INTERNAL DISPUTE RESOLUTION POLICY AND PROCEDURE

It is the policy of the Yadkin Valley Head Start Program to resolve all disagreements between any parties in its executive leadership fairly and expeditiously. Whenever possible, disagreements will be resolved through processes of medication and conciliation, through discussion, compromise, and consensus seeking among parties. If the parties agree that a mediated solution is possible, professional mediation may also be employed. Failure of mediation, either formal or informal, to produce agreement will result in binding arbitration.

Definitions

Executive leadership. Includes the grantee agency Board of Directors, the Executive Director of the grantee agency, the Head Start Policy Council, and the Head Start Director.

Disagreement. An internal dispute exists when two or more groups or individuals who share the formal approval/disapproval function as defined in Appendix A (1304.50h) of the Head Start Program Performance Standards fail to agree.

Impasse – A situation resulting when formal and/or informal processes of mediation fail to produce agreement.

Procedure

Parliamentary procedure. The business of the Board of Directors and Policy Council in formal approval/disapproval of recommendations shall be conducted using parliamentary procedures. Parliamentary Procedures shall ensure that the majority rules and ensures the rights of the minority to be heard.

1. Notification of disagreement. When two parties fail to agree, it shall be the responsibility of the individual or chairperson of the group which acts last to notify the other(s) within two working days by telephone, mail, or electronic means that a disagreement exists.

2. Informal communication. Within five (5) working days notifications, representatives of the disagreeing parties shall meet to discuss informally the disagreement. Each entity shall choose two (2) representatives to meet as a work group to attempt to achieve consensus or compromise. The Executive Director of the agency and the Head Start Director may also attend the meeting. During a meeting not to exceed three (3) hours, the group shall attempt to resolve the disagreement by informal medication, compromise, consensus seeking, or conciliation. If agreement is reached, representatives will return to their respective entity with the proposed solution. Failure to

reach agreement may result in a decision by the work group to engage in professional mediation or turn the process over to binding arbitration.

3. Formal medication. If a majority vote of the group involved in informal communication agrees that professional mediation is warranted, a professional mediator will be contacted. Costs for this service, if any, will be borne equally by the Head Start program and the grantee agency. Medication should begin within five (5) working days of the decision to pursue formal mediation. If agreement is not reached through the formal mediation process after no more than four (4) hours of mediation, an impasses shall be said to occur and the disagreement shall be bound over for arbitration.

4. Notification of impasse. If shall be the responsibility of the Executive Director to notify in writing or electronically the chairperson of the group(s) and/or individual(s) involved within two (2) working days that an impasses exists and the matter will be resolved through binding arbitration. If the impasses has the likelihood of leading to termination or denial of refunding of the Head Start grant, the Executive Director will notify the Region IV Administration for Children and Families of the impasses with ten (10) working days.

5. Arbitration. Where there is an impasse between individuals or groups within the executive leadership of the Yadkin Valley Head Start Program, the parties shall submit the dispute to binding arbitration in accordance with the following rules and procedures:

   - Composition of arbitration panel. A panel of three (3) arbiters shall conduct the arbitration. In the case of an internal dispute, one arbiter shall be the Executive Director of the agency or the Board Chairperson or designee, and Head Start program designee or Head Start Director. Each party shall select its arbiter within five (5) working days of notification of impasse and submit the names, address, and other contact information to the Executive Director. Failure of either party to designate an arbiter within specified period shall be default and shall be considered to be agreement with the other party's action.

   A third arbiter, who will chair the panel, will be appointed, who shall not be related to any of the parties, shall serve without compensation, be in good standing with the community, and shall not be currently associated with the Head Start Program or grantee agency. The Executive Director shall engage the third arbiter within the same five-day period.

   - Notification of arbitration. It shall be the responsibility of the Executive Director to notify in writing or electronically the chairperson of the group(s) and/or individual(s) involved in the arbitration and each arbiter with two (2) working days of receiving the names of the arbiters

representing each party and to schedule a meeting of the arbitration panel within five (5) working days.

- Planning and support. The arbitration panel shall meet within five (5) days of the designation of the last arbiter. The arbitration hearing shall be held at a site determined by the panel with consideration for the convenience of the parties. If travel is required for arbiters to attend the hearing, the parties shall divide equally the costs incurred by all arbiters, with reimbursement in accordance with the travel regulation governing the agency employee and non-employee travel. Also divided evenly between the parties shall be expenses incurred to support the hearing and arbitration process, such as clerical support, photocopies, telephone, and fax charges. If the arbiters so request, the agency shall make available to the panel clerical support to record minutes of the hearing, process correspondence, and provide related services to the arbiters. Prior to or at any time during the hearing process, the arbiters may request copies of related materials, which shall be provided with two (2) working days of the request. The parties may also prepare such materials, as they deem necessary and useful to the arbiters in their deliberations. Materials provided at the discretion of any party shall be supplied at that party's expense.

- Proceedings. The duty of the arbitration panel is to resolve the issues in dispute as fairly and expeditiously as possible at the minimum expense to the parties involved. The proceeding of the panel shall consist of:

  i. Oral presentation of position of each party, including minority views, if any

  ii. Response by the parties to such questions as the panel wishes to ask

  iii. Informal cross examination of each party by the other, within the limits established by the panel

  iv. Such additional presentation of oral or written materials as the panel deems necessary to fully appraise it of facts relevant for informal decision. The parties may suggest to the panel additional relevant witnesses or materials that would be helpful to the panel

- Standard of Conduct. All parties are obliged to act in good faith throughout the proceedings. Parties may not communicate with the arbiters once the panel has been constituted except at formal meetings

attended by all parties. Any attempt to intimidate or inappropriately influence an arbiter shall be reported to Region IV Administration for Children and Families, and shall result in a default judgment against the party attempting to unduly influence the actions or decision of the arbiter. Refusal to comply with directions, continued use of delaying tactics by any person at a hearing or preparing information shall constitute grounds for immediate exclusion of such person from the hearing by the chairperson and/or mandatory disciplinary action of an employee whose behavior, if any, disrupts the proceedings or the work of the panel.

- Compromise. The arbitration procedure does not preclude the parties from resolving their differences through compromise and reaching a settlement as long as the panel has issued no final decision.

- Representation of the parties at the hearing. Each party shall designate one of its members to represent them at the proceedings. However, the panel may call other individuals as fact witnesses in the proceedings.

- Open meetings. The proceedings of the arbitration panel shall be open unless the panel is dealing with a personnel issue or other sensitive or confidential information. The panel shall have the right to conduct deliberations in closed session.

- Decision. The arbitration panel shall use all available information to make its decision. The panel shall have no more than five (5) working days following the end of the proceedings to reach a decision. A majority vote of the panel shall result in a decision. The decision of the arbitration panel shall be binding on all parties.

- Post hearing procedures, notification, and implementation of decision. The arbitration panel shall issue its decision in writing within two (2) working days of the decision. It shall be the responsibility of the chairperson of the arbitration panel to have copies sent immediately to each part, and the Head Start and Executive Directors. If the impasse had the likelihood of leading to termination or denial of refunding of the Head Start grant and the Region IV Administration for Children and Families was notified of the impasse, it shall be the responsibility of the Executive Director or Head Start Director to forward a copy of the decision to the Regional Office.

Failure to abide by the final decision by any party is grounds for denial of the application for refunding, for suspension and termination, or financial assistance, or for denial of application for amendment to the

budget or work plans. In this event, it is the responsibility of the Head Start Director and/or Executive Director to notify the Region IV Administration for Children and Families of the Party's failure to abide by the arbitration panel's binding decision.

Harold P. Brown 4-5-06

Agency Board Chairperson Signature and Date

Barry J. Pelson Sr 12-12-05

Head Start Policy Council Chairperson Signature and Date