

MEMORANDUM OF UNDERSTANDING

Among the National Congress of American Indians, the National Indian Child Welfare Association, the National Indian Education Association, and the National Indian Health Board

For the First Kids 1st Initiative

I. PREAMBLE

The National Congress of American Indians (NCAI), National Indian Child Welfare Association (NICWA), National Indian Education Association (NIEA), and National Indian Health Board (NIHB) enter into this Memorandum of Understanding (MOU) on the 21nd of October, 2015, to advance and expand on the collective and individual work of the *First Kids 1st* initiative (“First Kids 1st” or “Initiative”). This Initiative will convey that Indian Country is choosing to put its children first as our number one priority. This MOU provides a framework for the principles of the Initiative, relationships among the parties, and implementation of *First Kids 1st*, to ensure successful execution of the goals and objectives of this MOU.

II. PURPOSES

As set forth by this MOU, a formal cooperative relationship is hereby established between NCAI, NICWA, NIEA, and NIHB specifically for the *First Kids 1st* initiative, while recognizing the independent and autonomous authorities of each entity. Specifically, we set out to:

- A. Launch a dual focus strategy to: (1) change national/tribal/state policy to create conditions in which American Indian and Alaska Native (AI/AN) children can thrive; and (2) cultivate and nurture strategies that build and strengthen equitable, local supports for vulnerable AI/AN children in their communities by improving access to funding, dismantling structural barriers, and inspiring and aligning local action;
- B. Build on the 2008 policy portfolio to create a unified, updated, child-focused policy portfolio (hereafter called “Native Children’s Policy Agenda”), including joint policy priorities and unified tribal strategies prioritizing children;
- C. Develop a *First Kids 1st* campaign, brand and identity;
- D. Share information on the work and invite many other types and tiers of collaborators to join in implementation in ways that are consistent with their mission and leverage their existing work;
- E. Develop an interactive communication platform where collaborators and local participants can report on their strategies and learnings; and
- F. Help communities engage children, youth, and families in identifying what helps and supports them.

III. PRINCIPLES

The principles of this MOU are as follows:

- A. To support and work together to execute our collective responsibility to advocate for policy change and services to support Native children and youth;
- B. To protect and preserve the sovereignty and jurisdiction of American Indian and Alaska Native governments with respect to all areas of authority and obligation including health, education, welfare, and safety; and
- C. To build upon and expand the cooperative, coordinated relationships between and among the four organizations and their leadership.

IV. SCOPE AND NATURE OF SERVICE

For purposes of this MOU, NCAI, NICWA, NIEA, and NIHB agree that:

- A. The Executive Director/ Chief Executive Officer (hereafter “Principals”) or the designated representatives of NCAI, NICWA, NIEA, and NIHB will be responsible for official communications and correspondence for the purpose of this MOU.
- B. Each organization will allocate First Kids 1st grant resources and dedicate necessary staffing to accomplish the Initiative’s joint and individual objectives and activities. Each organization commits to ensuring the sustainability of the Initiative by joint and individual fundraising and outreach efforts.
- C. Each organization commits to leverage existing knowledge and expertise to benefit the collaborative and reduce duplication of effort and waste.
- D. Each organization commits to leverage existing and/or new communications platforms and staff to reach the First Kids 1st communications goals. Each organization commits to sharing information and messaging products to advance communications and outreach on the Initiative.
- E. Each organization commits to continuous quality improvement, and agrees to take all necessary steps to monitor performance and act on results. Each organization agrees to participate in the design and implementation of an evaluation of the First Kids 1st Initiative.
- F. As lead for the Administrative and Joint tasks, NCAI will allocate First Kids 1st grant resources and dedicate necessary staffing to accomplish the Initiative’s overall and joint objectives and activities.
- G. Formal sub-grant agreements, to be executed following receipt of the grant award, will outline the detailed commitments of each national organization.

V. CONFLICT RESOLUTION PROCESS

To ensure open communication and early resolution of issues which may arise, NCAI, NICWA, NIEA and NIHB agree that decisions shall be made through a Consensus Decision Making Process. This process shall incorporate the following elements:

- A. Notice. The decision making process will require active solicitation for input and participation of all four organizations. Notice of telephonic meetings shall be provided at least one week in advance, and notice of in- person meetings shall be provided at

- least three weeks in advance, unless the principals of all four organizations agree to waive the notice requirements.
- B. Regular Meetings. To ensure regular opportunities to review questions which may arise and determine next steps for the Initiative, quarterly in-person group meetings will be held. Additional telephonic meetings may be scheduled as needed and determined by the principals of the four organizations.
 - C. Equal Hearings. All members of the group shall be afforded equal input into the process. All members shall have equal opportunity to be heard and an equal voice in decision-making.
 - D. Inclusive Decisions. The decision making process will include full participation of each of the four organizations whenever possible, and shall utilize technology as needed to facilitate full participation of the group. (For example: participation by telephone or through email shall be permitted and encouraged when an in-person appearance is not possible.) All reasonable efforts shall be made to hold meetings at mutually convenient times and locations. In no event shall substantive decisions get decided with fewer than three of the four organizations present, and only in this case, when all four organizations have been provided with adequate notice and the opportunity to participate through remote means.
 - E. Cooperative Ethos. The decision making process will be founded upon a cooperative ethos where all members strive to reach the best possible decision for the group, rather than competing for personal preferences. The best possible decision for the group is the decision which has the best chance of achieving the goals and objectives of *First Kids 1st* and advancing the health, education, welfare and safety of Native children and youth.
 - F. Unanimous Consent. Decisions shall be determined by unanimous consent of all four organizations. Whereas the term “agreement” indicates that parties share the same view/belief on a course of action, the term “consent” requires a lower threshold by the parties. A consenting party may believe that another course is preferable, but nevertheless, chooses to support the decision of the group. A party may consent to a course to ensure group cohesion or to advance other valid objectives.
 - G. Content of Hearing/Process for Hearing. Issues and topics requiring decision making shall be raised by any of the four organizations, through the organization principal or designated staff member. Issues may be raised through all regular means of communication, including but not limited to: in-person meetings, calls, emails, or written letters. The issue shall be included on the agenda for the next group meeting. For time sensitive issues or issues of high importance, the four organizations may agree to move up the next group meeting, schedule a supplementary call, or determine the issue through written correspondence.
 - H. Documentation. At the close of the meeting, the decision shall be documented in a written form. Documents of decision making will be provided to the group and will be maintained in the records over the course of the project. As Administrative lead, NCAI will be responsible for recording meeting proceedings and sharing notes from those meetings.
 - I. No Consensus. In the unlikely event that the group cannot reach unanimous consent, the parties will enlist the assistance of the MOU Advisory Committee. The Advisory Committee will furnish a recommendation on the issue, and the parties agree to be bound by that determination. The Advisory Committee shall consist of four members nominated by each of the four organizations (one nominee each) and one additional

member selected by the four Advisory Committee members. The Advisory Committee shall be established in the first quarter of the joint Initiative.

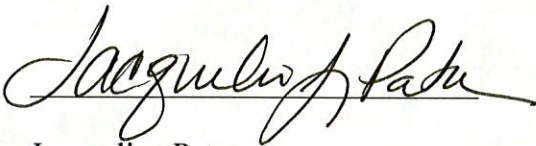
VI. DISCLAIMER AND TERMINATION

- A. Each party agrees that this MOU does not absolve each other of the previous responsibility and obligations as established in the Constitution, By-Laws and policies guiding each organization. This MOU shall not negatively impact the voice and influence of American Indian and Alaska Native governments on the affairs of Native youth issues addressed by NCAI, NICWA, NIEA, and NIHB.
- B. The parties agree that any unilateral or bilateral termination of this MOU will require prior written notice by either party to the other not less than thirty (30) calendar days before such termination.

VII. AMENDMENT

Amendments to this MOU may be made by mutual consent of the executive committees of each of the four organizations and shall become a part of this MOU by addendum in a written instrument.

The undersigned agree to the terms of this agreement signed the 21st day of October, 2015.



Jacqueline Pata
Executive Director
National Congress of American Indians



Sarah Kastelic
Executive Director
National Indian Child Welfare Association



Ahniwake Rose
Executive Director
National Indian Education Association



Stacy Bohlen
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