity.

A listing of rights afforded all citizens as indicated by the United Nations Declaration of Human Rights is included in training to all Core Services employees.

Each of the rights indicated in the Human Rights listing is protected by laws and procedures known as Due Process. Every person supported by the Core Services is protected by Due Process, and every employee of the Core Services is required to be educated about Due Process.

Human Rights Committee (HRC) – a group of appointed persons responsible for ensuring that appropriate mechanisms and safeguards are in place to promote and protect person rights, and that any limitation or restriction of rights will not occur without due process.

Any restriction of a person’s rights must be properly reviewed by the management team during PRERTS meeting, approved by the person’s Circle of Support, and submitted for review to a Human Rights Committee

All persons (and/or conservators) who have a restriction to be presented to the Human Rights Committee must have the opportunity to be present at the HRC and should be encouraged to attend. If a restriction is being reviewed without the person and/or their conservators presence at HRC the Executive Director must be notified.

A fading plan to remove the restriction will be developed prior to presentation of the restriction to the HRC and will be reviewed with the committee.

Intervention - any action or inaction that hinders, modifies, or interferes with a person’s rights, respect, dignity, or freedom of choice.

All interventions, whether medical, behavioral, or otherwise must be presented in the least restricted and safest, most respectful manner. All restrictive interventions must have signed informed consents to protect the person’s rights.

Restriction – any act or policy that places a limitation on the use or enactment of a person’s rights and/or choices. Core Services discourages the use of restrictions.

All restrictions must be submitted to the Human Rights Committee prior to implementation. This does not apply to emergency behavioral interventions in cases of serious harm to self or others. Approved strategies may be used as a last resort to ensure the safety of the person and others on a Crisis Management basis.

Individual Rights - Section 2.1.a. of the Department of Intellectual and Developmental Disabilities Provider Manual 2014 clearly identifies 21 Individual Rights that are practiced by the Core Services, including but not limited to:

1. To be treated with respect and dignity as a human being.
2. To have the same legal rights and responsibilities as any other person unless otherwise limited by law.
3. To receive services regardless of gender, race, creed, marital status, national origin, disability, sexual orientation, ethnicity or age.
4. To be free from abuse, neglect and exploitation.
5. To receive appropriate, quality services and supports in accordance with an ISP.
6. To receive services and supports in the most integrated and least restrictive setting that is appropriate based on the particular needs of the person.
7. To have access to DIDD rules, policies and procedures pertaining to services and supports.
8. To have access to personal records and to have services, supports and personal records explained so that they are easily understood.
9. To have personal records maintained confidentially.
10. To own and have control over personal property, including personal funds.
11. To have access to information and records pertaining to expenditures of funds for services provided.
12. To have choices and make decisions.
13. To have privacy.
14. To receive mail that has not been opened by provider staff or others unless the person or legal representative has requested assistance in opening and understanding the contents of incoming mail.
15. To be able to associate, publicly or privately, with friends, family and others.
16. To have intimate relationships with other people of their own choosing.
17. To practice the religion or faith of one’s choosing.
18. To be free from inappropriate use of physical or chemical restraint.
19. To have access to transportation and environments used by the general public.
20. To be fairly compensated for employment.
21. To seek resolution of rights violations or quality of care issues without retaliation.

HCBS Setting Rules

Core Services is committed to adhering to HCBS Setting Rules in all policies, procedures and practices. All supports will be developed through a person-centered planning process that addresses health and long-term services and support needs in a manner that reflects person preferences and goals. Person-centered planning process is directed by the person.

Person Centered Approach – all supports provided must include a Person-Centered approach to ensure that the person’s desire for living and controlling their life is fulfilled in the same manner as someone who does not have intellectual or developmental disabilities. All employees will be trained on person centered thinking concepts.

Right to Access and Use Public Transportation

Persons who receive services through Core Services of Northeast Tennessee have the right to access and use public transportation if they choose. Public transportation available in the service catchment area of Core Services includes the Johnson City Transit (JCT) and Net Trans.

1. **Policy**

The Core Services supports person’s in their effort to exercise their rights and responsibilities:

1. To the extent that is needed.
2. To advocate for themselves.
3. To determine abilities to exercise their rights, especially those rights that are most important to them.
4. To be able to move freely, and to come and go at any time.
5. To manage their money.
6. To send and receive mail.
7. To make and receive phone calls and other means of communication.
8. To visit and be visited by whomever they choose.
9. To access personal possessions.
10. To vote.
11. To have their rights reviewed on an ongoing and at minimum annual basis.
12. To have their personal information shared only with written informed consents or by authorized legal representatives.
13. To access and use public transportation

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| **Universal Declaration of Human Rights (abbreviated)** | |
| Article 1 | Right to Equality |
| Article 2 | Freedom from Discrimination |
| Article 3 | Right to Life, Liberty, Personal Security |
| Article 4 | Freedom from Slavery |
| Article 5 | Freedom from Torture and Degrading Treatment |
| Article 6 | Right to Recognition as a Person before the Law |
| Article 7 | Right to Equality before the Law |
| Article 8 | Right to Remedy by Competent Tribunal |
| Article 9 | Freedom from Arbitrary Arrest and Exile |
| Article 10 | Right to Fair Public Hearing |
| Article 11 | Right to be Considered Innocent until Proven Guilty |
| Article 12 | Freedom from Interference with Privacy, Family, Home and Correspondence |
| Article 13 | Right to Free Movement in and out of the Country |
| Article 14 | Right to Asylum in other Countries from Persecution |
| Article 15 | Right to a Nationality and the Freedom to Change It |
| Article 16 | Right to Marriage and Family |
| Article 17 | Right to Own Property |
| Article 18 | Freedom of Belief and Religion |
| Article 19 | Freedom of Opinion and Information |
| Article 20 | Right of Peaceful Assembly and Association |
| Article 21 | Right to Participate in Government and in Free Elections |
| Article 22 | Right to Social Security |
| Article 23 | Right to Desirable Work and to Join Trade Unions |
| Article 24 | Right to Rest and Leisure |
| Article 25 | Right to Adequate Living Standard |
| Article 26 | Right to Education |
| Article 27 | Right to Participate in the Cultural Life of Community |
| Article 28 | Right to a Social Order that Articulates this Document |
| Article 29 | Community Duties Essential to Free and Full Development |
| Article 30 | Freedom from State or Personal Interference in the above Rights |

1. **Procedures**

**Day to Day Practices – Living & Working with Dignity, Respect and Privacy**

1. **Communication**

Staff must speak to persons respectfully as an adult. Staff will consult and ask questions and prompt respectfully without sounding authoritarian.

1. **Homes – Residential Rights**

Homes belong to the person; not to the staff or agency. All persons will have their own private bedroom. Staff must respectfully knock on outside doors before entering a home and on doors inside the home before entering a room. Staff must always knock and ensure the privacy of each person.

People have the right to live in safe & private environments, including having lockable doors for all entry ways and bedrooms and bathrooms forprivacy. Each person retains the right to have a key to their home and bedroom. Staff access to keys to the home will be limited to an as needed basis only. Persons will give consent for staff to hold or use keys to their private spaces in the home. HRC approval must be in place before removing or altering any of these rights.

Each person has the right to choose their housemates and request relocation to a new home. Staff have the obligation to educate persons on this process.

People have the right to have access to all parts of their home. The person has the right to purchase specialized furniture to make access easier according to their ability to afford such items.

Core Services does not use camera’s or surveillance equipment inside any home.

People should plan their schedul~~e~~ and daily routines. This includes when they choose to eat, when they choose to shower/bathe/go to bed, wake up etc. Education and support to assist people on how to plan for successful days will be provided on an ongoing and continual basis.

When assisting someone with their personal hygiene, staff must ensure the person’s privacy is respected and that the activity is completed in an appropriate area or bathroom. This cannot be completed in a common area of the home.

Persons must be supported to decide furniture placement and decorations in their home. Staff are to support to ensure the decorations and furniture are placed safely and do not cause potential hazards. Persons have the right to purchase their own furniture/decorations for their home.

Persons must be involved in planning or preparing all meals and snacks. If a person is unable to assist in planning or preparing, staff will show choices or pictures so that the person is a part of the mealtime process. When making out the grocery list the person must have the opportunity to choose what they would like to purchase for meals or snacks. Persons must always have access to the food in their homes and where it is stored. Withholding food or placing food in an area inaccessible to the person is a prohibited practice. Persons have the right to make educated and informed choices about their food. It is staff’s responsibility to educate each person in a positive manner on the recommended diet and food textures. Mealtime guidelines/instructions may be in place that specifically notes the timing and preparation of the person’s mealtimes. These plans are personalized, with specific instructions for foods and textures, and are intended to demonstrate appropriate mealtime techniques specifically for the person’s safety and well-being.

The TV is owned by the residents of the home. Residents of the home should choose when the TV is on and what is watched.

The phone is also the property of the residents of the home. People have the right to use the house phone when they want and to use the phone in privacy. People have the right to own and use cell phones and other personal electronic devices. People have the right to access the content they desire on such devices.

1. **Community & Citizenship**

People have the right to be active citizens within their community with a variety of meaningful roles. The role of supporters is to explore ways for people to be active and contributing members of their communities, with real relationships, real memberships, real obligations, and valued roles. Persons will be encouraged to engage in conversation and form relationships in the community. Being a citizen includes the right to make decisions, belong to groups and organizations, being able to vote, have a career or volunteer.

* 1. Persons may have visitors as they choose – where housemates are involved, there should be agreement between all housemates regarding the reasonable conditions and hours for visitation in the shared home.
  2. Persons must have time and space for visitation to occur alone, without housemate or staff interference or interruptions. When safety or health issues are a factor, staff will remain close by.
  3. Persons have the right to request specific scheduling and staffing so that they can participate in chosen activities and lifestyles
  4. Staff will support people in exploring and learning about community happenings.
  5. Core Services does not have curfews. For scheduling and staffing purposes, supervisory staff must always be notified of late evening or early morning outings or events.
  6. All staff must remember that the ultimate goal is for the person to experience community participation and visitation as independently as possible, including planning and scheduling their own events. Support staff may provide supports as needed by the persons.
  7. People have the right to work and hold careers. People who want to work will be supported to explore job opportunities that match their interest and obtain employment.
  8. People will be educated on the availability of public transportation and provide training on how to access and use public transportation if they choose
  9. People have the right to visits establishments/community events that serve alcohol and/or adult specific activities. Staff support will include educating people of the potential adverse effects of medications or if they have a diagnosis in which alcohol consumption would be detrimental to the person’s health so the person can make an educated decision.
  10. Continued education on lifestyle preferences and risks associated with lifestyle preferences will be provided to all persons.

1. **Behavioral**

In cases where behavioral issues become a factor, staff must respectfully intervene and follow Behavior Support Plan guidelines where noted. Staff must not order someone to their room, place blame or shame, or take the person’s personal items away from them. **Any response that can be construed as punishment for a behavior is unacceptable.**

For all persons who have behavioral support needs, staff must adhere to Behavior Support Plans written by a Behavior Analyst or follow Behavior Staffing Instructions written by the Circle of Support, as well as follow any Agency Crisis Management Plans that may apply.

All Behavioral interventions must be conducted appropriately and adhere to all DIDD Provider Manual Requirements. See Core Services Crisis Intervention Policy & Person Crisis Management Procedures.

1. **Annual Assessment of Ability to Exercise Rights**

Annually, an assessment will be completed of each person’s ability to exercise rights. This process will be coordinated by the Case Manager and can include:

* review of each person’s decision-making capabilities identified by the person and staff most familiar with the person
* POM interview and/or facilitated Person-Centered Planning meeting
* identification of rights most important to the person and their statements regarding rights restrictions
* appropriate follow up action (PCP meeting, COS, etc.) to discuss identified issues

1. **Training**

The Workforce Development Specialist will ensure that all new employees receive training on:

* Person Rights and Respect and Dignity.
* Refresher training on Rights, Respect & Dignity via PHS, handouts, classes or other means as available on an annual basis
* Person-Centered Thinking
* Community Integration and Citizenship, Rights

All employees will complete two-day person-centered thinking training. All staff will be scheduled for 4-day Personal Outcome Measures training dependent on availability of trainer.

1. **Due Process Procedures**

In all cases, a due process procedure will include the following:

* A determination of the person’s request.
* Review by leadership team
* The development of a strategy to meet person’s requests, including a timeline, and supports required.
* Consideration of why the request may not be fulfilled, with explanation and/or documentation to include how the safety, health, financial stability, or other factors may impact the person’s rights and choices.
* Once a plan is finalized and agreed upon by the person, if restrictions or limitations apply it will be submitted to a Human Rights Committee for consideration.

1. **Review Process**

* The Executive Director will be responsible for an annual review of the effectiveness of this policy.

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