

HUMAN RIGHTS PLAN

The following information is made available to participants, clients, families, case workers, government agencies, and all others who may have an interest to review or implement our policies, procedures, and plans.

Human Rights Policy

Persons with disabilities have the same rights that are constitutionally afforded to all citizens (P.L. 101-336, The Americans with Disabilities Act). Human rights will only be suspended through due process. Due process includes: least restrictive measures tried, justification for restriction, teaching strategies, time-line for review, and informed consent of any rights restrictions. To protect the human rights of persons who receive support, all persons must have access to a Human Rights Committee. The rights of each person shall include the following:

- a. The right to be treated at all times with courtesy, respect, and dignity.
- b. The right to be treated equally as a citizen under the law, including the guarantees of privileges afforded under the Constitution of the United States.
- c. The right to receive support in an appropriate, safe, sanitary environment that complies with local, state, and federal standards.
- d. The right to nutritious food, and support for health and well being.
- e. The right to practice the religion of choice or to abstain from such practices.
- f. The right to timely access to appropriate medical and dental treatment including medication.
- g. The right to access available supportive services including occupational therapy, physical therapy, speech therapy, behavior modification and psychology services, and other necessary services as approved by the payer.
- h. The right to receive appropriate supports in the most inclusive and least intrusive manner.
- i. The right to personal privacy.
- j. The right to communicate freely with others in a reasonable manner, including social interactions with members of either sex.
- k. The right to pursue economic opportunities.
- l. The right to be free from physical, emotional, psychological, or sexual abuse, neglect, and exploitation.
- m. The right to participate in all decisions affecting the person's life.
- n. The right to present grievances.
- o. The right to choose among available options.
- p. The right to be free from inappropriate chemical or physical restraint.
- q. The right to access personal money and possessions.
- r. Any additional rights outlined in the contracting agency's policy.
- s. The right to have records kept confidential under the guidelines in Utah Code annotated 63-2-201-206.
- t. The right to disagree with Support Coordinators and provider staff and to choose who the Support Coordinator or Provider of services will be according to the options available in the area the person resides.

These rights as described are provided by the State Division of Services for People with Disabilities. The Kostopulos Dream Foundation (KDF) promotes these human rights. The Division of Human Rights Council has provided the above information and KDF has developed the following Plan based on an outline provided by this Council.

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Procedures

Upon registering for Kostopulos Dream Foundation (KDF) services as a traditional participant, the individual and/or caregiver is provided a copy of this plan. (A traditional participant is described as one who will be participating in at least one activity.)

A written description of the services and the expectation of participants will be provided during the registration process. This will be in the form of brochures, program outlines, activity calendars, and registration materials. Staff will explain the written materials to the participant and caregivers.

The **Human Rights Policy** shall be reviewed with each person and the caregiver at the time of registration by the staff of KDF. A **grievance procedure statement** is part of the registration packet which the participant and caregiver must sign indicating they have read it. In the event a participant is unable to read, a caregiver must read and explain the policy. If this is not possible, a KDF staff person will do so.

Policy, Procedures, and Plan of Action

In the event a participant or others suspect an individual's rights have been violated, the following procedure can be taken:

1. Individual discusses the problem with the violators. If the violator is another participant, a staff member may be called in to address this with the offender and his caregiver. If the offender is a staff, volunteer, or caregiver, the participant or other interested person may contact a KDF supervisor for corrective action.
2. The offended can contact KDF supervision, but they are not required to do so, to address the offense. The offended can also call APS/CPS on their own and are required to do so under the Code of Conduct.
3. If the offended is unable to communicate their needs, a staff or volunteer should intervene and report the incident to a supervisor. The supervisor will question and take appropriate corrective action, such as calling DSPD and child and adult protective services. If the offenses continue without appropriate intervention or resolution by the supervisors or administration, the offended may contact the Human Rights Committee as outlined in the registration packet or by calling the office for a committee member name and number. Any individual will have access to the Human Rights Committee at anytime. They can do so by contacting the Executive Director.
4. The Committee will have the responsibility to hear all complaints, conduct an inquiry, and follow through with appropriate corrective action. It's expected that the Committee will meet within two to thirty days depending on the severity of the complaint and availability of committee members.
5. The participant may appeal a Human Rights Committee decision by sending a request to c/o DSPD, 195 North 1950 West, SLC, UT, 84003. The State's Division of Services for People with Disabilities Human Rights Council may be called for questions at 801-538-4200.
6. The participant has the right to an attorney if they are not satisfied with the committee action. They will be referred to the Disability Law Center for legal assistance. (455 E. 400 So. Suite 410, SLC, UT, Phone 363-1347)
7. The Committee shall review the Human Rights Plan on an annual basis.
 - a. The staff review and update policy and procedures annually as part of the American Camping Association (ACA) accreditation and DSPD.
 - b. Every three years the ACA site visitors shall visit camp and review agency policy and procedures.

Human Rights Policy Limitation or Denials

Prior to any limitation or restriction in human rights, staff shall attempt redirection to appropriate behavior, verbal intervention giving choices of appropriate actions.

Rights may be denied if the participant is determined to be of danger to themselves or others, this could include running away from a safe environment to an unsafe or unknown environment. (ie. running off camp property to the highway or river.) In the community this may mean running from supervised staff to unsafe streets and building unsupervised. Minimal physical restraint may be required. Any Level II and Level III interventions will only be performed after due process, only by trained certified staff, and the least restrictive interventions will be used. No strenuous un-natural constrictions of the body are allowed. This includes excessive pressure on the body.

Restrictive rights of this nature may be returned once the individual has gained emotional and physical control over themselves.

Staff are taught about human rights during their initial orientation and training period. They are given a copy of the human rights policy, asked to read it, and sign a statement they have read and understand those rights. The employee manual also has human rights information.

Individuals who have no guardians and can't give informed consent usually have a caregiver who will be informed as to their rights. They will sign for the participant. In the event there is no caregiver, the staff will attempt to help the person understand their rights, and sign for them and explain what the rights procedures and policies are.

Prohibited Procedures

The following procedures are prohibited for all KDF staff in all circumstances when supporting an individual with a disability:

- a. Physical punishment, such as slapping, hitting, and pinching
- b. Demeaning speech to a person that ridicules or is abusive
- c. Locked confinement in a room
- d. Denial or restriction of access to assistive technology devices, except where removal prevents injury to self, others.
- e. Withholding or denial of meals, or other supports for biological needs, as a consequence or punishment for problems.
- f. Any level II or Level III, as defined in R539-4-3(n) and R539-4-3(o), used as coercion, as convenience to staff, or in retaliation.
- g. Any procedures in violation of R495-876, R512-202, R510-302, 62A-3-301 thru 62A-3-321, and 62A-4a-402 thru 62A-4a-412 prohibiting abuse.

Allegations of abuse and neglect

Staff are trained to identify behaviors or physical symptoms that may indicate potential abuse or neglect. Representatives from Family Services, Child and Adult protective services may be brought in annually, (prior to camp opening) to educate staff regarding these issues and when and how to report.

Camp Procedures: If staff suspects violation of rights, they report it to their camp supervisor and Executive Director. Staff will evaluate the suspicion, the Executive Director will follow up with the state Adult or Child

Protective Services or law enforcement officials. Documentation of the suspicions and procedure will be done.

The offended can contact KDF supervision, but they are not required to do so, to address the offense. The offended can also call APS/CPS on their own and are required to do so under the Code of Conduct.

Human Rights Committee

The Committee shall be made of the Executive Director, the KDF Board Executive Committee or those assigned or invited by the Board President to sit on the Committee. We recommend that we have a parent, person with a disability, and/or an outside representative also serve on the Human rights committee to help provide fair and objective feedback. The Committee shall meet as needed but at least annually. Issues that indicate that a person's human rights have been limited or denied and not corrected will be reviewed by the Committee. Any and all unprotected rights that have consequences of being potentially physically harmful and those that have significant emotional impact will be referred to the Committee for investigation and action. Staff will strive always to protect each person's rights and immediately correct any behavior or situation they see as jeopardizing human rights.

The Human Rights Committee shall have the responsibility to:

- a. Determine if the agency Human Rights Plan is appropriate and effective in design and implementation.
- b. Determine if any outlined procedure by agency staff and volunteers is necessary to protect the health, safety and/or life of the person or others.
- c. Weigh the potential risk and benefits of any and all decisions thoroughly.
- d. Ensure a method is in place to document, monitor, and, if appropriate, cease questionable procedures and ensure the methods in question are communicated to staff.
- e. Render decisions.

If it is necessary to restrict or deny a person's rights, the HRC will complete the following process:

1. Identify a clear justification for the restriction
2. Consider and evaluate the least restrictive measures tried
3. Identify a teaching strategy to restore the right
4. Establish a time-line for the review of the restriction

At each HRC meeting, the Committee will approve or deny and new restrictions and review any existing restrictions. The Committee will make decisions based on majority vote. Informed consent must take place before the restriction is presented to the HRC, with the exception of an emergency; this constitutes an immediate threat to self or others. In this circumstance, an Incident Report will be filled out and forwarded to DSPD. The HRC will review all critical incidents.

Committee decisions shall be documented and minutes of the meetings shall be kept by the Committee. Written letters regarding decisions shall be sent to the offended party and their caregiver through the mail. If the actions or procedures of agency representatives limit or deny human rights as outlined, the Committee has the responsibility to intercede and correct.

*** Committee members shall keep all personal information confidential to protect the rights of the offended and the offender.**

Any and all illegal behavior shall be referred to the proper legal authorities.