



# A Working and Effective Human Rights Committee

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It can be done and your  
organization can do it!

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**The Council on  
Quality and Leadership**

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# AGENDA

## WHAT WILL BE COVERED

- What is a Human Rights Committee (HRC)?
- Why is a HRC important?
- Who should be on the HRC?
- How should the HRC work?
- How can you avoid having a 'Rubber Stamp' HRC?
- Sources and Resources



# CORE VALUES

## THE BASICS

- All people have RIGHTS
- Any RIGHT cannot be limited with due process
- All RIGHTS have associated responsibilities
- It is important to support people with limited life experiences to exercise RIGHTS responsibly





# HCBS WAIVER PRINCIPLES



...has privacy in their unit including lock  
furnish or decorate the unit;  
...ual controls his/her own schedule including  
...ual can have visitors at any time; and  
...s physically accessible.

...these additional requirements for provider-  
...ust be supported by a specific assessed need

...s certain settings... settings for  
...ver the past five years... settings for  
...d partners about the qualities of...  
...d settings. As part of this stakeholder  
... Rule Making (ANPRM) and various propo-  
...es authorized by different sections of the Medi-  
...ate Plan HCBS and 1915(k) Community First C  
...-based settings has benefited from an

- The Settings Rule clearly defines the many human and civil rights that people receiving HCBS funding and supports have in common with people without disabilities.
- It is aimed at supporting people to live the same lives as people without disabilities.
- Each person is unique.
- Supports are individualized.
- At times, people's rights can be temporarily limited.



## IF RIGHTS ARE LIMITED:

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- Identify a specific need
- Document the positive interventions used prior to any modifications
- Document less intrusive methods that have been tried but did not work
- Include a clear description, directly proportionate to the specific assessed need
- Include a regular collection and review of data to measure the effectiveness
- Established time limits for periodic reviews
- Informed consent of the individual
- Assure that the interventions and supports will “Do No Harm.”



# HUMAN RIGHTS COMMITTEE

## WHAT IS IT?

A group of committed volunteers interested in protecting and promoting human, civil, and legal rights of people who function as an advisory body to the CEO:

- Ensure rights are protected
- Act as a resource for people supported and/or teams
- Promote exercising of rights
- Share information with the organization to improve quality of life for people supported



# HUMAN RIGHTS COMMITTEE

## WHY HAVE ONE?

- Ensures compliance with applicable federal laws in the United States in both ICF and waiver funded service settings
- Meets requirements of many state statutes/regulations.
- Meets expectations of CQL Basic Assurances®
- It's a “best practice” for promoting and protecting the rights of people who may have limited life experiences or support

# HUMAN RIGHTS COMMITTEE

## A 'RUBBER STAMP' COMMITTEE?



Members have not received training on their roles and responsibilities



Executive Director is chair person of the HRC



People whose restrictions are reviewed do not attend the meetings.



# HUMAN RIGHTS COMMITTEE

## A 'RUBBER STAMP' COMMITTEE?



A large number of restrictions are reviewed at each meeting.



There is no statement or policy outlining the role of the committee.



Committee rarely requests additional information concerning a restriction and why it is needed.



Almost all restrictions are approved.



Little discussion amongst members is captured.

# HUMAN RIGHTS COMMITTEE

## A 'RUBBER STAMP' COMMITTEE?



Members don't want to "be critical of hard-working staff's efforts".



Members feel "the professionals know best."



Members think "it's needed for their own protection."



# RUBBER STAMPING STRATEGIES TO AVOID IT

## MEMBERSHIP

- Recruit a diverse group of members, including at least two people who receive services.
- Provide mentoring if needed to ensure each person is an ACTIVE participating member.
- Have at least one or two people who are knowledgeable about psychotropic medications
- Have several members who are knowledgeable about BEST practices in the field.



# RUBBER STAMPING STRATEGIES TO AVOID IT

## MEMBERSHIP

- Work with high schools, colleges, to recruit social work, psychology, philosophy, theology students
- Look for members at other social service agencies
- Share members with other providers
- Recruit more members than needed to ensure a quorum
- Ask each board member, leadership team, or others to share one name of a person who believes in justice and is a strong advocate for the rights of all people



# RUBBER STAMPING STRATEGIES TO AVOID IT

## MEMBERSHIP

- Work with community religious groups to recruit members
- Have two committees who meet at different times if needed to provide effective due process for all
- Ensure that agency liaison is strong advocate and encourages “why” questions
- Use Facebook and other social media to recruit members



# RUBBER STAMPING STRATEGIES TO AVOID IT

## ROLES AND RESPONSIBILITIES

- Develop a policy/committee statement that outlines the HRC role, it's responsibilities and the authority it has to make recommendations as an advisory committee.
- Encourage the HRC to develop a simple mission and values statement to help guide it with focusing on the protection and promotion of people's rights.



# RUBBER STAMPING STRATEGIES TO AVOID IT

## ROLES AND RESPONSIBILITIES

- Develop a training curriculum - collaborate with other providers, enlist the help of a social work student to develop one, ask staff who are strong advocates for all people to help, get people supported involved in the training process.
- Train all members on their roles and responsibilities and have them sign a confidentiality agreement.



# RUBBER STAMPING STRATEGIES TO AVOID IT

## TRAINING CURRICULUM



- Developed around member's background and experience
- Description of “due process” – meant for ALL people.
- Role of Committee Members
- Responsibilities of the HRC





# RUBBER STAMPING STRATEGIES TO AVOID IT

## ROLE OF COMMITTEE MEMBERS

- Protecting-ensuring rights are not ignored or infringed upon
- Affirming-respecting individual preferences
- HRC's support of mission and values of organization
- Positive approaches to support people in learning responsibilities that go with exercising rights
- Ask about alternative options beyond “behavior modification”
- Simple listing of numerous rights people may not be exercising
- Difference between rights and privileges
- Presume competence



# RUBBER STAMPING STRATEGIES TO AVOID IT

## RESPONSIBILITIES OF THE HRC

- To provide due process for ALL rights restrictions, from limiting people's access to their personal property to restrictive or intrusive interventions
- To be strong advocates for eliminating restrictions and focusing on the person more than the organization
- To help organization problem solve ways to avoid and eliminate restrictions and support people to exercise their rights
- To review substantiated MEAN
- Confidentiality
- Informed Consent



# RUBBER STAMPING STRATEGIES TO AVOID IT

## MEETINGS

- Hold meetings when the majority of members can attend even if this means in the evening
- If needed rotate the location of the meeting
- Develop a meeting calendar for the year
- Help people whose restrictions are being reviewed to understand why they are invited to the HRC
- Be prepared to ensure people supported have transportation to the meetings. Both people who are members and those whose restrictions are being reviewed

# RUBBER STAMPING STRATEGIES TO AVOID IT

## MEETINGS

- Inquire if another committee member can help provide transportation if needed
- As an organization, provide support for taking meeting minutes
- Develop a format for meeting minutes



# RUBBER STAMPING STRATEGIES TO AVOID IT

## MEETINGS



- Support the HRC in developing a checklist of “must ask” questions to help ensure due process takes place and avoid rubber stamping.
- Support the HRC in developing a system for “closing the loop” with follow-up-of requests and recommendations.



# RUBBER STAMPING STRATEGIES TO AVOID IT

## QUESTIONS TO ASK

- Why is the restriction necessary?
- What else has been tried?
- What were the results?
- What type of training has been provided?
- How have health and environmental causes been ruled out?
- What teaching strategies will be provided to help restore the rights?
- Are these the same limitations you would see for people without disabilities?



# RUBBER STAMPING STRATEGIES TO AVOID IT

## QUESTIONS TO ASK

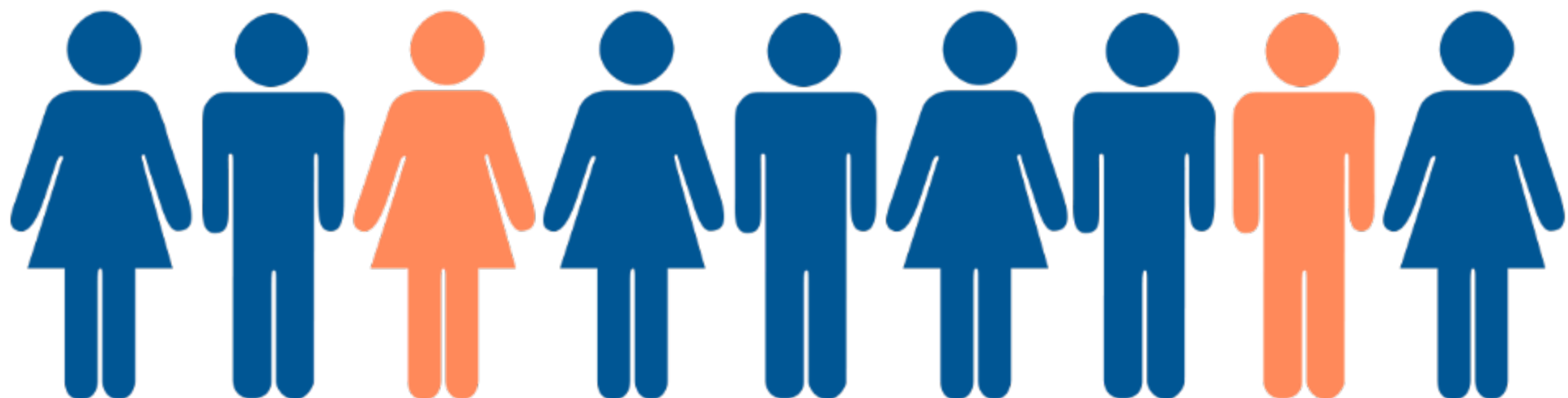
- What criteria has been set for removal of the restrictions?
- What data will be collected to measure the effectiveness of the teaching/training?
- Has INFORMED consent been given? By whom?
- Does it follow the guideline of ...  
GIVE THE “RIGHT RIGHT BACK” as quoted by Nancy?



# HUMAN RIGHTS COMMITTEE

## AN EFFECTIVE & PROGRESSIVE COMMITTEE

- Build a culture of team work among the members and constantly remind them that they are responsible for “the quality of people’s lives.”
- Develop a sense of “if this was your daughter, son, niece, brother, neighbor what would you want that would be acceptable for them?”.







# HUMAN RIGHTS COMMITTEE

## AN EFFECTIVE & PROGRESSIVE COMMITTEE

**“ALONE WE CAN DO SO LITTLE;  
TOGETHER WE CAN DO SO MUCH.”**

*- HELEN KELLER*



# HUMAN RIGHTS COMMITTEE

## AN EFFECTIVE & PROGRESSIVE COMMITTEE



- Develop a culture of “another set of eyes will help us ensure we don’t miss something - that we treat people fairly and with respect.”
- Remind members that psychiatrists, doctors, behaviorists, the organizational staff do not know everything and the HRC’s opinions and thoughts are valued.



# HUMAN RIGHTS COMMITTEE

## AN EFFECTIVE & PROGRESSIVE COMMITTEE

- Recognize members for their contribution
- Recognize important events - a member has served on the HRC 5 years
- During the last quarter 3 people had their rights restored, during the last 6 months 5 people had a successful decrease in psychotropic medication use
- Share success stories about people whose rights have been restored or better yet have them share their story.



# SIGNS OF EXCELLENCE

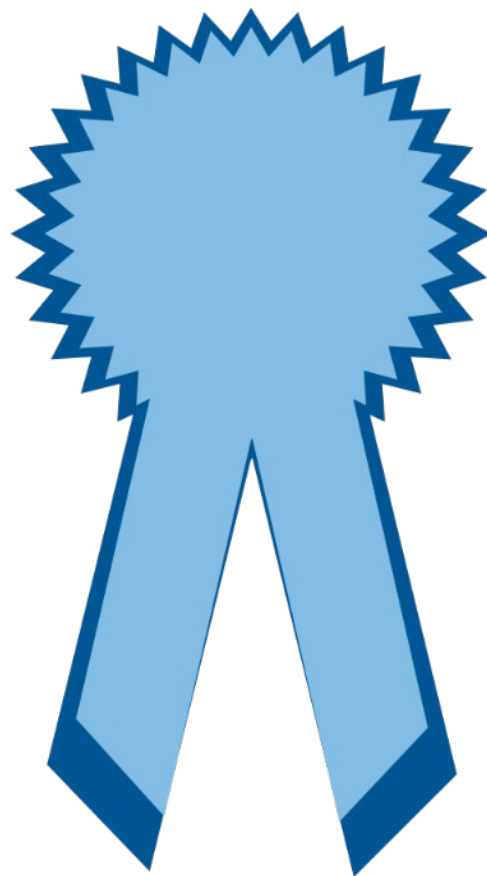
## THE BEST OF THE BEST

- A large percent of people supported are present for their due process discussion and feel comfortable and welcomed.
- Members are **invited** to stop by people's homes to learn about rights promotion and restrictions across the organization.
- Members are willing to step "outside the box" to protect and promote rights by sharing their concerns and asking for clarification of certain issues with clinicians, other professionals, and staff in general.

# SIGNS OF EXCELLENCE

## THE BEST OF THE BEST

- Organization recognizes the HRC members with an annual appreciation luncheon or dinner.
- People supported initiate requests to be heard by the HRC.
- People supported take issues beyond restrictions that to the HRC.





# SOURCES & RESOURCES

## HELPFUL PUBLICATIONS

- Baker, Steve and Tabor, Amy. (2016, 4<sup>th</sup> Edition). *Human Rights Committees, From Compliance to Cultural Commitment*. New Lenox, IL. High Tide Press, Inc.
- CQL | The Council on Quality and Leadership. (2004). *All About Rights A Guide to Supporting the Rights of People with Intellectual Disabilities*. CQL: Towson, MD.
- CQL | The Council on Quality and Leadership. (2015, 3<sup>rd</sup> Edition). *Basic Assurances<sup>®</sup>, Enhancing Health, Safety and Human Security*. CQL: Towson, MD.
- United Nations General Assembly. (1948). The Universal Declaration of Human Rights. General Assembly Resolution 217 A (III).



Stay In Touch:

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