

Human Rights Committee Function and Structure/By-Laws



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Applies To: All members of the Human Rights Committee, the Human Rights Coordinator, and all Human Rights Officers

Policy Number: 6.6.0.14
Regulatory: 115 CMR 3.09 and 5.00 et seq.
Reference: MGL Chapter 19C

S:\Agency Policy\6 - Program Related Policies and Procedures\6.6 - Program Systems\6.6.0.14 Human Rights Committee

Communitas has established a Human Rights Committee to affirm, promote and protect the rights of people with Intellectual or Developmental Disabilities. The general function shall be to monitor the activities of all programs with regard to the human and civil rights of people supported in Communitas programs, as is consistent with Department of Developmental Services Regulations as outlined in 115 CMR 3.09 and 5.00 et seq.

A. Duties of the Human Rights Committee.

1. To monitor the investigation of grievances and allegations of mistreatment as defined by the Department of Developmental Services (hereinafter the "Department") regulations and abuse as defined per Disabled Persons Protection Commission, MGL Chapter 19C.
2. To seek and review all information necessary to carrying out its duties; all records and personal information of people supported that is presented to or discussed by the Human Rights Committee (hereinafter the "Committee") shall be kept confidential.
3. To monitor and review any Targeted or Intensive PBS Plan with human rights restrictions.
4. To monitor and review the authorization and use of all emergency restraints and other limitations of movement in accordance with CMR 115 5.11, 5.12, 5.13 and 5.14.
5. To monitor the conduct of any research at the agency to determine that the research has been reviewed and approved by the Department's Research Review Committee and that it is carried out in accordance with any conditions set by that body.
6. To review and monitor the means utilized by the agency:
 - a. To inform people supported, staff, guardians and families of the individual's rights;
 - b. To train people supported by the program in the exercise of their rights;
 - c. To provide people supported with opportunities to exercise their rights to the fullest extent of their interests and abilities; and

- d. To inform people supported of the grievance procedures and the right to go to the Committee or to their Human Rights Officer
7. To make recommendations to the agency and to the Department to improve the degree to which the human and civil rights of the people with Intellectual or Developmental Disabilities are affirmed, promoted, protected and monitored.
8. To make annual visits to the locations where services are provided, while they are being provided, with or without notice.
9. To annually review all agency policies pertaining to the rights of people supported by the agency.

B. Membership of the Human Rights Committee

1. The Human Rights Committee shall be composed of a minimum of five (5) voting members; at least three (3) of these members shall be people receiving services or supports provided, purchased or arranged by the Department, or parents/guardians of, or advocates for such people, and such member(s) shall have no direct or indirect financial interest or administrative interest in the Agency, and where the Department is not the provider, not more than one (1) of the members shall have any direct or indirect financial or administrative interest in the Department.
2. The Committee members shall have experience and knowledge relevant to the duties of the Committee; and the Committee shall include:
 - a. A physician or nurse;
 - b. A psychologist or masters-level practitioner with expertise in developmental disabilities, mental illness, or applied behavioral analysis; and
 - c. An attorney, law student or paralegal with relevant expertise
3. Committee members are appointed by the agency CEO or designee, and are approved by simple majority vote of the Committee.
4. The Committee shall appoint a chairperson from among its membership, and shall develop such operating rules and procedures as it deems necessary to accomplish its purpose under the Department regulations, including Robert's Rules where appropriate.
5. The Committee may appoint subcommittee members among its membership to perform specific functions provided that the subcommittee members have relevant expertise or experience for the assigned task.
6. The Director of Residential Services, or a member of the agency Senior Leadership Team, as assigned by the Chief Executive Officer, shall serve as staff to the Human Rights Committee and shall inform the CEO of any pertinent information as is consistent with the Department regulation 115 CMR 3.09. This shall be a non-voting member of the Committee.

C. Human Rights Officers

1. The Head of each Division shall designate a person employed by the program to serve as the Human Rights Officer and to undertake the following responsibilities as part of their job description:

- a. To participate in training programs for Human Rights Officer as offered by the Department
- b. Under the general direction of the Human Rights Committee and with the technical assistance of the Department, to develop and implement means:
 1. to inform people supported by the program, staff and families of their rights, including making copies of these policies available for inspection at any time by each individual or any other interested persons;
 2. to train people supported by the agency in the exercise of their rights, to the maximum extent of their interests and abilities; and
 3. to provide people supported by the program with opportunities to exercise their rights to the fullest extent of their capabilities and interests.
- c. With the technical assistance of the Department, to provide legal information and referral service to individuals served and direct assistance with obtaining legal advice or representation through the Disability Law Center of Massachusetts, the Committee for Public Counsel, legal assistance agencies, lawyer cooperatives or clinics, lawyer referral programs, the Massachusetts Bar Association, or any other county of local Bar Association or other available means.
- d. Human Rights Officers are appointed by the Division Head, or designee, and shall serve until such time as they are relieved of this responsibility.
- e. The Human Rights Officers are not voting members of the Human Rights Committee but attend meetings in an advisory capacity.

D. Human Rights Coordinator

1. The agency shall designate and empower a person employed by the agency to serve as the Human Rights Coordinator and to undertake the following responsibilities as a formal component of their job description for the agency:
 - a. To coordinate the scheduling of meetings of the Committee;
 - b. To attend the meetings of the Committee and take minutes of the meetings;
 - c. To gather for the agency and for the Committee human rights information relevant to the agency's ability to meet its obligations under the Department's regulations and to otherwise assist the agency in the development of means to promote the human and civil rights of people supported;
 - d. To coordinate the agency's Human Rights Officers in meeting their responsibilities;
 - e. To coordinate the Committee's annual visits to sites which provide direct support to people; and,

- f. To assume such other responsibilities as may be assigned by the Committee and the agency
2. The Human Rights Coordinator is appointed by the Chief Executive Officer and shall serve until such time as they are relieved of that responsibility
3. The Human Rights Coordinator is not a voting member of the Committee but attends meetings in an advisory and coordinating capacity

E. Meetings of the Human Rights Committee.

1. The Committee shall meet as often as necessary upon call of the Chairperson or upon request of any two (2) members, but no less than quarterly, and shall be familiar with the location where individuals live and where they spend their daytime hours.
2. Minutes of the Committee meetings shall be kept, and duplicates filed with the Area Office Director and the assigned Human Rights Specialist from the Office for Human Rights
3. For the purposes of the Committee meetings, a quorum shall be considered present when at least one (1) professional member and at least one (1) family member or individual is present, with no less than three (3) total Committee members and the Human Rights Coordinator or designee being present.
4. When reviewing the Human Rights Committee Review for the Use of Protective/Supportive Devices (for supports or health related protections), it is recommended that the following members of the Committee should be present
 - a. An attorney, law student or paralegal with relevant experience
 - b. A physician or nurse, or a psychologist or masters-level practitioner with expertise in developmental disabilities
 - c. A family member
 - d. The agency Human Rights Coordinator, or designated member of management