

WASHITA VALLEY COMMUNITY ACTION COUNCIL

IMPASSE RESOLUTION BETWEEN COMMUNITY ACTION GOVERNING BOARD AND HEAD START POLICY COUNCIL

The Washita Valley Community Action governing Board of Directors and the Head Start Policy Council have established the following impasse resolution procedures, to achieve resolution of impasses that may occur when agreement and approval is required by both the Board of Directors and the Policy Council per the Program Governance Performance Standards. Whenever a dispute arises relating to governance and management responsibilities of the Board of Directors and Head Start Policy Council, either party may initiate this impasse resolution procedure. The Policy Council and the Board of Directors should fairly resolve any and all disputes using the earliest level possible through this procedure.

When the Governing Board proposes an action or policy regarding the Head Start program, and the Policy Council does not approve during the next regularly scheduled Policy Council meeting or when the Policy Council recommends an action or policy and the Governing Board does not approve during their next regularly scheduled meeting, the following procedures will be followed.

NEGOTIATION

The Board of Directors and Policy Council, with the assistance of the Executive Director and Head Start Director, shall first attempt to informally resolve the dispute. The Executive Director shall facilitate communications between the two parties in an effort to ensure that both parties have sufficient background information to understand each respective position.

If after informal discussions, the Governing Board believes the Policy Council will not approve a decision and the Governing Board wishes to formalize the approval process, the Governing Board chairperson shall notify the Policy Council chairperson in writing. The notice shall contain a statement of the reasons in support the proposed decision or action.

Within ten days after receipt of the notice, the Policy Council shall hold a special meeting for consideration of the Governing Board proposed decision or action.

Immediately after the special meeting, the Policy Council chairperson shall notify the Governing Board chairperson in writing of the Policy Council's approval or disapproval of the proposed decision or action. If the notice is of disapproval, it shall contain a statement of the reasons.

MEDIATION

1. If attempts at negotiation fail, and the Governing Board or Policy Council desires further consideration of the matter, the entity desiring further consideration it shall initiate a meeting with the other entity for the purpose of attempting to resolve their differences with the assistance of a certified mediator.
2. If after these efforts, the Governing Board and the Policy Council are unable to reach an agreement, the proposed decision or action shall not be taken. In that case, the Governing Board must invoke the arbitration procedures, if the Board is unable to abide by the decision of the Policy Council.
3. If the Governing Board makes the decision or takes action without invoking the arbitration procedures, the Policy Council shall notify, in writing, the Region VI office with a copy of the notice to the Governing Board. The notice shall contain a description of the circumstances in which the Governing Board is alleged to have disregarded or violated the Policy Council approval requirements.

ARBITRATION

1. If attempts at mediation fail, the Governing Board shall notify the Policy Council, in writing, that the impasse is to be resolved by binding arbitration. The Notice shall include:
 - A statement of the issue on which the Governing Board and the Policy Council are at an impasse;
 - The name and address of the person the Governing Board has designated as a member of the arbitration panel;
 - A request that the Policy Council designate a member of the arbitration panel within seven (7) days of the receipt of the Notice and instruct him/her to communicate immediately with the person designated by the Governing Board to serve on the arbitration committee for the purpose of selecting the third member of the panel.
2. Failure to Designate Arbitrator:

Failure by the Policy Council to designate an arbitrator within seven (7) days of receipt of the Notice of Arbitration shall be a default, and shall be considered to be approval of the Governing Board's proposed action.
3. Arbitration Committee's Composition and Powers

The Arbitration Committee shall be made of three (3) disinterested parties* who have agreed to serve as arbitrators:

- One (1) representative selected by the Governing Board;
- One (1) representative selected by the Policy Council;
- One (1) representative mutually agreed upon/selected by the representatives of the Board and the Policy Council who shall serve as the chairperson.

All arbitrators shall be persons of good reputation and standing in the community and shall not be associated with the Head Start program. If the two arbitrators first designated are unable to agree upon a third arbitrator, they will request the State of local bar association to name one of its members who would be willing to serve as chairman. Arbitrators shall serve without compensation.

The Arbitration Panel will schedule the arbitration hearing at a reasonable time, but not more than twenty (20) days following the selection of a third arbiter.

The place of the meeting will be in the locality of the Head Start Program, but not at the agency, at a place fixed by the Arbitration Panel, with the consideration for the convenience of the parties.

The duty of the arbitration panel is to resolve the issues in dispute as expeditiously and fairly as possible at the minimum expense of the parties involved.

4. The proceedings of the arbitration panel shall consist of:

Oral presentation of the Policy Group's position, including minority views, if there are any;

Oral presentation of the Grantee Governing Board's position, including minority views, if there are any;

Response by both parties to such questions as the panel wishes to ask;

Informal cross-examination of each party by the other, within the limits allowed by the panel;

Such additional presentation of oral or written materials as the panel deems necessary to fully apprise it of relevant facts for an informed decision.

If the panel needs additional materials such as budget statements, Head Start regulations or other materials of that nature, the Governing Board has the duty to provide the panel with such documents.

5. Standard of Conduct

Both parties are obligated to act in good faith before and during the proceedings. Neither party may communicate with the arbitrators once the panel has been selected except at formal meetings attended by all parties. Any attempt to intimidate an arbitrator shall be reported to the Regional Office and shall result in a default judgment against the party guilty of it.

Refusal to comply with the directions, continued use of delaying tactics by any person at the hearing, or other obstructive tactics shall constitute grounds of immediate exclusion of such person from the hearing by the chairperson.

6. Compromise

The arbitration procedure does not preclude the parties from compromising their differences and reaching a settlement, so long as no final decision has been issued by the panel.

7. Notice of Arbitration Decision

The Arbitration Committee shall notify the Policy Council, Governing Board, and the Regional Head Start office within fifteen (15) working days of its binding decision on issues of impasse or non-concurrence.

The final decision of the Arbitration Committee is binding on both parties and without appeal. Failure to abide by the final decision is grounds for denial of the application for refunding, for suspension, and termination of financial assistance.

Any decision or compromise reached must adhere to all appropriate federal regulations and policies regarding the administration and operation of the Head Start Program.