



Monitoring Report
EL-08, Communication and Support to the Board
8 September 2023

I hereby present my monitoring report on the **Executive Limitations Policy EL-08: Communication and Support to the Board** according to monitoring report schedule (BPD-04). I certify that the information contained in this report is true and represents compliance with a reasonable interpretation of all aspects of the policy unless specifically stated otherwise.

Signed 
Leah A. Barrett, President

Date 8 September 2023

To prepare this monitoring report, Board members were surveyed to provide evidence of compliance. 9 of the 11 members of the board completed the survey and the results suggest compliance with the policy. The results are provided as evidence to support the interpretation.

The President shall not permit the board to be uninformed or unsupported in its work.

INTERPRETATION – The President provides updates to the board as part of the monthly meeting. These include progress on strategic priorities, governmental relations – both state and federal, college culture, student engagement, enrollment, and external relations. The President also provides updates, as appropriate, between meetings to ensure board members are well-informed as it relates to their roles and responsibilities and impending decisions.

EVIDENCE

	AGREE	DISAGREE	TOTAL
The president's updates in the monthly board of governors meeting provide relevant information for me to be informed about the strategic priorities of Northeast Community College.	100.00% 9	0.00% 0	9
The weekly newsletter provides relevant information for me to be informed about activities happening at Northeast Community College.	100.00% 9	0.00% 0	9

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	Dr. Barrett gives very informative reports that keep us up to speed on activities.	8/30/2023 1:45 PM
2	Very thorough president's updates are great. Newsletter does provide information which I skim through and focus on particular items of interest.	8/26/2023 10:58 AM
3	I greatly appreciate the weekly newsletters and the ongoing communication from Dr. Barrett.	8/25/2023 8:42 AM

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

INTERPRETATION – In advance of the monthly meeting, the President provides the agenda and supporting materials for review so that members can be prepared for discussions and decisions. Information is also provided by cabinet members in the board meeting as *Board Information & Education* that provides additional context. Statewide, regional and national information is also often provided to learn about industry trends, benchmarks, and best practice.

EVIDENCE

	AGREE	DISAGREE	TOTAL
The president does not withhold, impede or confound information relevant to the Board fulfilling its duties.	100.00% 9	0.00% 0	9

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	Dr. Barrett is very transparent on providing information.	8/26/2023 10:59 AM

1.1 Allow the Board to be without sufficient timely and relevant decision information, including regular updates on the status of the board’s governance expenditures, and a risk assessment.

INTERPRETATION - As part of the monthly board information, a summary of expenses and account status of the Board account is provided. As it pertains to risk assessment, the president and counsel provide regular interpretation of the open meetings law to ensure compliance. The Northeast Community College Board of Governors has been in compliance with these laws. Moreover, updates to the county-wide joint public hearing occurred during the 2022 legislative session. The President and General Counsel has provided information that ensures that the Northeast Community College Board of Governors has limited the risk of non-compliance with new statutes.

EVIDENCE

	AGREE	DISAGREE	TOTAL
The monthly statement of financial position provides timely and relevant information to support board governance decisions.	100.00% 9	0.00% 0	9

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 interpretation is reasonable, and evidence of compliance.

INTERPRETATION – Implementation of monitoring reports has provided a systematic approach to monitoring the president’s performance. Additionally, it has provided a mechanism for the board to ensure compliance with federal and state law; metrics and conditions to support board decisions; and content for ownership linkage and relationship building. The reports provided evidence of compliance. There have been cases where there is need for improvement or an area of weakness. The report provides an opportunity to provide context and a plan of action to improve.

EVIDENCE

	AGREE	DISAGREE	TOTAL
The monitoring reports provide data and interpretations that allow the board to assess the conditions that demonstrate compliance, rationale for reasonable interpretation, and evidence of compliance of Board Executive Limitations policies.	100.00% 9	0.00% 0	9
The monthly board education information provides timely and relevant data to supplement interpretation and rationale for compliance of Board Executive Limitations policies.	100.00% 9	0.00% 0	9

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	The monitoring reports are very thorough and we are receiving them earlier than we were prior to the Board Meeting. This has helped to give us time to review them thoroughly. Also, since our retreat, Dr. Barrett has done a good job of going over the reports at our Board Meetings. This has also helped us in understanding the report better and ask questions. Also, with focus on the report in the Board Meeting, the Board Members have been more focused on reviewing the reports.	8/26/2023 10:59 AM

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 – In a case where there is actual or anticipated non-compliance with Ends or Executive Limitations policy, the President would inform the Board as part of the monthly meeting, or sooner if necessary. Since the September 2022 EL-08 Monitoring Report, there has not been a case of actual or anticipated non-compliance outside the regular monitoring report schedule.

EVIDENCE

	AGREE	DISAGREE	TOTAL
The president clearly notes actual or anticipated non-compliance with the Ends or Executive Limitations policy in monitoring reports.	100.00% 9	0.00% 0	9
The president provides timely information outside of monitoring reports of actual or anticipated non-compliance with the Ends or Executive Limitations policy when the situation occurs.	100.00% 9	0.00% 0	9

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	Dr. Barrett does not hesitate to inform the Board of important matters. I am confident she will inform us of any actual or anticipated non-compliance including input on how we might deal with it.	8/26/2023 10:59 AM

- 1.4 Let the Board to unaware of any incidental information it requires, including anticipated media coverage, actual or anticipated legal actions, and material or publicly visible internal changes or events, including changes in executive personnel.**
- 1.4.1 Significant issues among the student body, employees, or communities.**
 - 1.4.2 Signals from elected officials of potential changes to legislation, regulations, or funding.**

INTERPRETATION – The president approaches communication with the board with a spirit of “no surprises” and the perspective that too much information is better than too little. There have been multiple situations where it has been appropriate to inform the board of college activities in between board meeting, whether it be related to proposed changes or developments to the community college funding formula; celebrations, awards or recognitions; or announcements like the release of certified land valuations. During the 2023 legislative session, the president distributed almost weekly updates to the board and shared communications from the Nebraska Community College Executive Director. The public information officer distributes press releases to board members on a weekly basis; and board members receive the weekly college newsletter. The president’s update at the monthly board meetings often includes more detailed information that may provide additional context of be of interest to the media.

EVIDENCE

	AGREE	DISAGREE	TOTAL
The president communicates incidental information to the Board that provides context and substance as the situation occurs, related to anticipated media coverage, actual or anticipated legal actions, and internal changes or events.	100.00% 9	0.00% 0	9
The weekly distribution of news releases by our public information officer provides context and substance to events and activities that may be in the media.	100.00% 9	0.00% 0	9
The president provides information in between meetings that may be perceived as newsworthy or may become publicly visible as it relates to students, employees or service-area communities.	100.00% 9	0.00% 0	9
The president provides information, when available, on signals from elected officials of potential changes in legislation, regulation, or funding.	100.00% 9	0.00% 0	9

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	I am well pleased in all these categories	8/26/2023 10:59 AM
2	Dr. Barrett does a great job of keeping the board informed of legislative issues affecting the college.	8/25/2023 8:44 AM

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 – The President meets on a regular basis with the Board Chair and would utilize this time to discuss if a situation arose where the President felt that the Board was not in compliance with its own policies. The VPAS/Legal Counsel meets monthly with the Governance Committee for policy review and recommendations for improvement, preparation for the next meeting, and to discuss board performance. The President meets every other month with the Ownership Linkage Committee to review activities and plan for future opportunities for ownership linkage. These three regular activities allow for trust building and open communication around board

compliance with its polices and Board behavior that may be detrimental to the working relationship between the Board and the President.

EVIDENCE

A situation occurred this year where some board members voiced concern about compliance with Board policies as it related to election of officers. Time was taken to revisit and revise the policy and review the board actions. Additionally, the board retreat provided a great opportunity to discuss process improvements as they relate to the monitoring reports and the board self-evaluation. The forms provided by the *Governance Coach* were reviewed and updated and more clearly integrated into the monthly board meetings.

	AGREE	DISAGREE	TOTAL
The president informs the board when she perceives the board is not in compliance with its own policies on governance process and board-management delegation.	100.00% 9	0.00% 0	9
The president informs the board when board behavior may be detrimental to the working relationship between the board and the president.	100.00% 9	0.00% 0	9

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	I do not believe we have had any issues	8/31/2023 8:24 AM
2	This situation has never arisen.	8/30/2023 1:52 PM
3	We struggled some with the election of the officers this year and actually were going down the road of non-compliance with our policy. But, the Board and Dr. Barrett with input from Scott Gray rectified the situation properly. I cannot lay blame on Dr. Barrett on this, but our Board did not handle it as well as it should of initially. However, we worked through it.	8/26/2023 11:00 AM

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 – On a monthly basis the President & Cabinet members present financial information, enrollment data, and updates on strategic priorities that support board decision making, articulate compliance with Executive Limitations, and keep the Board informed of

activities of the College. Every attempt is made to ensure the content is clear, concise, and easily understood and the reason that the information is provided (ie, monitoring, decision making, or general information).

EVIDENCE

The Board has spent an extensive and appropriate amount of time talking about the changes and impacts of the Community College Future Fund. The way in which this occurred required significant engagement by the Board members in advocacy and relationship building. The community college funding formula continues to be complex and requires Board attention that includes monitoring the president’s performance, decision preparation, planning, and alignment with the Ends. The President and Legal Counsel made every attempt to communicate and interpret the evolving situation from the initial discussions with the Governor in January 2023 to the final votes in April.

	AGREE	DISAGREE	TOTAL
The information presented at board meetings is appropriate in length and complexity.	100.00% 9	0.00% 0	9
The information presented at board meetings is presented in a way that clearly differentiates its purpose, i.e., monitoring, decision preparation or general information.	100.00% 9	0.00% 0	9

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	I think our new Board Policy has helped us here. Plus the meeting of the Governance and Outreach Committees prior to the Board Meeting has really helped our efficiency in the regular Board Meeting. Dr. Barrett and her Cabinet have done a good job of providing useful material for the meeting with Diane doing an excellent job of organizing it.	8/26/2023 11:00 AM

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

INTERPRETATION – The Executive Assistant to the President serves as the Board Reporting Secretary (GP-06). The College job description outlines these responsibilities, and the President seeks input from the Board Chair in completing annual performance reviews and providing

constructive feedback in the responsibilities outlined in GP-06. Moreover, additional support is provided to the Governance Committee by the Executive Assistant to the VPAS/Legal Counsel.

EVIDENCE

	AGREE	DISAGREE	TOTAL
The Board is provided reasonable administrative support for Board activities.	100.00%	0.00%	
	9	0	9

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	Administrative support is excellent!	8/30/2023 1:54 PM
2	Having Scott Gray on the Governance Committee has been extremely helpful. He is thoughtful, cooperative and helpful providing critical insight in many situations to help our Committee function very well.	8/26/2023 11:00 AM
3	Diane provides exceptional administrative support to the board.	8/25/2023 8:47 AM

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

INTERPRETATION – The College provides access to Microsoft Teams for collection and archiving of all Board materials.

EVIDENCE

	AGREE	DISAGREE	TOTAL
The laptop computer and access to all board materials via Microsoft Teams serves as a workable, user-friendly mechanism for communication and information to fulfill the role of the board.	88.89%	11.11%	
	8	1	9

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	We seem to have issues at times with accessing documents when needed within Teams. Always appreciate Diane's prompt attention on this and the support from IT to help us with Teams/Laptop issue when needed.	9/5/2023 8:05 AM
2	TEAMS has been a difficult transition for many. The IT and administration support has been excellent throughout this transition.	8/30/2023 1:54 PM
3	Teams is a little clunky and since I like to print out pages, it is a little difficult to do so. However, I am getting more proficient with it. It's much better than what we had.	8/26/2023 11:00 AM

2.2 Allow the Board to be without Board Secretary services that meet all legal requirements and ensure the integrity of the Board's documents.

INTERPRETATION – The Executive Assistant to the President serves as the Board Recording Secretary (GP-06). She consults regularly with the VPFA/Legal Counsel on topics such as the Nebraska Open Meetings Law and records retention. There has not been a situation in the past year where there has been a question that the Board is not meeting all legal requirements. The Executive Assistant also works closely with the Secretary of State's Office and County Clerks on voting and redistricting. These responsibilities are articulated in Board Policy and in the job description.

EVIDENCE

	AGREE	DISAGREE	TOTAL
The Board Secretary meets expectations to ensure all legal requirements are met and the integrity of all board documents.	100.00% 9	0.00% 0	9

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	Diane is strong and I consider her to be one of the best individuals I have ever worked with.	8/26/2023 11:00 AM
2	Diane exceeds my expectations in communicating board documents and pertinent information.	8/25/2023 8:47 AM

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

INTERPRETATION – The President recognizes that the Board works as a whole and has not had conversations with board members nor taken any action that would create divisions that would negatively impact the Board's ability to fulfill its role, meet its lawful obligations nor allow for special treatment of the board members as individuals. The Cabinet members and the board recording secretary also understand and respect the holism of the Board and have not taken actions to impede their ability to fulfill their obligations.

EVIDENCE

	AGREE	DISAGREE	TOTAL
No actions have been taken by the President, the board secretary, or the president's cabinet to impede the Board's holism in its processes and roles.	100.00% 9	0.00% 0	9

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	High integrity from all.	8/26/2023 11:01 AM

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

INTERPRETATION – The President and the Cabinet members regularly respond to individual members requests for information without impeding the Board's holism. Most often the requests for information are shared with the entire board with an email forward or an item added to Teams. The President and the Chair have regular meetings to prepare and review the meeting agenda and at times, consult about sensitive matters prior to sharing with the board.

EVIDENCE

	AGREE	DISAGREE	TOTAL
The President does not deal with the Board in a way that favors or privileges certain Board members over others.	100.00% 9	0.00% 0	9
The President, the board secretary, and the president's cabinet respond to individual questions in a manner that does not impede the board's holism.	100.00% 9	0.00% 0	9

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	Dr. Barrett has done a great job of respecting all Board Members input and values what each one brings to the table. For a brief time I thought she was huddling with the Board Chair quite a bit at the meetings and in-between which may have appeared as too much focus with the Chair. However, I think both the Chair and Dr. Barrett have done a good job of focusing on the entire Board in the last several months. I think our Chair has been excellent and thoughtful and certainly grown in the role. Also, with this very difficult year in the Legislature, our President has demonstrated excellent leadership.	8/26/2023 11:01 AM

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 – On a monthly basis, the President, Board Secretary, and VPAS/Legal Counsel review the legal obligations of the board and those requirements outlined in Board Policies to ensure they are included in the *Items for Decision* (ie, Required Approvals) section of the agenda. The draft agenda is also reviewed by the Board Chair before it is finalized. For the most part, the schedule for monitoring reports has been adhered to; the Board Chair was consulted prior to any deviation.

EVIDENCE

The Truth in Taxation Law (ie, the postcard and accompanying joint public hearing) does not align with our traditional board processes for setting our levy. Although we fumbled a bit with timing in 2022 and 2023, the law has been followed and all submittals were and will be filed prior to the deadlines.

	AGREE	DISAGREE	TOTAL
The President and the board secretary supply all agenda items delegated to the President, yet required by law, regulation or contract to be Board-approved, along with the applicable monitoring information.	100.00% 9	0.00% 0	9

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	Good here for sure.	8/26/2023 11:01 AM