

**Jackson College  
Board of Trustees**

**MONITORING REPORT FOR EL – 08 Communication and Support to the Board  
DATE: 11/12/2020**

**Board Policy is indicated in bold typeface throughout.**

I hereby present this monitoring report regarding your Executive Limitations Policy: “Communication and Support to the Board”, according to the schedule previously defined and approved by the Board. I certify that the information contained in herein is true and represents compliance with a reasonable interpretation of the policy, unless specifically stated otherwise. Interpretations are unchanged from the previous report, unless otherwise noted.



11/4/2020

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

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Date

**POLICY STATEMENT: The President shall not permit the Board to be uninformed or unsupported in its work.**

INTERPRETATION:

I declare full compliance with this policy statement unless specified within the following report.

**Further, without limiting the scope of the above statement by the following list, the President shall not:**

- 1. Withhold, impede, or confound information relevant to the Board’s informed accomplishment of its job.**

The Board has fully interpreted what it means by withholding information, impeding information and confounding information.

- 1.1. Allow the Board to be without timely decision information to support informed Board choices, including regular updates on the status of the Board’s governance expenditures, environmental scanning data, and risk assessment.**

INTERPRETATION:

Compliance will be demonstrated when:

- a) The annual budget includes allocations for the Boards expenses which are allocated as follows: Audit, Legal, Subscriptions, Professional Development, Telephones and Meeting Expenses.
- b) The Board will be made aware if there are over expenditures in their overall department fund.
- c) The Board is provided with relevant context (environmental scanning and risk assessment when appropriate) when being asked to make decisions.

**EVIDENCE:**

- a) On 10/20/20, the Chief of Staff confirmed there are budget allocations in the FY '21 budget for the Board's expenses. Specifically:
  - a. Audit: \$70,000
  - b. Legal: \$170,000
  - c. Subscriptions: \$21,500
  - d. Professional Development: Currently at \$0 due to the College's response to COVID-19. With the uncertainty associated with the pandemic the College eliminated the bulk of professional development across all departments, retaining a limited pool of funds for essential development. Any vital Board development will be covered using this funding pool.
  - e. Telephones (Wi-Fi plans for iPads): \$10,000
  - f. Meeting Expenses: \$7,000
- b) On 10/20/20, the Chief of Staff confirmed that the Boards actual expenses for FY 2020 did not exceed their budgeted expenses. The Board's budgeted expenses for FY 2020 were \$330,500. The actual expenses were \$322,088.07.
- c) This is a recent recommendation by consultant Rose Mercier as a way to ensure the Board is getting the quality of information needed and that it is clear. Consequently, beginning this month (November 2020), an agenda item has been added near the conclusion of the meeting such that the President can understand any feedback regarding provided environmental scanning and risk assessment (i.e., relevant context information) from the Board has, with said feedback recorded in the minutes.

**1.2. Neglect to submit timely monitoring data including interpretations of Board policies that provide the observable metrics or conditions that would demonstrate compliance, rationale for why the interpretations are reasonable and evidence of compliance.**

**INTERPRETATION:**

Compliance will be demonstrated when:

- a) When monitoring reports are submitted as scheduled.

- b) When the Board assessing the monitoring reports for having sufficient evidence of reasonable interpretation.

**EVIDENCE:**

- a) The President began presenting the new monitoring format in October of 2020, so this is the only month to evaluate. On 10/20/20, the Chief of Staff confirmed that the monitoring report for October 2020, EL 01 Treatment of Students was submitted as scheduled. Prior to the new format, 12 monitoring reports were provided, according to policy at that time, presenting one each month to the Board.
- b) At the October 12, 2020 meeting, the Board accepted (by vote) the EL 01 Treatment of Students monitoring report, which confirms they feel there was sufficient evidence of reasonable interpretation.

**1.3. Let the Board be unaware of any actual or anticipated non-compliance with any Ends or Executive Limitations policy, regardless of the Board's monitoring schedule.**

**INTERPRETATION:**

Compliance will be demonstrated when:

- a) The President has informed the Board when there is anticipated and/or actual non-compliance.

**EVIDENCE:**

- a) Over the last year, the President has kept the Board informed that he, and the board, were in process of moving to the new monitoring report structure, therefore there was a gap between July 2019 and September 2020 that the Board did not receive any monitoring reports. Starting in October 2020, the President has began submitting monitoring reports again.

**1.4. Let the Board be unaware of any incidental information it requires, including:**

- **Anticipated media coverage;**
- **Actual or anticipated legal actions;**
- **Material or publicly visible internal changes or events, including changes in executive personnel;**
- **Anticipated noncompliance with federal law, state law or local;**
- **Quarterly financial statement;**
- **Annual year-end financial report; or**

- **Names and titles of two executive administration members familiar with Board and presidential matters and processes.**

**INTERPRETATION:**

Compliance will be demonstrated when:

- a) The President provides *Trustee Briefings* to the Board that include above mentioned items, as needed. Additional email communications, and/or phone calls are deployed when necessary to inform Trustees of any urgent matters.
- b) Quarterly financial statements, year-end financial, and annual audit reports are available and accessible online.
- c) Quarterly financial statements are presented to the board by the President.

**EVIDENCE:**

- a) Trustee Briefings are stored in the resource center of Diligent Board Books. On 10/20/20 the Chief of Staff confirmed they are accessible.
- b) On 10/20/20, the Chief of Staff confirmed that the yearend financial report for [FY '19 is available online](#) and that [monthly reports are also available online](#) on the Board's meeting page.
- c) On 10/20/20 the Chief of Staff conformed that quarterly financial reports were presented to the Board in the monitoring period as follows:
  - a. January 13, 2020 - FY '20 Q2 Report
  - b. October 12, 2020 – FY '21 Q1 Report
  - c. No meetings were held in April 2020 (cancelled) or July 2020 (no regular meeting held).

**1.5. Allow the Board to be unaware that, in the President's opinion, the Board is not in compliance with its own policies on Governance Process and Board-Management Delegation, particularly in the case of Board behavior which is detrimental to the work relationship between the Board and the President.**

**INTERPRETATION:**

Compliance will be demonstrated when:

- a) The Board is advised via email or verbally reminded at a meeting (and recorded in minutes) that they are out of compliance.
- b) During the Summer Board Retreat, time is provided to discuss Board/President interworking's and policy compliance.

**EVIDENCE:**

- a) There were no incidents of non-compliance over this monitoring period.
- b) Annual Summer Board Retreats are held for the express purpose of discussing the operations of the board and president. The minutes of these retreats are on file and were confirmed.

**1.6. Present information in unnecessarily complex or lengthy form, or in a form that does not clearly differentiate among monitoring, decision preparation, and general incidental or other information.**

INTERPRETATION:

Compliance will be demonstrated when:

- a) Meeting content is labeled appropriately so Trustees know what items are for decision making or informational only.
- b) The President inquires about the quality of information presented at meetings.
- c) The President is evaluated annually which includes the President's performance during board meetings.

EVIDENCE:

- a) Board meeting packs include cover sheets that contain a section indicating if there is a "Requested Board Action." On 10/20/20 the Chief of Staff reviewed the meeting packets for the monitoring period to confirm this piece of information was being included.
- b) This is a new recommendation by consultant Rose Mercier as a way to ensure the Board is getting the quality of information needed and that it is clear. Beginning this month (i.e., November 2020), an agenda item has been added at the end so the President can hear any feedback the Board has and this feedback will be recorded in the minutes.
- c) Annual evaluations of the President's performance are on file in the College's Talent Office, and are recorded to have taken place during the September Board Meetings and are on file in the Chief of Staff's office.

**2. Allow the Board to be without reasonable administrative support for Board activities.**

INTERPRETATION:

The Board has partially interpreted this within 2.1 and 2.2. Compliance will be demonstrated when in addition to evidence to 2.1 and 2.2:

- a) An individual is identified to provide administrative support to the board for all requested items including but not limited to board meeting preparation, taking of meeting minutes, policy storage and professional development arrangements.

EVIDENCE:

- a) The President has assigned the Chief of Staff to provide all requested and assigned support to all Board members.

**2.1. Allow the Board to be without a workable, user-friendly mechanism for official Board, officer or Board committee communications.**

INTERPRETATION:

Compliance will be demonstrated when:

- a) Board members are provided with a college owned device that they can utilize for board meetings and communication.
- b) Board members have access to a dedicated system to access their board meeting packs and other resources.

EVIDENCE:

- a) Board members are provided a college issued iPad that has the necessary software available to access board meeting materials and email. These iPads are equipped with a Wi-Fi plan that provide internet connection.
- b) Board members each have a login to Diligent Board Books, which is a Board Portal Software used for meetings materials.

**2.2. Allow the Board to be without administrative support to assist the Secretary of the Board in achieving the Secretary's assigned results.**

INTERPRETATION:

Compliance will be demonstrated when:

- a) An individual is identified to provide administrative support to the board for all requested items including but not limited to board meeting preparation, taking of meeting minutes, policy storage and professional development arrangements.

EVIDENCE:

- a) The President has assigned the Chief of Staff to provide all requested and assigned support to all Board members.

**3. Impede the Board's holism, misrepresent its processes and role, or impede its lawful obligations.**

### INTERPRETATION:

Compliance will be demonstrated when:

- a) The President does not interfere with the Board's "one voice", its policy governance processes, or its legal, fiduciary, and ownership linkage responsibilities.

### EVIDENCE:

- a) The President and the Board have undertaken extensive professional development in Policy Governance. Indeed, the President has become certified in the use of Policy Governance, its construction, and operational practices.
- b) The Board is the direct contractor of the College's auditor and legal counsel, with contracts on file in the business office and the Talent office respectively. Both of the contractors annually present the nature of their work directly to the board.
- c) Representative members of the Board are directly engage in Ownership-Linkage connections and communications, with meeting results on file, and discussions during board meetings recorded.

### **3.1. Deal with the Board in a way that favors or privileges certain Board members over others, except when (a) fulfilling individual requests for information or (b) responding to officers or committees duly charged by the Board.**

### INTERPRETATION:

Compliance will be demonstrated when:

- a) The President or Chief Operating Officer confirms that they have not been notified of any Trustees being favored over another.

### EVIDENCE:

- a) No reported cases over this this last monitoring report. On 10/20/20, The President and Chief Operating Officer confirmed they have not received, nor observed any cases of favoritism.

### **3.2. Neglect to supply for the Required Approvals agenda all items delegated to the President, yet required by law, regulation or contract to be Board-approved, along with the applicable monitoring information.**

### INTERPRETATION:

Compliance will be demonstrated when:

- a) Items for required approval from the Board Planning Cycle and Agenda policy appear on the meeting agendas.

EVIDENCE:

- a) As required, (for those organizations not acknowledging the structure of Policy Governance) items requiring Board Approval appear on the agenda, under the Required Approvals section, and these are noted in minutes.