

Guidelines to Assist with Negotiating Rights and Choices and Resolving Differences

Purpose

To provide clarification relating to the scope of a decision-maker's ability to make decisions on the individual's behalf and offer a method for conflict resolution.

Guiding Principle

To assist individuals in negotiating their rights and choices and how to handle differences which may arise.

Guidelines

Individual Plan

1. When creating and/or updating an individual's plan, an individual's preferences and choices must be considered as outlined in the **Individual Plan Process Guidelines**.
2. An individual's rights may only be modified to the extent necessary to mitigate a significant health and safety risk to the individual or others.
 - a) Significant health and safety risk generally means anything that may result in substantial physical or emotional pain, bodily injury, death, or substantial risk of death.
 - b) Even when rights must be modified, they must allow the maximum amount of choice and control consistent with the individual's assessment and Individual Plan.

Implementation of Individual Plan

3. When implementing an individual's plan, all UCP employees and life sharers must ensure an individual's rights are fully exercised. However, UCP employees/life sharers must also ensure that by fully supporting the rights of one individual, another individual's rights are not violated.
 - a) If fully exercising one individual's rights results in violation of another individual's rights, then that right needs to be limited.
 - b) An individual wants to decorate the common areas of the home with material that is offensive to another individual/family member violates one individual's right to be treated with dignity and respect.
4. UCP employees/life sharers must provide the level of services necessary to enable each individual to meet his/her outcomes. This includes ensuring assistance, support, and guidance (which includes prompting, instruction, modeling and reinforcement) is provided as necessary.

Personal Relationships

5. When considering an individual's personal relationships, the following must be considered:
 - a) An individual will be assisted in facilitating visits and/or involvement of whom s/he chooses for decision making, planning and activities through methods such as facilitation of communication, planning, transportation, etc.
 - b) An individual will be assisted in involving his/her relatives and friends through whatever means is preferred by the individual such as in-person visits, calls, emails, social media, etc.
 - c) An individual may choose not to have people involved.
 - d) When applicable, an individual should be supported in negotiating choices with the people s/he shares a home with.

Resolving Differences

6. Through the negotiation of each individual's rights and choices, differences may arise. Below are guidelines on how to approach and resolve differences:
 - a) Refer to the Individual Plan as it should address how assistance, support, and guidance will be provided to enable individuals to make choices.
 - b) When individuals reside in the same home, UCP employees/life sharers should assist individuals in developing and managing appropriate relationships, understanding how to share responsibilities for routines such as preparing meals, eating together, light cleaning, and scheduling shared recreational activities.
 - c) If differences arise between individuals residing together, UCP employees/life sharers should assist individuals in resolving differences and negotiating solutions.
 - d) For waiver-based services, food quality, quantity, storage, and preparation practices must take into account the rights and choices of the individual(s) through the evaluation of the Individual Plan and by providing assistance, support, and guidance to enable individuals to be involved in such negotiation of choice.
7. When differences arise between individuals, decision makers and/or both, the situations should be approached using the UBEAM Method to protect the individual's right to self-direction, choice, and control while preventing negative health and safety outcomes through negotiation and compromise:
 - a) **Understand** means identifying why a person isn't consenting.
 - b) **Brainstorm** means coming up with possible strategies to overcome the barriers to consent. Strategies might include risk mitigation activities, Gradual Introduction Plans, Desensitization, or creative approaches based on the individual's needs and desires.
 - c) **Educate** means helping the person understand why support is important and explaining the ideas to mitigate barriers.
 - d) **Apply and Analyze** means implement the ideas and plans and determining what works and what does not work through observation, trend analysis, and outcomes.
 - e) **Modify** means changing the plan to remove the things that are not working and expand the things that are working.