IMPASSE POLICY

In accordance with Head Start Program Performance Standards, the program must establish written procedures to facilitate meaningful consultation and collaboration about decisions of the governing body and the policy council to resolve internal disputes, which include impasse procedures [1301.6]. These procedures are reviewed biennially by both the Governing Board and Policy Council.

Issues or actions requiring the approval of both the Policy Council and the Governing Board (Governing Body), according to 1301.6, cannot proceed without agreement. The disagreeing parties must enter into a process that ultimately resolves the disagreement and brings the parties together. This process is the “Impasse Policy.”

The term “impasse” for this document refers to: an issue or action raised which requires the approval of the Head Start Policy Council, and the Policy Council is not in agreement with the Head Start grantee administration, Governing Board, or Chancellor. If agreement cannot be reached, the Policy Council and Governance Board are at an impasse. When there is an impasse, the activity in question cannot be carried out until the impasse is resolved.

The first step is for all parties to make a good faith effort to resolve the disagreement. If this is not possible, either of the two parties may initiate the impasse procedures by providing a written notice to the opposite party within five (5) working days of the implementation of the decision or action in dispute.

If the impasse is initiated by the Policy Council, the Policy Council Chair must send a letter to the Executive Director and the Governance Board chairperson. If the impasse action is initiated by the Governance Board, the Chair will send written notice to the Executive Director and the Policy Council chairperson. When appropriate notification is processed, the Governance Board and the Policy Council Chair and others that they designate will meet to discuss their position. Both parties will make every effort to understand each other’s position.

If a resolution does not result, an impasse will be declared, and the SIU Carbondale Chancellor will be advised that an impasse has occurred. This notification will be made within two (2) working days after the impasse becomes apparent. Prior to reaching a decision, the Chancellor will consult with the Policy Council Chair and Governing Board Chair. The Chancellor will resolve the issue within five (5) working days after receiving the positions of Policy Council and Governance Board.

If the Policy Council does not accept the Chancellor’s decision and the impasse still exists, the University will then follow mediation procedures established by the Department of Health and Human Services (Administration for Children and Families/Program Instruction/Log No. ACYF-PI-HS-96-16). Mediation is a process for which a third person guides two parties who disagree to a resolution which both can accept. The person who provides this guidance is called a mediator. See attached Mediation Procedures.
Mediation Procedures

The Head Start program Director must inform the responsible ACF Regional Office as soon as possible after becoming aware that there is a conflict between the grantee agency and the Policy Council, especially those which, if not resolved, could lead to termination, or denial of refunding, of the Head Start grant. This notification must be made within ten (10) days of the grantee becoming aware of the conflict and in the case of a Policy Council proposing to not approve the grantee’s refunding application, such notification must be made at least 90 days prior to the grantee’s refunding date. If the situation leading to the Policy Council’s decision to withhold its approval occurs within 90 days of the grantee’s refunding date, the grantee must notify its responsible Regional Office immediately.

The Regional Administrator, or a Regional staff member designated by the Regional Administrator, will hold one or more meetings, as appropriate, which the Grantee’s Executive Director, the Grantee’s Head Start Director, and the Policy Council Chairperson are required to attend. The attendance of grantee board members at any meeting is encouraged. The purpose of these meetings is to attempt to resolve the issues between the grantee and the Policy Council to the mutual satisfaction of both parties and thus avoid the possibility of an adverse action against the grantee.

If the meetings are not successful in resolving the issues between the grantee and the Policy Council, the Grantee should, within 10 days of the meeting, submit the dispute to the offices of a professional mediator. The Regional Office will provide assistance to the grantee in selecting a mediator. The grantee is requested to advise the Regional Office of the time and location of the first scheduled meeting. The Grantee and the Policy Council are expected to attend any meetings requested by the mediator.

If the conflict relates to the grantee’s refunding, the mediation process must be completed 15 days prior to the grantee’s refunding date unless the mediator has indicated to the Regional Office, in writing, that additional time for mediation will likely result in a successful resolution of the conflict, in which case the Regional Administrator may extend the current Head Start grant. The refusal of either party to engage in a mediation process shall be taken into consideration by the ACF Regional Office in determining what course of action is warranted.