



Northeast Community College Board Policy Manual

Governance Process Policy Policy Number: GP - 16

Handling Alleged Policy Violations

The Board as a whole, has the responsibility to regularly monitor the performance of the President as outlined in the policies on Board-President Delegation. If there is a reasonable appearance of policy violation, even though a particular policy is not scheduled for monitoring, the Board may choose to request a monitoring report at any time. The Board may also use the occasion of a concern to re-evaluate the adequacy of its policy to address the issue raised.

1. Conditions which may trigger a request for monitoring beyond the normal schedule may include:
 - Board member has been contacted regarding a complaint by a member of the Ownership. After the Board member has followed the procedure for handling complaints (See GP-15 Policy on Handling Complaints), the individual again contacts the Board member indicating that the complaint still exists, and in the Board member's opinion the incident appears to be a potential policy violation.
 - One or more Board members receive complaints or become aware of a pattern of similar instances that taken together raise questions of general policy violation.
 - A single incident of complaint is of a nature that regardless of how it is resolved, there is a serious question of policy violation.
2. If any of the above conditions exist:
 - The Board member shall inform the Board Chair of the situation.
 - If the alleged situation presents a material level of risk to the College, the Board Chair shall call a special meeting of the Board as soon as practicable and the Board shall determine if (a) it needs to seek legal counsel, and/or (b) engage an external, qualified, independent third party.
 - If the alleged situation does not present a sufficient level of risk for the above process, the Board Chair shall request the President to provide to the Board his or her interpretation of the policy, or the relevant parts of the policy, along with rationale for why the interpretation should be considered reasonable.

- The Board shall determine whether the President’s interpretation falls within any reasonable interpretation of the policy, or whether to request an opinion regarding reasonableness from a qualified, external, disinterested third party.
 - The Board shall determine whether to request evidence of compliance with the interpretation from the President or a qualified, external, disinterested third party.
 - The Board as a whole shall determine whether the President’s interpretation falls within any reasonable interpretation of the policy.
3. If the President’s interpretation is assessed by the Board to be reasonable and there is evidence of compliance with that interpretation, the matter shall be dropped at the Board level. The President will handle the issue.
 4. If the President’s interpretation is assessed by the Board as not being a reasonable interpretation of the policy, or there is a clear violation of a reasonable interpretation, the Board shall determine the degree of seriousness of the issue and deal with the President regarding performance.
 5. If the incident(s) in question do(es) not appear to be a potential violation of policy:
 - The Board member should consider if he or she believes the policy should be amended to prevent a future occurrence of a similar situation.
 - If the Board member considers that a policy amendment should be made, the Board member should ask the Board Chair to put the item on the next agenda.
 - The Board as a whole then shall debate whether or not the policy should be amended, making the reported event explicitly unacceptable in the future.

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Rescinded Date: none