

# Shadowfax

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Title	Individual Rights
Policy Number	RES.6010.000.000
Initiating Authority	Executive Director, Residential
Approved By	Compliance Committee 12-1-21
Origin Date	November 5, 2021
Revision Date	
Effective Date	January 1, 2022
Next Review Date	July 2022
Associated Policies	RES.6012.000.000 Individual Grievance, RES.6006.000.000 Individual Service Plan, RES.6011.000.000 Abuse, Neglect, and Exploitation, ORG.1021.000.000 Sexual Health, Personal Relationships, and Sexuality Guidelines
Associated Procedures	
Associated Documents	

## I. POLICY STATEMENT

Shadowfax Corporation (“Shadowfax”) is committed to person-centered services, including caring for an individual’s physical and emotional health, safety, dignity and personal choices; therefore, Shadowfax has created a policy for the Residential program (RES) to protect and support the rights of each individual within the program.

## II. PURPOSE

The purpose of this policy is to provide guidance on an individual’s rights while they are in the RES program.

## III. SCOPE

This policy applies to all individuals within the RES program, and to services delivered in the home or in the community.

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## IV. GENERAL

This policy is based on the standards set by PA Code Title 55 Chapters 6100 and 6400.

## V. POLICY

### Informing of Rights

RES encourages each individual within the program to understand and exercise their rights. RES shall inform and explain individual rights and the process to report a rights violation to each individual in the program, and to persons designated by the individual, upon entry into the program and annually thereafter.

RES shall keep a statement signed by the individual, or the individual's court-appointed legal guardian, acknowledging receipt of the information on individual rights.

### Individual Rights

An individual within the RES program:

1. may not be discriminated against because of race, color, creed, disability, religious affiliation, ancestry, gender, gender identity, sexual orientation, national origin or age.
2. has civil and legal rights afforded by law, including the right to vote, speak freely, practice the religion of the individual's choice and practice no religion.
3. may not be abused, neglected, mistreated, exploited, abandoned or subjected to corporal punishment.
4. shall be treated with dignity and respect.
5. may make choices and accept risks.
6. may refuse to participate in activities and services.
7. may control their own schedule and activities.
8. may have privacy for themselves and their possessions.
9. Individuals may access their own possessions and have the right to security of their possessions.

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10. may choose a willing and qualified provider.
11. may choose where, when and how to receive needed services.
12. may voice concerns about the services they receive.
13. may have assistive devices and services to enable communication at all times.
14. may participate in the development and implementation of the individual plan.
15. may access their records and also may designate persons who have the right to access the individual's record.
16. may receive scheduled and unscheduled visitors, and to communicate and meet privately with whom they choose, at any time.
17. may have unrestricted access to send and receive mail and other forms of communications, unopened and unread by others, including the right to share contact information with whom they choose.
18. may have unrestricted and private access to telecommunications.
19. may manage and access their own finances.
20. may choose with whom to share a bedroom.
21. may furnish and decorate their bedroom and the common areas of their home in accordance with Chapter 6100.184 and 6400.33 relating to negotiation of choices.
22. may lock their bedroom door.
23. may have a key, access card, keypad code or other entry mechanism to lock and unlock an entrance door of the home.
24. may have to access food at any time.
25. may make their own health care decisions.
26. may enjoy their personal relationships and sexuality in a safe, consensual, and legal manner, while respecting the rights of others, including the right to:
  - self-identify their gender, sexual orientation, and sexual preferences.
  - accessible and appropriate education, information, and resources that address their individual personal relationships, sexual health, and sexuality needs in a way that supports their dignity.
  - privacy when accessing supports and privacy about their personal relationships unless they consent to a disclosure

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- enjoy relationships and to express their sexuality in a safe manner.
- be supported by knowledgeable Shadowfax staff and a knowledgeable Individual Support Plan team.

## Exercise of Rights

1. An individual may not be deprived of rights as provided in this policy and associated Shadowfax policies
2. Shadowfax shall educate, assist and provide the accommodations necessary for individuals to make choices and understand their rights.
3. Individuals may not be reprimanded, punished or retaliated against for exercising their rights.
4. A court's written order that restricts an individual's rights shall be followed.
5. A court-appointed legal guardian may exercise rights and make decisions on behalf of an individual in accordance with the conditions of guardianship as specified in the court order.
6. An individual who has a court-appointed legal guardian, or who has a court order restricting the individual's rights, shall be involved in decision-making in accordance with the court order.
7. An individual has the right to designate persons to assist in decision-making and exercising rights on behalf of the individual.

## Negotiation of Choices

1. An individual's rights shall be exercised so that another individual's rights are not violated.
2. If there are issues when individuals are making choices, RES shall assist the affected individuals to negotiate choices in accordance with the provider's procedures for the individuals to resolve differences and make choices
3. An individual's rights may only be modified in accordance with Chapter 6100.223(9) and Chapter 6400.185, relating to content of the individual plan, to the extent necessary to mitigate a significant health and safety risk to the individual or others.

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## VI. OVERSIGHT

Shadowfax's Compliance Committee or their designee(s) (the "Approved By") shall be in charge of the administration of this Policy. The Approved By responsibilities include:

1. Identifying the action steps to come into compliance and directives to maintain compliance and implement the action steps.
2. Periodically reviewing this Policy and monitoring compliance to it.
3. Training responsible parties on their obligations under the Policy.

### Revision History

Name	Date	Reason for Changes	Version