



Jackson College Board of Trustees

Monitoring Report: EL – 00 General Executive Constraint

Report Date: 08.14.23

Note: Board Policy is indicated in bold typeface throughout the report.

I present this monitoring report to the Jackson College Board of Trustees which addresses the Board's Executive Limitations Policy: "General Executive Constraint". I certify that the information contained in herein is true and represents compliance, within a reasonable interpretation of the established policy, unless specifically stated otherwise below.

Please note that all of my interpretations of the policy remain unchanged from the previous report, unless otherwise noted.

08.14.23

Daniel J. Phelan, Ph.D.
President and CEO

Date

POLICY STATEMENT:

The CEO shall not cause or allow any practice, activity, decision, or organizational circumstance which is unlawful.

INTERPRETATION:

I have fully interpreted the practices, activities, decisions, and organizational circumstances that appear in the Board's Executive Limitations EL-01 through EL-12, are unlawful and must be avoided. Compliance with those policies, in addition to the following, will constitute full compliance with EL-00.

The legal context in which the College operates is complex and ever-changing. As such, there may be occasions when there is an inadvertent violation of the law due to the addition of case law, nuanced interpretations of the law, the litigious nature of society, as well as the potential for inconsistent interpretations of case situations by the courts, judges, and juries. Therefore, Jackson College, potentially could be found guilty of noncompliance with law through no fault of, or intentional action of the Board, the CEO, or College employees.

More particularly, compliance will be demonstrated when:

- a) Independent legal review of relevant College operations confirms that there has been no intentional violation of relevant laws as they pertain to EL-01 to EL-12.
 - EL-02, #1, 1.1, and 3 – HR policies and procedures are consistent with State and Federal labor laws.
 - EL-07, #3 – Compensation and benefits do not deviate from current collective bargaining agreements.
 - EL-10, #4 – Academically at-risk students are not allowed to be without sufficient support systems to encourage their success and completion.
- b) There are no material findings discovered in the auditor's report related to:
 - EL-04, #6 – The filing or accuracy of tax or other government ordered payments.
 - EL-06, #3 – Investment of cash accounts in other than high interest savings or FDIC insured repurchase agreements.

This is reasonable because it assures that there is objective, third-party review by those with technical and/or legal expertise or knowledge.

EVIDENCE:

- a) The College's Legal Counsel affirmed on 08.10.23 that there are no known intentional violations of known and applicable federal, state, and local laws by the Board, CEO or College employees. Further, the Chief Operating Officer of the College on 08.10.23 confirmed no deviations from the faculty or staff union bargained agreements.

Finally, the Executive Director, Student Success & Retention confirmed on 08.10.23 that academically challenged students have a significant breadth of support services available to them, consistent with those within the higher education ecosystem, and deemed necessary to provide for their success.

- b) A review of the single audit report, which had been considered by the Board's Audit Committee on 10.10.22, and ultimately presented by the Board of Trustees on 11.14.22, confirmed that that there were no overdue or inaccurate filings of taxes, government ordered payments, or improper investment practices.

Based upon the aforementioned evidence, I am reporting full compliance with this policy.

The Jackson College Board of Trustees assessed this monitoring report and found that it demonstrated compliance with a reasonable interpretation of the policy at the regular Jackson College Board meeting on August 14, 2023.