



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY-NORTHWEST REGION

REPORT 12-080-9002
MALCOLM EATON

INTRODUCTION

The Human Rights Authority opened an investigation after receiving a complaint of possible rights violations at Malcolm Eaton, an adult CILA program in Lena. It was alleged that a recipient's email communications were being censored and that her bedroom smelled like urine.

A substantiated violation would violate the recipient's rights as protected under the Mental Health and Developmental Disabilities Code (405 ILCS 5).

The Lena CILA is part of a larger group of vocational and residential Malcolm Eaton services based in Freeport. Two women live in the CILA in question.

FINDINGS

Both women share a room in the home. Another room is under construction of some sort. One of the roommates has an incontinence problem, which is consistently monitored by the staff. The managers we met with told us that there obviously would be times when the room smelled of urine, but they do what they can to see that the resident is toileted according to her schedule and as needed. We observed her bedroom, and found an absorbent pad on her bed and the room had no odor whatsoever. The staff commented that they try to respect everyone in the room, but do not like waking the resident needlessly.

Regarding the allegation that a resident's email communication had been censored, the managers explained that the resident we asked about indeed worked on a computer and used the email to converse with her PAS (pre admission screening) agent, who is a friend, and to her guardian. This has been going on for about eight months or so. The email/computer program was located only at the day training site as the home had no computer.

There are two instructors in the main day training building, and two classrooms. Both instructors have email capabilities for their students' access. When a student requests to use

email, a blank page on the screen is drawn, the students states whom he or she would like to email, the space is entered and they proceed to email without interference. The student we asked about does this about one time per week. She writes, sends and logs out without staff involvement. She is not required to share what she has emailed with anyone.

One manager explained that there was a recent incident however, where under his direction he wanted everyone to discuss work related complaints only with the right people. At this time the student was complaining to her guardian about D.T. issues, which he thought was inappropriate. He asked the student's former instructor to look at her emails, and sure enough some contained complaints about day training. He asked the instructor to redraft them and send.

He admits that at the time he was not thinking and censoring did not occur to him. He regrets doing it, and sees that her right was definitely violated. He has stopped the practice.

He contends that his earnest intention was for all students to get their concerns to the right people, not to censor their communications. He knows that students can complain to anyone they so choose, including their guardians. A rights restriction form had not been used at that time but if any such restriction happens again, the facility is prepared to use them. The facility feels a great lesson has been learned.

RECORD MATERIAL

Email from manager to instructor:

Until further notice. The very next time you work alongside [student], please send me the email to my address and I will see that it is sent along to her guardian. Thank you.

Next email:

Please have [student] draft another email sharing specific what is happening here at day training of jobs she is working on, friends, goal progress. Her bedroom-related issue has been taken up and addressed...

A few more continue.

CONCLUSION

Policies and procedures about communications are being developed and improved at present within the Malcolm Eaton program. A consumer's rights policy states that consumers must have the right to privacy and confidentiality.

Under the Mental Health Code, a recipient who resides in a developmental disabilities facility shall be permitted unimpeded, private and uncensored communication with persons of his choice by mail, telephone and visitation. (405 ILCS 5/2-103).

By the manager's own admission and evidence from the student's record, the allegation that the student's email communication had been censored is substantiated. We cannot say that an occasional urine smell from an incontinent person violates another's rights.

RECOMMENDATIONS

1. Be sure that all staff are trained on consumer communication rights.

RESPONSE

Notice: The following page(s) contain the provider response. Due to technical requirements, some provider responses appear verbatim in retyped format.



MALCOLM EATON Enterprises

May 15, 2012

Florence Sandberg, Chair
Human Rights Authority
Illinois Guardianship and Advocacy Commission
4302 N. Main Ste. #108
Rockford, IL 61103-5202

RE: 12-080-9002

Dear Ms. Sandberg,

On behalf of Malcolm Eaton Enterprises I would like to thank you for the thoroughness of your investigation and evaluation.

In response to the Guardian and Advocacy Commissions' findings, we sincerely regret the fact that email censorship took place at our agency. We respect everyone's right to unimpeded, private and uncensored communication with persons of their choice.

RESPONSE TO SUGGESTIONS:

During the course of the investigation, we began taking corrective measures to address this incident including the retraining of staff on consumer rights and communication. Since the investigation, we have since taken additional steps to address the issue.

(1) An agency-wide training session on consumer rights, communication, privacy, advocacy and grievance procedure was conducted for staff in all departments and will continue annually. New staff will receive the same training upon hire. Members of our Behavior Management and Human Rights committees also received additional training.

(2) A revision to the consumer rights policy that explicitly adds email and other forms of electronic communication was made.



Imagine the Opportunities

Main Campus

570 West Lamm Road, Freeport, IL 61032
Phone (815) 235-7181 Fax (815) 235-7180

West Campus

2900 West Loras Drive, Freeport, IL 61032
Phone (815) 232-7182 Fax (815) 232-7183

Website www.malcolmeaton.org

A member agency of the United Way of Northwest Illinois, Inc.



MALCOLM EATON *Enterprises*

(3) We are beginning to assist consumers, with guardian consent, in creating their own fully-private, email accounts from a provider of their choice.

We feel that these changes will help protect individuals' rights to free communication, and also provide electronic communication in the least restrictive environment.

Thank you again for taking the time to meet with us, and for providing feedback throughout the investigation.

Brian Babcock
Manager of Community Services
Malcolm Eaton Enterprises
570 West Lamm Rd.
Freeport IL, 61032



Imagine the Opportunities

Main Campus

570 West Lamm Road, Freeport, IL 61032
Phone (815) 235-7181 Fax (815) 235-7180

West Campus

2900 West Loras Drive, Freeport, IL 61032
Phone (815) 232-7182 Fax (815) 232-7183

Website www.malcolmeaton.org

A member agency of the United Way of Northwest Illinois, Inc.