

<b>Category:</b>	Board	<b>INCA Community Services Agency Policy</b> 
<b>Sub Category:</b>	Head Start Governance	
<b>Effective Date:</b>	1/2005	
<b>Reviewed:</b>	8/2017, 2/2018	
<b>Head Start Regulations:</b>	1301.6	
Responsible: Executive Director, Head Start Director, Policy Council, Board of Directors		

## Impasse Procedure

### Purpose

To facilitate meaningful consultation and collaboration about decisions of the governing body and the policy council, the agency's governing body and policy council jointly establish these written procedures for resolving internal disputes between the governing board and policy council in a timely manner that include impasse procedures.

To ensure the best interest of the organization, uninterrupted services to children and families, and avoid disruption of the program activities, as well as the mental health of the organization personnel.

### Decision making

The governing body considers proposed decisions from the policy council and the policy council considers proposed decision from the governing body.

### Disagreement

If there is a disagreement, the governing body and policy council are required to notify the other in writing why it does not accept a decision. At this point the informal process will take place.

### Commitment to Resolve Issues in Good Faith

The Governing Board, Policy Council, Executive Director and Head Start/Early Head Start Director should make every good faith effort to resolve their difference on an amicable basis, so as to avoid impasse and having to enter into the formal Impasse Resolution Procedure listed below. If in the event the Formal Impasse Resolution becomes necessary, the procedures provided for the commitment of the Governing Board, Policy Council, Executive Director and Head Start/EHS Director to cooperate fully and completely in all respects in the effort to resolve the impasse.

### Informal Process for Impasse Resolution

**Impasse between the Governing Board and the Policy Council** - The Board and the Policy Council Chairpersons, along with the Executive Director and HS/EHS Director meet to attempt to resolve the issue.

**Impasse between the Policy Council and the Head Start/ EHS Leadership** - The Policy Council Chair, the Head Start Director and the Executive Director meet to attempt to resolve the issue.

### **Formal Process for Impasse Resolution**

If no resolution made with the informal Impasse process, and a disagreement continues, the Policy Council Chairperson will submit in writing within five working days why it does not accept the Board of Directors decision.

### **Formal Impasse /Internal Dispute Resolution Steps**

Involved parties abide by the decision-making process and timeline to resolve disputes and reach decision that are not arbitrary, capricious, or illegal.

Once the formal resolution procedure is initiated, all involved are expected to:

- Attempt to resolve the problem at the earliest stage, not to exceed 90 days;
- All discussion should be targeted to the specific concern(s); and
- All parties should be responsive to the health, safety and welfare of consumers and programs as a primary concern during the entire resolution process.
- The Executive Director or designee shall be present at all proceedings.

The following decision-making process and timeline:

- Written notice that an impasse has occurred will be sent to Policy Council and Board of Director members within five working days.
- The Executive Director will form an Impasse Committee consisting of two Board members and two Policy Council members, the Executive Director and other resource persons as appropriate.
- The Impasse Committee will have five days from its first meeting to develop a new resolution plan.
- The new resolution plan will be submitted to the Board of Director and Policy Council at their next scheduled meeting for approval / disapproval.
- Voting results will be shared with the other entity.

### **Mediations**

If a resolution of the matter is not reached by the foregoing processes

- HS/EHS Director and the Chairperson of the Policy Council meet and review lists of Mediators available to resolve controversies between parties.
- Once a Mediator has been selected and agreed upon, they set a date for a Mediation conference to be held.
- The involved parties attend the Mediation conference with intent to resolve the matter.

### **Unsuccessful Mediation**

If a mediator cannot be obtained or Mediation is not successful, the impasse is referred to the governing body for resolution.

- The governing body reviews the matter with intent to resolve the issue/s.

### **Arbitrator**

Failing resolution at the governing body level, and if timeliness of resolution is not an issue, the HS/EHS Director and Policy Council Chairperson contact appropriate organizations for a list of qualified Arbitrators from which to select an Arbitrator to resolve the impasse or dispute.

- When the arbitrator is selected, an arbitration session is convened.
  - The Arbitrator hears the presentations by the parties and issues a decision which becomes final.

### **Record Keeping**

A record of all proceedings and actions of both bodies and the Executive Director will be kept for a period of seven years.

### **Costs Incurred**

The Head Start Grant will share all allowable costs incurred in these Impasse Resolution Procedures.

### **Dissemination of Policy**

The policy will be made available to all employees through the agency's website. The agency will educate and train employees and supervisors regarding the policy and any conduct that could constitute a violation of the policy.