



Monitoring Report
EL-08, Communication and Support to the Board
September 8, 2022

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 2022

To prepare this monitoring report, Board members were surveyed to provide evidence of compliance. 10 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, college culture, student engagement and enrollment activities, and external relations. The President also provides updates 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% 10	0.00% 0	10
The weekly newsletter provides relevant information for me to be informed about activities happening at Northeast Community College.	100.00% 10	0.00% 0	10

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	Newsletter is a great venue for the boardmembers to stay updated on day to day events. President's updates are crucial for us to stay in touch with the school not just the operating items.	8/22/2022 10:50 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.	90.00% 9	10.00% 1	10

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. Several changes have been made to the law over the past two years. Some of the changes were temporary and provided by an executive order and others were permanent changes enacted by the Nebraska Legislature. The Northeast Community College Board of Governors has been in compliance with these laws during the pandemic and with the recent codification. Moreover, a new law related to participation in a county-wide joint public hearing was adopted in the 2021 Legislative Session for implementation in September 2022. 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% 10	0.00% 0	10

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% 10	0.00% 0	10
The monthly board education information provides timely and relevant data to supplement interpretation and rationale for compliance of Board Executive Limitations policies.	100.00% 10	0.00% 0	10

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	I think we are on the right track in tracking our true data and its interpretations.	8/16/2022 3:25 PM

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. In 2022 there has yet to be 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% 10	0.00% 0	10
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% 10	0.00% 0	10

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	Now that we have initiated the Governance platform I feel this will become an even stronger requirement.	8/16/2022 3:29 PM

- 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 negative situations (ie,COVID); celebrations (MacKenzie Scott gift); or announcements like resignations or hires of vice presidents. During the 2022 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 presidents update at the monthly board meetings often includes more detailed information that may be of interest to the media or possible concerns on campus such as campus climate survey results, pending negotiated agreements, rumors, enrollment trends.

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% 10	0.00% 0	10
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% 10	0.00% 0	10
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% 10	0.00% 0	10
The president provides information, when available, on signals from elected officials of potential changes in legislation, regulation, or funding.	100.00% 10	0.00% 0	10

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	Good job keeping us informed during last session and our responsibilities regarding levy meetings.	8/22/2022 10:07 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. Furthermore, 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

	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% 10	0.00% 0	10
The president informs the board when board behavior may be detrimental to the working relationship between the board and the president.	100.00% 10	0.00% 0	10

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	I feel our present President would not hesitate to inform a board or a board member that they were not in compliance with an existing policy or a board member's relationship becoming detrimental.	8/16/2022 3:33 PM
2	I checked Agree, but I don't recall any communication from the president on this since I do not think there have been any situations where these have happened.	8/16/2022 9:52 AM
3	I don't think we've had this situation arise but I'm comfortable that it would be handled appropriately if it did.	8/16/2022 8:39 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). An example of these efforts surround the implementation of the recent statute revisions related to *Truth in Taxation*. The intention of the legislation is just as important as the new legal requirements. There has been time and effort dedicated to ensure that the Board is not only following the law but understanding and approaching the spirit of the law.

EVIDENCE

	AGREE	DISAGREE	TOTAL
The information presented at board meetings is appropriate in length and complexity.	100.00% 10	0.00% 0	10
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	Changes on financial reports very good.	8/22/2022 10:23 AM
2	I think that sometimes the information on approval a given educational program could be more precise since some of them are very lengthy and take up a lot of time.	8/16/2022 9:52 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% 10	0.00% 0	10

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	Diane and tech support is great.	8/22/2022 10:25 AM
2	I appreciate Scott Gray and Jennifer Happold's participation in our Governance Committee monthly meetings. They are extremely helpful.	8/16/2022 9:55 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

In a cost savings measure, the communication system for the Board was changed from BoardPaq to Teams. Based on this feedback, the Technology Services Team and the Board Secretary are reviewing improvements that include the elimination of multi-factor authentication and options for access to board materials.

	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.	90.00% 9	10.00% 1	10

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	I'm sure most of the problems I have had with Teams is my own doing. I'll catch on eventually.	8/22/2022 11:06 AM
2	Still having some difficulty accessing teams information	8/17/2022 12:47 PM
3	Teams has been a difficult system to transition to. It seems more complicated than it needs to be. The more we use it, the easier it becomes to navigate.	8/16/2022 12:22 PM
4	A great improvement going to Teams compared to BoardPaq	8/16/2022 9:55 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 does an absolute fantastic job in her role	8/22/2022 11:06 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% 10	0.00% 0	10

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% 10	0.00% 0	10
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% 10	0.00% 0	10

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS/CLARIFICATION, AS NEEDED:	DATE
1	Communication between board chair and President is at much higher level than in the past. Developing agenda is a vast improvement over past years.	8/22/2022 10:27 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

	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% 10	0.00% 0	10