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# HUMAN RIGHTS

## *Rights violation procedure*

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### Directive 1.1

Authorizing Code: [26B-6-403](#)

Rule: n/a

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Forms: N/A

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#### **Purpose:**

This directive establishes policy and procedures for DSPD staff to follow when potential human rights violations are brought to the division's attention.

#### **Definitions:**

**Adult Protective Services (APS):** means the operational unit with the Division of Aging and Adult Services (DAAS), Department of Health and Human Services (DHHS) that is responsible for investigating reports that a vulnerable adult is being abused, neglected, or exploited.

**Child Protective Service (CPS):** means the operational unit with the Division of Child and Family Services (DCFS), Department of Health and Human Services (DHHS) that is responsible for investigating reports that a vulnerable adult is being subjected to abuse, neglect, or dependency.

**Division:** means the Division of Services for People with Disabilities (DSPD), Department of Health and Human Services (DHHS).

**Office of Service Review (OSR):** means the unit with the Division of Continuous Quality Improvement (CQI), Department of Health and Human Resources (DHHS) that is responsible for coordinating and monitoring compliance with state and federal regulations, court rulings, contract, and policies through performing both internal and external program review.

#### **I. Policy:**

1. Persons with disabilities have the same human rights that are afforded to all other citizens through state and federal law.
  - a. Human rights can only be suspended through due process.
2. All division staff will assure and protect the human rights of any person in services by responding promptly and effectively to any reports of the violation of those rights, or of failure to provide due process for limiting rights.

3. Potential human rights violations may be reported to the division by any interested party.
4. Reports of abuse, neglect, exploitation, or dependency of a child or vulnerable adult must be referred directly to law enforcement or to the DHHS agencies (APS, and CPS) identified below in II. Procedures.

## II. **Procedures:**

1. Reports of potential human rights violations may be received by any division staff.
  - a. Reports may be received in any format, and may be anonymous; all reports will be treated with equal diligence.
2. Division staff who receive reports of human rights violations will document the reported violations in the internal Rights Violations Tracking Form. Entries into that form will be recorded in the Rights Violations Tracking Sheet.
  - a. The tracking form records:
    - i. The date of the reported violation;
    - ii. The name of the person reporting the violation; the person may remain anonymous if they choose.
    - iii. A description of the alleged violation.
    - iv. A record of the initial referral made by division staff to follow-up on the potential violation.
3. Division staff will refer reports of human right violations to the Constituent Services team, or to the Settings Collaboration team for review.
  - a. Settings-related violations or concerns will be referred to the Settings Collaboration team for initial review;
  - b. Other reported violations or concerns will be referred to the Constituent Services team, who may take further actions to investigate and intervene in the potential rights violation, including additional referral;
  - c. The Settings Collaboration and Constituent Services teams will consult with each other as necessary;
  - d. The Settings Collaboration and Constituent Services teams maintain separate tracking sheets for their respective teams;
    - i. These sheets are where the teams document detailed reports of rights violations and where they track further actions taken.
4. The Constituent Services and the Settings Collaboration teams will:
  - a. Refer reports to the Office of Service Review when a contract violation or an issue of program integrity may have occurred;
  - b. Document and refer reports that include allegations of abuse, neglect or exploitation to Adult Protective Services or Child Protective Services.
  - c. If the reported violations require a higher level of scrutiny, Constituent Services or the Settings Collaboration team also refer the report for further review elsewhere, as appropriate.