Internal Dispute Resolution Policy

Sample provisions

Defining when the policy applies: The Head Start Act requires the Policy Council to approve and submit a number of its decisions regarding policies and procedures, funding applications, and certain personnel matters to the Board, with the Board then determining whether to approve such decisions. If the Board and Policy Council disagree with respect to those required approvals (a “Dispute”), this Internal Dispute Resolution Policy will govern.

Start with low level steps, such as routine communication (default rule) or “formal consultation” (for disagreements), but include an exception for urgent matters:

If there is good cause, the parties may proceed immediately to arbitration as provided in Step \_\_. Such good cause would include, but not be limited to, Disputes reasonably determined by either party to require expedited formal relief, such as Disputes involving approvals that have imminent deadlines.

Mediation:

If the Dispute cannot be resolved by routine communication or formal consultation (such Dispute, an “Impasse”), the Policy Council and Board shall mediate the Impasse.

a. Either party may invoke mediation upon written notice (the “notice of mediation”) delivered by email to the chair of the other party and to the Head Start Director. The notice of mediation is effective on the date it is emailed. Within seven (7) days after the effective date of the notice of mediation, each party will appoint two (2) representatives who collectively will form the Impasse Resolution Committee (the “Committee”). The parties shall not appoint to the Committee any individual with a direct or indirect personal or pecuniary interest in the Impasse.

b. The Committee shall select a Mediator within fourteen (14) days after the effective date of the notice of mediation. If the Committee cannot agree on a Mediator, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will serve as Mediator.

c. The Committee shall engage in mediation within thirty (30) days of the effective date of the notice of mediation. The Committee shall make every effort to resolve Impasse with the assistance and direction of the Mediator.

i. If the Committee agrees on a resolution of the Impasse (the “Proposed Resolution”), the Committee shall present the Proposed Resolution to the Board and Policy Council at each party’s next regularly scheduled meeting. After discussion, each party will hold a vote of the members present at the meeting (provided a quorum is present) to determine whether to accept or reject the Proposed Resolution. If both parties accept the Proposed Resolution, the Impasse is resolved. If one or both parties reject the Proposed Resolution or if either party cannot vote due to lack of a quorum, the parties shall proceed to arbitration.

ii. If after four (4) hours of mediation the Committee has not agreed on a resolution of the Impasse, the parties shall proceed to arbitration.

d. All costs of the mediation shall be paid out of the Head Start grant, if possible. If there are not sufficient funds remaining in that grant to cover the cost of the mediation, the parties shall jointly seek a supplemental grant from the federal government to pay such costs.

**Step 4: Arbitration.**

If the Impasse is not resolved by mediation, the Policy Council and Board shall arbitrate the Impasse.

a. Either party may invoke arbitration upon written notice (the “notice of arbitration”) delivered by email to the chair of the other party and to the Head Start Director. The notice of arbitration shall be effective on the date it is emailed.

b. The Committee shall select an Arbitrator within seven (7) days after the effective date of the notice of arbitration. If the Committee cannot agree on an Arbitrator, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will serve as Arbitrator.

c. Within fourteen (14) days of the effective date of the notice of arbitration, each party shall submit to the Arbitrator a written description of the Impasse and explanation of the party’s position, along with any relevant supporting documents. The Arbitrator shall make a decision based on the written submissions within thirty (30) days of the effective date of the notice of arbitration. No hearing will be held.

d. The decision of the Arbitrator will be final and binding on each party. Both parties agree to cooperate in good faith with each other to implement the arbitration procedures. Any refusal to cooperate may result in a decision adverse to that party at the discretion of the Arbitrator.

e. All costs of the arbitration shall be paid out of the Head Start grant, if possible. If there are not sufficient funds remaining in that grant to cover the cost of the arbitration, the parties shall jointly seek a supplemental grant from the federal government to pay such costs.