



# North Idaho College

Board of Trustees Meeting

August 23, 2023

Edminster Student Union Building

**Mission statement:** *North Idaho College meets the diverse educational needs of students, employers, and the northern Idaho communities it serves through a commitment to student success, educational excellence, community engagement, and lifelong learning.*

This meeting is a business meeting of the board trustees and the NIC administration. The board will take comment on agenda items from members of the public who attend in-person. Commenters will be **required** to provide their name and the agenda topic and will be **strictly** limited to two minutes per person with no “giving of time” to others.

Multiple sign-in sheets will be provided in the meeting room with the desire to accommodate all who sign up before the 6:30 p.m. deadline regardless of the open session convening later. The order of public comment is at the discretion of the chair. No prior requests for public comment will be accepted. In the interest of a timely meeting, the board chair reserves the right to end public comment at any time after 30 minutes. Individuals interested in providing public comment outside of the meeting may send an email to the board of trustees at [board@nic.edu](mailto:board@nic.edu).

NIC Policy 2.01.03: **“Public comment shall be limited as determined by the board chair.** The board of trustees may listen to such public comments but is not obligated to provide responses. If the matter presented requires additional dialogue or action, the board of trustees may direct that the matter be placed on the board’s future agenda for further discussion and review. The decision to allow public participation in the meeting is the sole discretion of the board chair.”

## AGENDA

### 5:00 p.m. Driftwood Bay Room

- Convene/Call to Order/Verification of Quorum ..... Gregory McKenzie  
Action: Motion for Executive Session under Idaho Code § 74-206(1)(b)(f)\*

### 6:30 p.m. Lake Coeur d’Alene Room\*\* / Zoom: <https://nic.zoom.us/j/85461317855>

- Convene/Call to Order/Verification of Quorum ..... Gregory McKenzie
- Pledge of Allegiance ..... Gregory McKenzie
- Board Development Update ..... Ken Burke
- Public Comment ..... Gregory McKenzie
- Celebrating Success: Women’s Volleyball....Nick Swayne/Shawn Noël/Brittany Tilleman/Melissa Fleshman)
- **CONSTITUENT REPORTS**
- ASNIC .....Michael Habermann
- Faculty Assembly ..... Kathleen Miller-Green
- Staff Assembly ..... Matt Piekarski
- Senate..... Jason Droesch
- **PRESIDENT’S REPORT** ..... Nick Swayne
- **CONSENT AGENDA** ..... Gregory McKenzie

- Tab 1: Consent Agenda Items
- Action: Approve Consent Agenda
- Meeting Minutes for June 7, 2023
- Second Reading: Board Policy 2.01.02 (Responsibilities, Duties and Standards of Good Practice)

➤ **UNFINISHED BUSINESS**

Tab 2: Legal Counsel..... Nick Swayne  
Action: Approve Hiring Legal Representation

➤ **NEW BUSINESS**

Tab 3: Resolution on Accreditation ..... Nick Swayne  
Action: Acknowledge receipt of July 7, 2023 Letter from NWCCU, and resolve to address contents to maintain accreditation

Tab 4: Board Policy Subcommittee Report..... Mike Waggoner/Tarie Zimmerman  
Action: First Reading Board Policy 2.01.10 (Board General Conduct Policy)  
Action: First Reading Board Policy 2.01.11 (New Board Member Orientation)  
Action: First Reading Board Policy 2.01.12 (Code of Ethics)  
Action: First Reading Board Policy 2.02.02 (Presidential Performance Review)

Tab 5: President's Goals..... Nick Swayne  
Action: Approve Goals for Jul 2023-Jun 2024 Evaluation Cycle

New Business Arising Out of Executive Session ..... Gregory McKenzie  
Action: Approve Items as Needed

➤ **INFORMATION ITEMS**

Human Resources ..... Nick Swayne/Karen Hubbard  
Workforce Training Update ..... Nick Swayne/Vicki Isakson/Colby Matilla  
Athletic Conference Update ..... Nick Swayne/Shawn Noël/Alex Harris/Sarah Garcia  
Strategic Plan Update ..... Nick Swayne  
Campus Security Update ..... Nick Swayne/Alex Harris

**REMARKS FOR THE GOOD OF THE ORDER\*\*\***

**ADJOURN**

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\*Executive sessions may be called for the purposes of considering personnel matters [Idaho Code § 74--206(1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general; (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student; [Idaho Code § 74-206(1)(c)], deliberating regarding an acquisition of an interest in real property; [Idaho Code § 74-206(1)(d)] considering records that are exempt from public disclosure; [Idaho Code § 74-206(1)(e)] considering preliminary negotiations involving matters of trade or commerce in which this governing body is in competition with another governing body; [Idaho Code § 74-206(1)(f)] communicating with legal counsel regarding pending/imminently-likely litigation; [Idaho Code § 74-206(1)(i)] communicating with risk manager/insurer regarding pending/imminently-likely claims.

\*\*The open-session portion of the meeting is advertised for 6:30 pm and will not begin earlier than 6:30 pm, but may convene after 6:30 pm, whenever the prior executive session portion of the meeting ends.

\*\*\*Remarks are subject to [NIC Policy 2.01.03](https://www.nic.edu/policy/all/20103/). (<https://www.nic.edu/policy/all/20103/>)

**BOARD OF TRUSTEES MEETING**  
**August 23, 2023**

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**SUBJECT**

Executive Session

**DISCUSSION**

From time to time the board will find it necessary to adjourn to executive session. When an executive session is required, a number of specific steps must be taken. These steps are:

1. Cite Idaho Code § 74-206.
2. Cite one or more specific subsections in the code section and provide sufficient detail to identify the purpose and topic of the executive session but not information sufficient to compromise the purpose of the executive session.
3. Approve a motion to adjourn by two-thirds, roll call vote.
4. Take no action and make no final decisions in executive session.

\_\_\_\_\_ MOVES THAT THE BOARD, PURSUANT TO IDAHO CODE  
§ 74—206, CONVENE IN EXECUTIVE SESSION TO:

\_\_\_\_\_ Consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student [Idaho Code § 74--206(1)(b)]

\_\_\_\_\_ Communicate with legal counsel regarding pending/imminently-likely litigation [Idaho Code § 74-206(1)(f)]

Purpose/Topic summary: (Provide sufficient detail to identify the purpose and topic of the executive session but not contain information sufficient to compromise the purpose of the executive session.)

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SECONDED BY: \_\_\_\_\_

Roll call: \_\_\_\_\_ Banducci  
\_\_\_\_\_ Corkill  
\_\_\_\_\_ McKenzie  
\_\_\_\_\_ Waggoner  
\_\_\_\_\_ Zimmerman

CONVENE AT: \_\_\_\_\_ ADJOURN AT: \_\_\_\_\_

**BOARD OF TRUSTEES MEETING**  
**August 23, 2023**

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**TAB 1**

**SUBJECT:** Consent Agenda Items

**BACKGROUND:**

Included as Tab 1 Attachment A are the Meeting Minutes for the June 7, 2023 regular meeting of the Board of Trustees.


Included as Tab 1 Attachment B is the Board Policy 2.01.02 for second reading. The document has been updated and is provided as both a redline and clean (to read as though revisions are accepted) versions.

**SUGGESTED MOTION FOR BOARD ACTION**

[Board Member] make the motion to approve Consent Agenda Items as presented.

Prepared by: Suzy Scura  
Board Clerk

## **Tab 1 Attachment A**

 **North Idaho College**  
**BOARD OF TRUSTEES MEETING**  
**Edminster Student Union Building**  
**June 7, 2023**  
**MINUTES**

**CALL TO ORDER AND VERIFICATION OF QUORUM**

Chair Greg McKenzie called the meeting to order at 5:04 p.m. and verified that a quorum was present.

Trustee Banducci made a motion to go into executive session under Idaho Code § 74--206(1) (b)(c)(f) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student; to deliberate regarding an acquisition of an interest in real property; and to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The motion was seconded. Trustee Zimmerman made an amended motion to remove the statutory code (b) from consideration for action. The amended motion was seconded. Following discussion, Trustee Zimmerman withdrew her amendment. Roll call vote was taken on the original motion as follows:

Todd Banducci	aye
Brad Corkill	aye
Greg McKenzie	aye
Mike Waggoner	aye
Tarie Zimmerman	nay

At 6:40 p.m. the meeting was recessed.

**CALL TO ORDER AND VERIFICATION OF QUORUM**

Chair Greg McKenzie reconvened the meeting at 6:48 p.m. and verified that a quorum was present. He welcomed attendees and stated that the agenda would be amended to add an item at the end of information items for the board to take action to address an urgent personnel matter. Attorney Art Macomber commented that the stated good faith reason for amending the agenda and the reason why this was not included in the original agenda is due to information the board had just received in closed session. He commented that the stated emergency is defined in title 74-204, subsection, 2, and may cause immediate financial loss if it is not addressed right away, and may threaten the existence of another lawsuit and ping on accreditation. Trustee Banducci made the motion to amend. The motion was seconded and roll call vote was taken as follows:

Brad Corkill	aye
Tarie Zimmerman	aye
Todd Banducci	aye
Mike Waggoner	aye
Greg McKenzie	aye

Chair McKenzie next led the room in the Pledge of Allegiance.

**ATTENDANCE**

Trustees: Todd Banducci  
Brad Corkill  
Greg McKenzie  
Mike Waggoner  
Tarie Zimmerman

Also present: Nick Swayne, President  
Sarah Garcia, VP Finance and Business Affairs  
Laura Rumpler, Chief Communications & Government Relations Officer  
Steve Kurtz, Accreditation Liaison Officer  
Art Macomber, College Attorney

Board Development with ACCT

ACCT Consultant Debbie DiThomas provided an update of the board governance training that the board and President Swayne are undertaking.

**PUBLIC COMMENT**

Name	Topic
Ron Hartman	Budget
Deborah Rose	Policy and Legal Counsel Services
Erin Ferraro	Policy 2.01.02
Ed DePriest	Budget and Legal Counsel Services
Michael McGowan	Budget
Rebekah Gann	Legal Counsel Services
Caryn Shepler	Policy and Goals
Robert Shepler	Budget and Policy

Celebrating Success

Jon Gardunia, program director for the Physical Therapist Assistant Program presented three graduates of the college’s Health Professions Programs who each shared their stories following their experiences at NIC.

**PRESIDENT’S REPORT**

Dr. Swayne provided an update with additional details received from the NWCCU related to the college’s appearance before the Commission scheduled for June 23. He discussed enrollment and recruitment activities and enrollment trends over the course of the spring months. He shared information about the impact of NIC Foundation Scholarships, particularly for high school students in Kootenai County. He commented that there are no new updates related to vaccine requirements in clinical settings for NIC health professions students, and he closed his report by commenting that the dean of students will be coordinating with the State Office of School Safety for information related to threat assessment work.

At 7:50 p.m., the board took a recess. At 8:02 p.m. the meeting was reconvened.

## **CONSENT AGENDA**

Chair McKenzie requested a motion to amend the minutes of the May 24 meeting to reflect that Laura Rumpler, chief communications and government relations officer, was in attendance. Trustee Waggoner made the motion. The motion was seconded, and carried with four votes in favor. Trustee Corkill made a motion to adopt the minutes, as amended. The motion was seconded and carried with four votes in favor.

### *Resolution on Changing Athletic Conferences*

Dr. Swayne proposed a resolution for the college to move athletic programs to the National Junior College Athletic Association and the Scenic West Athletic Conference. Trustee Waggoner made a motion to adopt a resolution asking the president to begin the process of transitioning all North Idaho College Athletic teams to the National Junior College Athletic Association and Scenic West Athletic Conference, with the goal of completing the transition by the Fall semester of 2024. The motion was seconded and following discussion, carried unanimously.

### *General Fund Budget for Fiscal Year 2024*

Dr. Swayne introduced Sarah Garcia who presented the FY24 general fund budget proposal with additional information received since the last reading related to the state's allocation for Career Technical Education programs. Trustee Zimmerman made a motion to approve the FY24 institutional budget, including the adoption of FY24 tuition and fees and course fees. The motion was seconded and following discussion, carried unanimously.

### *Policy 2.01.03 Meetings*

Trustee Waggoner commented on the work of the subcommittee to review and revise board governance policies. He discussed the efforts to compile a list of topics from which new policies may be developed and he asked that board members review existing policies and provide their input to himself or to Shannon Goodrich. Trustee Zimmerman made a motion to adopt revisions to meetings policy 2.01.03. The motion was seconded and following discussion, carried unanimously.

### *Legal Counsel*

Following a discussion about the process to evaluate proposals submitted through the recent RFQ, Trustee Corkill made a motion for the board to retain the legal firm of Stevens Clay. The motion was seconded. Following discussion, the motion failed with two in favor and two opposed. The Chair did not vote.

Following additional discussion, the board asked Dr. Swayne to request additional information from both Stevens Clay, and Boyles Law, including engagement letters, references, years of experience with insurance negotiations, and years of experience with higher education law.

### *Policy 7.01.04 Continuous Professional Service Contracts*

Chair McKenzie provided draft revisions to policy 7.01.04 and made a motion to direct the President to refer these policy suggestions to the Senate in accordance with the policy and policy modifications, and come back before the Board with constituent and stakeholder feedback. The motion was seconded, and carried unanimously.



Policy 2.01.02 Responsibilities, Duties, and Standards of Good Practice

Trustee Waggoner commented on the purpose of proposed revisions. Trustee Zimmerman reviewed and highlighted specific revisions. This was a first reading and no action was taken.

President's Goals

Dr. Swayne presented goals for the coming year and recommended the board adopt them as written. Chair McKenzie proposed revisions and discussion ensued. Trustee Banducci made a motion to table. The motion was seconded and carried with four in favor and one opposed.

Board Evaluation

Chair McKenzie commented that the trustees are currently considering draft goals on which the board can evaluate itself.

At 9:53 p.m., the board took a brief recess. The meeting reconvened at 10:10 p.m.

President's Evaluation

Dr. Swayne commented on the process undertaken last fall for his evaluation. Chair McKenzie requested a motion to initiate a president's evaluation for the time period since Dr. Swayne's return, similar to that conducted in October, spanning the next 2 weeks for consideration at the next executive session. Trustee Corkill made the motion. The motion was seconded and carried with four in favor.

Address Urgent Personnel Matter

Chair McKenzie made a motion to authorize the board chair to look into the practicality and decision to hire a neutral workplace investigator into an urgent personnel matter. The motion was seconded and carried with four in favor.

New Website Launch

Dr. Swayne made some introductory remarks. Chief Communications and Government Relations Officer Laura Rumpler discussed the process and efforts to develop a new website for the college. Chief Information Officer Ken Wardinsky demonstrated several areas of the new site and announced that it should launch soon.

**REMARKS FOR THE GOOD OF THE ORDER**

There were no remarks.

The meeting was adjourned at 10:30 p.m.

Respectfully Submitted,  
Shannon Goodrich, Board Clerk

## **Tab 1 Attachment B**

# Policy

Policy # 2.01.02

Effective Date 1/30/02

Revised Date 10/28/09

First Reading: 06/07/2023

<p><i>(Impact Area - Dept Name)</i></p> <p>Administration</p>	<p><i>(General Subject Area)</i></p> <p>Board of Trustees</p>	<p><i>(Specific Subject Area)</i></p> <p>Responsibilities, <del>and</del> Duties, <del>and</del> Standards of Good Practice</p>
	<p><b>Author:</b></p>	<p><b>Supersedes Policy</b></p>
<p><b>Relates to Procedure #</b></p>	<p><b>Impact:</b></p> <p>Board of Trustees</p>	
<p><b>Legal Citation (if any):</b></p> <p><a href="#">Idaho Code 33-2106, 33-2107, 33-2109</a></p>		
<p><b>North Idaho College</b></p>		

Policy Narrative

[Page 1 of 4]

## I. RESPONSIBILITIES

The responsibilities of the Board are as follows

### A. Statutory Responsibilities (33-2106):

(1) To elect the chair, vice-chair, secretary, and treasurer as officers for the College Board, and, at its option, select a Board trustee as a member of the Board of directors of the North Idaho College Foundation.

### BA. Statutory Responsibilities (33-2107):

(1)- To adopt policies and regulations for its own government and the government of the College;

(2)- To employ legal counsel and other professional and nonprofessional persons, and to prescribe their qualifications;

- (3) -To acquire and hold, and to dispose of, real and personal property, and to construct, repair, remodel and remove buildings in the manner prescribed for trustees of school districts pursuant to sections 33-301 and 33-601, Idaho Code;
- (4) -To contract for the acquisition, purchase or repair of buildings in the manner prescribed for trustees of school districts pursuant to section 33-601, Idaho Code;
- (5) -To issue general obligation or revenue bonds in the manner now, or as may be, prescribed by law;
- (6) -To convey and transfer real property of the district upon which no College buildings used for instruction are situated, to nonprofit corporations, school districts, junior college housing commissions, counties or municipalities, with or without consideration; to rent real or personal property for the use of the College, its students or faculty, for such terms as may be determined by the Board of Trustees; to lease real property of the district not actually in use for College instructional purposes for such terms as may be determined by the Board; and to lease real property and improvements to the Idaho state building authority, for a term not to exceed fifty (50) years, with or without consideration, and to enter into agreements with the Idaho state building authority for the Idaho state building authority to provide a facility, pursuant to section 67-6410, Idaho Code;
- (7) -To acquire, hold and dispose of water rights;
- (8) -To accept grants or gifts of money, materials or property of any kind from any governmental agency, or from any person, firm or association, on such terms as may be determined by the grantor;
- (9) -To cooperate with any governmental agency, or any person, firm or association in the conduct of any educational program; to accept grants from any source for the conduct of such program; and to conduct such program on, or off, campus;
- (10) To invest any funds of the district in such securities, and apply the interest or profits from such investment, as prescribed for the investment of the funds, and the application of the interest or profits, in the case of school district boards of trustees.

**C. Statutory Responsibilities (33-2109):**

- (1) To select, appoint, and evaluate the president of the College who shall be responsible for the general administration and the implementation of Board policies in the on-going operations of the College. To establish a compensation package for the president.
- (2) To approve annual budgets, which includes setting tuition and fees and establishing the property millage levy rate.
- (3) To make final decisions regarding awarding tenure based on established policy and procedure, with the final recommendation of the president.
- (4) To review and approve all salary schedules annually.
- (5) To engage in and approve long-range facilities planning for campus site utilization, physical plant development, and further educational needs.

**D. Board Policy Requirements**

- (1) To determine the broad general policies that will govern the operation of the college district.

~~To select, appoint, and evaluate the president of the college who shall be responsible for the general administration and the implementation of board policies in the on-going operations of the college. To establish a compensation package for the president.~~

**Commented [KH1]:** Moves to Statutory Responsibilities (33-2109)

~~To elect the chair, vice chair, secretary, and treasurer as officers for the college board, and, at its option, select a board trustee as a member of the board of directors of the North Idaho College Foundation.~~

**Commented [KH2]:** Moves to Statutory Responsibilities (33-2106)

~~To approve annual budgets, which includes setting tuition and fees and establishing the property millage levy rate.~~

~~To make final decisions regarding awarding tenure based on established policy and procedure, with the final recommendation of the president.~~

~~To review and approve all salary schedules annually.~~

**Commented [KH3]:** Each moves to Statutory Responsibilities (33-2109)

~~To acquire, hold, and dispose of real and personal property.~~

~~To engage in and approve long range facilities planning for campus site utilization, physical plant development, and further educational needs.~~

**Commented [KH4]:** Moves to Statutory Responsibilities (33-2109)

~~To act on recommendations of the college president concerning capital outlay, repairs, and maintenance for buildings, grounds, and equipment.~~

To require and consider reports from the president concerning the programs and condition of the College.

~~To consider and act on the curricular offerings of the college on the recommendation of the college president.~~

~~To consider and act on the regulations and other information in the college catalog.~~

(2) To consider and act on the recommendations of the president in all matters of College policy advanced through the shared governance processes of the College. (Policy 2.01.04) pertaining to the governance and welfare of the college and the welfare of students.

(3) To provide for the establishment of the necessary procedures to assure proper accounting of receipts and disbursements of district funds, and those of student organizations, and other funds under the supervision of the district. (Policy 2.03.02).

(4) To provide for and review the annual audit of all funds of the district, student organizations, and other funds handled under the supervision of the district. (Policy 2.03.02).

(5) ~~To issue general obligation of revenue bonds in the manner prescribed by law.~~

~~To periodically review the college's investment policy.~~

~~To select legal counsel and other professional and non-professional persons, to evaluate them periodically, and to prescribe their qualifications.~~

~~To accept grants or gifts of materials on such terms as may be mutually agreed upon by the college and the grantor.~~

To consider communications and requests from citizens or organizations on matters of policy related to internal Board governance. If there are communications and requests regarding the implementation of other College policies, they should be referred to the President for consideration and response. (Policy 2.02.01)

## II. DUTIES OF BOARD OFFICERS

### Board Chair

The duties of the Board chair shall be to:

1. Chair all Board of Trustees meetings.
2. Assist other Trustees and the College president in preparing agendas for monthly Board of Trustees meetings.
3. Call special meetings as necessary.
4. Communicate on behalf of the Board as the official voice of the Trustees when conditions warrant.
5. Provide for evaluation of the College president as defined by Board policy.
6. Periodically consult with Board members on their roles and their performance as defined by Board policy.
7. Assist the College president in conducting new trustee orientations.
8. Convene the Board self-evaluation session as defined by Board policy.
9. Delegate duties as needed to other Board members

#### Vice Chair

The duties of the vice chair shall be to:

1. Understand the responsibilities of the chair and be able to perform those duties upon absence of the chair.
2. Carry out special assignments as requested by the chair.

#### Secretary/Treasurer

The duties of the secretary/treasurer shall be to:

- ~~1. Verify for accuracy and sign all Board minutes upon approval by a quorum of the Board of Trustees.~~
- ~~2. Assist the president with correspondence on behalf of the Board of Trustees with parties external to the College as necessary.~~
31. Make determination as to which documents routinely become part of the Board archives and verify that they are maintained.

#### Treasurer

The duties of the treasurer shall be to:

- ~~1. Work with the president to ensure that appropriate financial records are made available to the Board in a timely manner.~~

**Commented [SG5]:** Revised this section: some of the duties of secretary are performed by board clerk and some of the treasurer duties are performed by VP Finance and Business Affairs.

**Commented [SG6]:** The board reviews and approves minutes at the regular monthly meeting as a matter of course at the following regularly scheduled meeting.

2. Receive the annual audit on behalf of the Board of Trustees and answer Board members' questions about the audit.
3. ~~Monitor the Trustees' budget as needed.~~

#### Liaison to the North Idaho College Foundation

The duties of the liaison to the NIC Foundation shall be to:

Represent the interest of the Board of Trustees at all North Idaho College Foundation meetings and serve as the conduit for information between the foundation and the Board of Trustees.

#### Board Clerk

~~The Sr. Executive Assistant to the President of the College shall serve as the board clerk. The Board Clerk, who is appointed by the President, will ensure that the agenda and other materials for Board meetings and committee meetings are prepared. The Board Clerk and will assist the Board Chairperson and Trustees in the performance of their duties. In addition, the Board Clerk will perform the necessary clerical duties for the Board of Trustees, to include but not limited to providing help with correspondence, file and maintain the Board Policy Manual, contact Trustees concerning meetings, communicate announcements of meetings, and assist with Board travel arrangements. The Board Clerk or an appointed representative, representative is expected to make arrangements for and attend all meetings of the Board of Trustees.~~

### **III. STANDARDS OF GOOD PRACTICE ~~(CODE OF ETHICS)~~**

In support of effective community college governance, the Board of Trustees believes:

That it derives its authority from and is accountable to, the community and that it must always act as an advocate on behalf of the entire community, ~~honestly debate issues that affect it, and speaks with one voice once a decision or policy is made.~~

That it must clearly define and articulate its role.

That it is responsible for creating and maintaining a spirit of true cooperation and a mutually supportive relationship with its CEO.

That it always strives to differentiate between external and internal processes in the exercise of its authority.

~~That it provide overall direction to the college by setting policy while allowing the president the authority to provide daily administration of said policies.~~

That its trustee members should engage in a regular and ongoing process of in-service training and continuous improvement, and regular evaluation.

That its trustee members come to each meeting prepared and ready to debate issues fully and openly.

That its trustee members, vote their conscience and support the decision or policy made;

That its behavior, and that of its members, exemplifies the principles of ethical ~~behavior and conduct that is above reproach;~~ ~~trusteeship.~~

That it endeavors to remain always accountable to the community;

That it honestly and respectfully debates issues ~~that~~ affecting its community, and speaks with one voice once a decision or policy is made.

That it provides overall direction to the College by setting policy while allowing the president the authority to provide daily administration of said policies. (Policy 2.02.01)



# Policy

Policy # 2.01.02

Effective Date 1/30/02

Revised Date 10/28/09

First Reading: 06/07/2023

<p><i>(Impact Area - Dept Name)</i></p> <p>Administration</p>	<p><i>(General Subject Area)</i></p> <p>Board of Trustees</p>	<p><i>(Specific Subject Area)</i></p> <p>Responsibilities, Duties, and Standards of Good Practice</p>
	<p><b>Author:</b></p>	<p><b>Supersedes Policy</b></p>
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<p><b>Legal Citation (if any):</b></p> <p>Idaho Code 33-2106, 33-2107, 33-2109</p>		
<p><b><i>North Idaho College</i></b></p>		

Policy Narrative

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## I. RESPONSIBILITIES

The responsibilities of the Board are as follows

- A. Statutory Responsibilities (33-2106):
  - (1) To elect the chair, vice-chair, secretary, and treasurer as officers for the College Board, and, at its option, select a Board trustee as a member of the Board of directors of the North Idaho College Foundation.
  
- B. Statutory Responsibilities (33-2107):
  - (1) To adopt policies and regulations for its own government and the government of the College;
  - (2) To employ legal counsel and other professional and nonprofessional persons, and to prescribe their qualifications;
  - (3) To acquire and hold, and to dispose of, real and personal property, and to construct, repair, remodel and remove buildings in the manner prescribed

for trustees of school districts pursuant to sections 33-301 and 33-601, Idaho Code;

- (4) To contract for the acquisition, purchase or repair of buildings in the manner prescribed for trustees of school districts pursuant to section 33-601, Idaho Code;
- (5) To issue general obligation or revenue bonds in the manner now, or as may be, prescribed by law;
- (6) To convey and transfer real property of the district upon which no College buildings used for instruction are situated, to nonprofit corporations, school districts, junior college housing commissions, counties or municipalities, with or without consideration; to rent real or personal property for the use of the College, its students or faculty, for such terms as may be determined by the Board of Trustees; to lease real property of the district not actually in use for College instructional purposes for such terms as may be determined by the Board; and to lease real property and improvements to the Idaho state building authority, for a term not to exceed fifty (50) years, with or without consideration, and to enter into agreements with the Idaho state building authority for the Idaho state building authority to provide a facility, pursuant to section 67-6410, Idaho Code;
- (7) To acquire, hold and dispose of water rights;
- (8) To accept grants or gifts of money, materials or property of any kind from any governmental agency, or from any person, firm or association, on such terms as may be determined by the granter;
- (9) To cooperate with any governmental agency, or any person, firm or association in the conduct of any educational program; to accept grants from any source for the conduct of such program; and to conduct such program on, or off, campus;
- (10) To invest any funds of the district in such securities, and apply the interest or profits from such investment, as prescribed for the investment of the funds, and the application of the interest or profits, in the case of school district boards of trustees.

C. Statutory Responsibilities (33-2109):

- (1) To select, appoint, and evaluate the president of the College who shall be responsible for the general administration and the implementation of Board policies in the on-going operations of the College. To establish a compensation package for the president.
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- (4) To review and approve all salary schedules annually.
- (5) To engage in and approve long-range facilities planning for campus site utilization, physical plant development, and further educational needs.

**D. Board Policy Requirements**

- (1) To require and consider reports from the president concerning the programs and condition of the College.
- (2) To consider and act on the recommendations of the president in all matters of College policy advanced through the shared governance processes of the College. (Policy 2.01.04)
- (3) To provide for the establishment of the necessary procedures to assure proper accounting of receipts and disbursements of district funds, and those of student organizations, and other funds under the supervision of the district. (Policy 2.03.02)
- (4) To provide for and review the annual audit of all funds of the district, student organizations, and other funds handled under the supervision of the district. (Policy 2.03.02)
- (5) To consider communications and requests from citizens or organizations on matters of policy related to internal Board governance. If there are communications and requests regarding the implementation of other College policies, they should be referred to the President for consideration and response. (Policy 2.02.01)

**II. DUTIES OF BOARD OFFICERS****Board Chair**

The duties of the Board chair shall be to:

1. Chair all Board of Trustees meetings.
2. Assist other Trustees and the College president in preparing agendas for monthly Board of Trustees meetings.
3. Call special meetings as necessary.
4. Communicate on behalf of the Board as the official voice of the Trustees when conditions warrant.
5. Provide for evaluation of the College president as defined by Board policy.
6. Periodically consult with Board members on their roles and their performance as defined by Board policy.
7. Assist the College president in conducting new trustee orientations.
8. Convene the Board self-evaluation session as defined by Board policy.
9. Delegate duties as needed to other Board members

**Vice Chair**

The duties of the vice chair shall be to:

1. Understand the responsibilities of the chair and be able to perform those duties upon absence of the chair.
2. Carry out special assignments as requested by the chair.

#### Secretary/Treasurer

The duties of the secretary/treasurer shall be to:

3. Make determination as to which documents routinely become part of the Board archives and verify that they are maintained.

#### Liaison to the North Idaho College Foundation

The duties of the liaison to the NIC Foundation shall be to:

1. Represent the interest of the Board of Trustees at all North Idaho College Foundation meetings and serve as the conduit for information between the foundation and the Board of Trustees.

#### Board Clerk

The Board Clerk, who is appointed by the President, will ensure that the agenda and other materials for Board meetings and committee meetings are prepared. The Board Clerk will assist the Board Chairperson and Trustees in the performance of their duties. In addition, the Board Clerk will perform the necessary clerical duties for the Board of Trustees, to include but not limited to providing help with correspondence, file and maintain the Board Policy Manual, contact Trustees concerning meetings, communicate announcements of meetings, and assist with Board travel arrangements. The Board Clerk or an appointed representative is expected to make arrangements for and attend all meetings of the Board of Trustees.

### **III. STANDARDS OF GOOD PRACTICE**

In support of effective community college governance, the Board of Trustees believes:

- That it derives its authority from and is accountable to, the community and that it must always act as an advocate on behalf of the entire community,
- That it must clearly define and articulate its role.
- That it is responsible for creating and maintaining a spirit of true cooperation and a mutually supportive relationship with its CEO.
- That it always strives to differentiate between external and internal processes in the exercise of its authority.
- That its trustee members should engage in a regular and ongoing process of in-service training and continuous improvement, and regular evaluation.

That its trustee members come to each meeting prepared and ready to debate issues fully and openly.

That its trustee members vote their conscience and support the decision or policy made;

That its behavior, and that of its members, exemplifies the principles of ethical behavior and conduct that is above reproach;

That it endeavors to remain always accountable to the community;

That it honestly and respectfully debates issues affecting its community, and speaks with one voice once a decision or policy is made.

That it provides overall direction to the College by setting policy while allowing the president the authority to provide daily administration of said policies.

(Policy 2.02.01)

**BOARD OF TRUSTEES MEETING**  
**August 23, 2023**

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**TAB 2**

**SUBJECT:** Legal Counsel

**BACKGROUND:**

Following a discussion about the process to evaluate proposals submitted through the recent RFQ during the June 7, 2023 meeting, Trustee Corkill made a motion for the board to retain the legal firm of Stevens Clay. The motion was seconded. Following discussion, the motion failed with two in favor and two opposed. The Chair did not vote.

After additional discussion, the Board asked Dr. Swayne to request additional information from both Boyles Law and Stevens Clay. Following the meeting, a Trustee requested two additional questions.

Included as Tab 2 Attachment is the information received by the College as a result of this process and the information requests.

**SUGGESTED MOTION FOR BOARD ACTION**

[Board Member] make the motion to hire [ *choice of firm here* ] as legal representative for North Idaho College.

Prepared by: Suzy Scura  
Board Clerk

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**Tab 2 Attachment:****Legal Services Search, Review, and Additional Information Requested**Summary of Events to Date

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**Request for Qualifications**

Per North Idaho College policy 7.01.04 (Continuous Professional Service Contracts), a Formal Request for Qualification (RFQ) *North Idaho College Legal counsel RFQ 23-04* was released and re-released to generate a pool of candidates.

**12/23/2023**

Released on Public Purchase online bid management system and legal notice with responses due 01/27/2023;

**02/13/2023**

Re-released on Public Purchase online bid management system with responses due 03/06/2023;

**05/25/2023**

Re-released on Public Purchase online bid management system and email invitations to bid via Public Purchase from VP Finance with responses due 06/02/2023.

*The Request for Qualification (North Idaho College Legal Counsel RFQ 23-04) can be read on Tab 2 Attachment pages 4-11.*

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**Panel Review of RFQ Submissions**

Per standard College operating procedures, a selection panel used the evaluation criteria specified in the RFQ to review and score materials submitted by the candidates.

*The RFQ scoring results for each of the candidates can be read on Tab 2 Attachment page 2.*

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**Board of Trustees Requests for Additional Information**

During the June regular Board meeting and the following day, Trustees provided the College with requests for additional information they would like to see from two of the candidate firms prior to making a selection.

*A summary of the submissions by the two finalist firms and page references to the submitted materials can be read on Tab 2 Attachment page 3.*

Panel Review of RFQ Submissions

Points Available	Evaluation Criteria from RFQ	Boyles Law	Mike Gridley	Holland and Hart	Stevens Clay
35 pts / evaluator 140 total	Experience related to the firm, and Principal Attorney, on matters related to potential College business. This includes but is not limited to experience as a public solicitor and knowledge of the Open Meeting Laws, FERPA, Title IX, HIPPA, disability service experience, and general experience with contract and employment law.	65 46%	70 50%	125 89%	140 100%
35 pts / evaluator 140 total	<p>Firm's experience in working with governmental agencies at the federal, state, and local levels on matters relevant to the College, including compliance requirements.</p> <ul style="list-style-type: none"> <li>▪ Demonstrated experience in sensitive human resource, employment/personnel issues</li> <li>▪ Demonstrated experience with state and federal law involving student rights and obligation issues (such can include compliance with state and federal statutes and regulations such as FERPA Title IX and disability service matters)</li> <li>▪ Demonstrated experience with matters related to public works and other bidding compliance issues</li> <li>▪ Significant experience and demonstrated expertise in current public records law compliance</li> </ul>	75 54%	78 56%	124 89%	138 99%
10 pts / evaluator 40 total	Firms' apparent ability to provide timely services to the College.	28 70%	40 100%	34 85%	39 98%
15 pts / evaluator 60 total	Proposed price structure.	53 88%	55 92%	28 47%	58 97%
5 pts / evaluator 20 total	Proximity of local office to NIC main campus (zero points if over 100 miles away)	17 85%	20 100%	0 0%	13 65%
400 Total Points Available	<b>Overall Scores of RFQ Materials Received</b>	<b>238 60%</b>	<b>263 66%</b>	<b>311 78%</b>	<b>388 97%</b>



### Original RFQ Submissions by Candidate Finalists

Original Request for Qualification	Boyles Law	Stevens Clay
North Idaho College Legal counsel RFQ 23-04	Tab 2 Attachment pages 12-17	Tab 2 Attachment pages 28-51

### Additional Information Requests from Board of Trustees

Additional Information Requested	Boyles Law	Stevens Clay
Client references that are relevant to North Idaho College	--no response provided--	Tab 2 Attachment page 52-53
An engagement letter/retainer agreement	Tab 2 Attachment pages 19-27	Tab 2 Attachment pages 54-59
Examples of insurance coverage negotiations/risk management experience	--no response provided--	Tab 2 Attachment page 54
Years of experience representing higher education clients (please include client name and time represented)	--no response provided--	Tab 2 Attachment page 54
Please share if you have had any criminal or civil suits against you in the past seven years (or work with us to conduct a background check on primary counsel)	--no response provided--	Tab 2 Attachment page 55
Share the proximity of your firm's place of business to the North Idaho College Main campus and commute time thereto (particularly in winter)	--no response provided--	Tab 2 Attachment page 55

**Request for Qualifications  
North Idaho College Legal Counsel  
RFQ 23-04**

**NORTH IDAHO COLLEGE  
1000 W. GARDEN AVE.  
COEUR D'ALENE, IDAHO 83814**



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**REQUEST FOR QUALIFICATION  
NORTH IDAHO COLLEGE LEGAL COUNSEL  
RFQ 23-04**

Release Date:                    THURS MAY 25                    12:00 PM PDT  
Due Date:                        FRI JUNE 2                        5:00 PM PDT (via email)

Responders are required to respond to this RFQ solicitation via one electronic copy via email using an MS Word or PDF format. The subject line of the email shall state: *REQUEST FOR QUALIFICATION North Idaho College Legal Counsel RFQ 23-04*. All required response documents are to be completed and submitted before the stated due date and time. Responses must be emailed to [NICpurchasing@nic.edu](mailto:NICpurchasing@nic.edu). Responses submitted by mail or in person will not be accepted.

It is advised that responders not wait until the last day to start submitting RFQ responses. Responders may edit up until the due date and time.

All communications regarding this RFQ and the selection process must be coordinated through NIC Purchasing via email. Any individual or vendor that contacts any member of the campus, a member of the North Idaho College Board of Trustees, or any North Idaho College Administrator except NIC Purchasing, may be disqualified from further consideration.

**NIC Purchasing**  
North Idaho College  
Office of Finance and Business Affairs  
1000 W. Garden Ave.  
Coeur d'Alene, ID 83814  
[nicpurchasing@nic.edu](mailto:nicpurchasing@nic.edu)

Respondents are notified that North Idaho College reserves the right to reject any parts of the RFQ.

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## 1. Introduction:

### A. Purpose of Proposal:

North Idaho College (NIC or the College) invites law firm(s) and attorney(s) to submit sealed proposals for Legal Services provided to North Idaho College. It is anticipated that Legal Services will be required on an ongoing basis to address a wide range of issues concerning the business of North Idaho College.

### B. College Profile:

North Idaho College (NIC or the College) is a community college located in the panhandle of Idaho in the City of Coeur d'Alene, Idaho. NIC is Idaho's oldest public community college, having been founded in 1933 as Coeur d'Alene Junior College. It began with a faculty of nine and held its classes on the third floor of the City Hall. It was financed entirely from public contributions. In January 1939, the state legislature passed the Junior College Act, which permitted qualified areas to establish junior college districts by a vote of eligible electors. Coeur d'Alene Junior College became North Idaho Junior College in June of 1939. On July 31, 1971, the College changed its name to North Idaho College. NIC's service area is the Idaho panhandle, which includes Kootenai, Benewah, Bonner, Shoshone, and Boundary counties.

NIC meets the diverse educational needs of students, employers, and the northern Idaho communities it serves through a commitment to student success, educational excellence, community engagement, and life-long learning. As a comprehensive community college, North Idaho College strives to provide accessible, affordable, and quality learning opportunities. North Idaho College endeavors to be an innovative, flexible leader recognized as a center of educational, cultural, economic, and civic activities by the communities it serves.

NIC offers Associate of Arts and Associate of Science degrees in various college transfer programs and Associate of Applied Science degrees and technical certificates in its career-technical programs. Many credit courses are offered evenings and during the summer on the NIC campus and at outreach sites. NIC's enrollment in credit courses is approximately 6,600 students annually. NIC also includes a contemporary Workforce Training/Community Education Center, which is located in the Riverbend Commerce Park in nearby Post Falls. Noncredit classes and workforce training programs serve another 4,500 students each year.

The College is fully accredited in all instructional areas by the Northwest Association of Schools and Colleges and the Idaho State Division of Career Technical Education. The Nursing Program is accredited by the National League for Nursing Accrediting Commission.

The College operates a full-year Head Start Program under a federal grant. The Head Start Program provides comprehensive early child development for disadvantaged preschool children and their families.

The College operates an office on Aging and Adult Services. This office has been charged with the responsibility of coordinating a comprehensive program for all senior citizens in the five-county area of North Idaho. Funding is primarily received through federal grants under Title III of the Older Americans Act of 1965.

The College operates under the authority of Idaho Statute Title 33, Chapter 21 for Junior Colleges. These statutes embody considerable requirements and guide day-to-day operations and governance.

The College's Administrative Offices are at 1000 West Garden Ave, Coeur d'Alene ID. Dr. Nick Swayne is the college's President. He oversees a cabinet made up of administrators across campus divisions who oversee the day-to-day operations of the college.

The College is governed by a volunteer five-member board of trustees who are elected at large from within Kootenai County for staggered, four-year terms. The board of trustees derives its authority from statutes enacted by the legislature of the State of Idaho. The board is subject to the provisions of the Constitution of the State of Idaho, the rules and regulations of the State Board of Education as they apply to community colleges, and the Board's policies and procedures.

## **2. Scope of Services**

### **A. Scope of work to be performed:**

Required Services:

- Advise and alert the Board and Administration on how the law may affect current and emerging business and policy decisions of the college. Monitor proposed legislation and changes in the law that may impact the College and notify the Board and Administration of such changes or proposed legislation in a timely fashion.
- Provide legal opinions, advice, and assistance to the College, and the Board.
- Assist the college in reviewing proposals and contracts for services when requested.
- Attend board meetings (scheduled monthly) and prepare responses to legal issues on the agenda. When requested, draft board resolutions. Review minutes following board meetings.
- Be available and accessible at all times for designated college staff.
- Provide advice and counsel on personnel issues.
- Handle litigation, either directly or as liaison to insurance retained council for matters covered by applicable liability insurance. Demonstrated experience in education law, contract drafting, and review.
- Licensed to practice law in Idaho. License to practice in Washington preferred but not required.

## **3. Applicable Laws and General Conditions:**

### **A. Conflict of Interest:**

By Idaho Title 74 Chapter 4, the bidding Firm warrants that it presently has no interest and shall not acquire any interest directly or indirectly which would conflict in any manner or degree with a fair competition or the performance of services required under this request.

### **B. Compliance with Law, Licensing, and Certifications:**

The Firm shall comply with all requirements of federal, state, and local laws and regulations applicable to the Firm or the Property provided by the Firm under this Agreement. For the duration of the Agreement, the Firm shall maintain in effect and have in its possession all licenses and certifications required by federal, state, and local laws and rules. An agreement shall be governed by the laws of the State of Idaho and shall be deemed executed at Coeur d'Alene, Kootenai County, Idaho. Jurisdiction: The parties shall bring any legal proceedings arising hereunder in the State of Idaho, District Court of Kootenai County.

**C. Public Records and Confidentiality:**

Under Idaho's Public Records Act, Title 74, Chapter 1, Idaho Code, as may be amended from time to time (the "Public Records Law") information or documents received from the Firm may be open to public inspection and copying unless exempt from disclosure. If the Firm believes information provided to the College is exempt from disclosure under the Public Records Law, the Firm shall designate individual documents or portions thereof as "exempt" and shall indicate the proposed basis for such exemption. The College will not accept the marking of an entire document as exempt. In addition, the College will not accept a legend or statement on one (1) page that all, or substantially all, of the document is exempt from disclosure. The College does not warrant or otherwise promise that information marked as such will be exempt under the Public Records Law. The Firm shall indemnify and defend the College Parties against all liability, claims, damages, losses, expenses, actions, attorney fees, and suits whatsoever for honoring such a designation or for the Firm's failure to designate individual documents as exempt. The Firm's failure to designate as exempt any document or portion of a document that is released by the College shall constitute a complete waiver of any claims for damages caused by any such release. If the College receives a request for materials claimed exempt by the Firm, the Firm shall provide the legal defense for such a claim.

**D. Non-Discrimination:**

North Idaho College hereby notifies all firms that no person or organization shall be discriminated against based on race, religion, color, age, sex, sexual orientation, or national origin in consideration for an award issued under this advertisement.

**E. Contract Term:**

The intended awarded contract will be for three years (36 months). This contract will be renewed automatically for a term of two years (24 months) to a total term length not to exceed five years (60 months). It is anticipated that this will be renewed for the max duration unless renewal terms are terminated by written change order to the contract at least before 90 days of the expected annual renewal.

**F. Termination:**

North Idaho College reserves the right to cancel without penalty, this request, the resultant contract, or any portion thereof for unsatisfactory performance or unavailability of funds.

**a. Upon termination of the Contract the Firm/Contractor will:**

1) stop work on the date and to the extent specified; 2) terminate and settle all orders and subcontracts relating to the performance of the terminated work; 3) transfer all work in process, completed work, and other material related to the terminated work to the College; and 4) Continue and complete all parts of the work that have not been terminated; and 5) surrender to the College all files, exhibits, and documents maintained or prepared in conjunction with the provision of services under this Agreement; and 6) surrender and return any College owned and furnished equipment used in conjunction with the provision of services under this Agreement.

**G. Award:**

A contract award will not be final until the College and prospective Firm have executed a written Agreement. North Idaho College (NIC) reserves the right to make an award without further negotiation of the proposal submitted therefore the proposal should be submitted in final form from a budgetary, technical, and programmatic standpoint. The College may elect, after the

selection process, to request clarifications, alterations, or changes in the submitted proposal including, but not limited to, prices to provide the best service at the best price for the College.

**H. Addenda:**

The only method by which any requirement of this RFQ may be modified is by a written addendum issued by North Idaho College. Responses to inquiries that directly affect an interpretation or change to the RFQ will be issued in writing by addenda. Any addenda will be posted to the college’s website at: <http://www.nic.edu/Procurement>. All such addenda issued by the College before the time that proposals are received shall be considered binding. Oral and other interpretations or clarifications shall be without legal effect.

**I. Timelines and Schedules:**

North Idaho College intends to adhere to the following schedule in seeking responses to this RFQ:

MAY 25, 2023	RFQ is issued and available.
<b>JUNE 2, 2023</b>	<b>Responses to RFQ due to NIC by 5:00 PM PST</b>
JUNE 5-7, 2023	Response Review
No Later than June 20, 2023	Estimated time to have fee agreement complete

**4. Evaluation Considerations**

**A. Proposal Requirements:**

Each proposal will be evaluated based on all of its contents and a contract awarded to the responsible Firm whose proposal is, in the opinion of NIC, determined to be most advantageous to NIC, when all factors are considered.

The following items must be included in the proposal:

- Information about the attorney/firm that would serve the College as well as general information about the attorney/firm overall including practice areas and size of firm.
- A summary of the strengths of the firm and how it believes that the firm could assist NIC in the capacity of legal counsel. Include any experience serving public entities, particularly public colleges and or universities.
- An affirmation of the ability of the firm’s representative to attend to College needs, including availability at early morning or evening meetings and the firm’s ability to handle ad hoc issues on time.
- As appropriate, provide information on the experience of other firm members who may assist the college.
- A comprehensive fee schedule for services.

**B. Evaluation Factors:**

Factors to be considered in the award of the contract will include:

• 35 pts	• Experience related to the firm, and Principal Attorney, on matters related to potential College business. This includes but is not limited to experience as a public solicitor and knowledge of the Open Meeting
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	Laws, FERPA, Title IX, HIPPA, disability service experience, and general experience with contract and employment law.
• 35 pts	• Firm’s experience in working with governmental agencies at the federal, state, and local levels on matters relevant to the College, including compliance requirements.
○	○ Demonstrated experience in sensitive human resource, employment/personnel issues
○	○ Demonstrated experience with state and federal law involving student rights and obligation issues (such can include compliance with state and federal statutes and regulations such as FERPA Title IX and disability service matters)
○	○ Demonstrated experience with matters related to public works and other bidding compliance issues.
○	○ Significant experience and demonstrated expertise in current public records law compliance
• 10 pts	• Firms’ apparent ability to provide timely services to the College.
• 15 pts	• Proposed price structure.
• 5 pts	• Proximity of local office to North Idaho College Main campus (zero points if over 100 miles away).

**C. Selection Process:**

Proposals will be reviewed by a selection committee. The award shall be made to the responsible Firm whose proposal is most advantageous to North Idaho College, taking into consideration the evaluation factors, as outlined in the Evaluation Criteria.

**Original RFQ Submission  
by Candidate Finalist:  
Boyles Law**



PO Box 1242 | Sandpoint, ID 83864 | Phone: (208) 304 - 6852 | [info@cboyleslaw.com](mailto:info@cboyleslaw.com)

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June 1, 2023

*Via Email*

NIC Purchasing  
North Idaho College  
Office of Finance and Business Affairs  
1000 W. Garden Ave.  
Coeur d'Alene, Idaho 83814  
Email: [nicpurchasing@nic.edu](mailto:nicpurchasing@nic.edu)

**Re: *REQUEST FOR QUALIFICATION***  
***North Idaho College Legal Counsel RFQ 23-04***

To Whom It May Concern:

On behalf of our law firm, Boyles Law, we submit this proposal to provide legal services to North Idaho College ("NIC"). Information about our law firm and our experience related to government and education is summarized below.

Introduction

Boyles Law is located in Sandpoint, Idaho and consists of seven staff members and two consulting, outside contract attorneys: Mr. Boyles, contract attorney Rocky Wixon, contract attorney Seth Diviney, Mr. Boyles' secretary and bookkeeper, and five legal assistants. Because Mr. Boyles represents a wide variety of corporate and individual clients nationwide, he has a large pool of consultants, like Messrs. Wixom and Diviney, that he may call upon should the need for specialized knowledge be required or beneficial to the client. Mr. Boyles has provided general legal representation and services to a variety of local government entities including Whitman County Washington, Bonner County, Pend Orielle Hospital District, San Juan County Utah and the State of Utah and various county officers including Bonner County Sheriff Wheeler, and Kootenai County Assessor Bela Kovacs. Mr. Boyles has additionally represented legislators and executives in several states.

In addition to our direct experience with public entity/agency law, our firm has extensive knowledge and experience in real property matters, employment issues, contracts, administrative law, business law, insurance law and civil litigation. Mr. Boyles has unique and specialized experience in managing public entity exposure and risk management through the design and

*June 1, 2023*

***RE: REQUEST FOR QUALIFICATION North Idaho College Legal Counsel RFQ 23-04***

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implementation of wholistic self-insured retention programs for entities that do not have access to a reasonable policy premium based upon prior loss runs. Prior to earning the right to practice law, Mr. Boyles cumulated over fifteen years of residential and commercial insurance adjusting experience.

Boyles Law does not shy away from new challenges or novel problems. We are in the business of providing solutions and have consistently expanded our area of practice in response to client needs. We have a proven record of delivering timely and exceptional solutions-based service to clients with complex and novel issues other risk-averse firms hesitate to take on. Any allegation that we are not qualified is without any basis in fact or law, and fails to recognize that proper representation for an entity like NIC requires thoughtful analysis under pressure to properly allocate limited resources across competing objectives and sometimes adverse stakeholders. We are not in the business of responding to litigation although we excel at it. Instead, we take the better approach of anticipating and aggressively resolving disputes before they arise. That unique talent is a product of our experience on the front end handling transactional matters and the back end handling litigation. Critically, our firm has experience executing comprehensive risk management programs that identify, and then focus resources on, the areas of greatest exposure. We provide excellent advice on emerging exposures, policy, and claims handling and render timely guidance to protect the client, its constituent members, executive team, faculty, staff and students.

One particular NIC value that resonates with Boyles Law's culture is stewardship. We strive to properly steward client resources like finances and time. Stewardship is one of our primary focus areas. We offer a unique skillset to our clients by formulating strategies to avoid litigation, quietly resolve disputes and minimize exposure. We understand that taking calculated risks is a necessary component of decisionmaking and we help preserve the space for board and executive leadership to guide those important decisions while remaining fully informed from a legal perspective. We are positioned to handle all early morning or late evening meetings and any ad hoc issues in a timely manner.

#### RELEVANT EXPERIENCE:

- Extensive experience representing state and local governments and elected officials.
- Unique experience discretely handling high stakes, sensitive political issues for high profile elected official clients.
- Represented state and local governments versus the federal government on constitutional, statutory and regulatory matters.
- Advised public records custodians for county and state officials starting in 2016.
- Advised Idaho political subdivisions and taxing districts on constitutional issues, statutory and regulatory requirements, aviation, avigation easements, property and easement acquisition and inverse condemnation, contract law, human resources, employment, internal investigations and litigation.
- Experience drafting public sector policies including employment policies and procedures.
- Successfully handled Idaho Attorney General investigations.

*June 1, 2023*

***RE: REQUEST FOR QUALIFICATION North Idaho College Legal Counsel RFQ 23-04***

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- Supervised internal employment investigations and sensitive personnel matters in both the public and private sector in the normal course of business and in anticipation of litigation.
- Negotiated and drafted severance agreements and employment contracts.
- Reviewed thousands of pages of contracts for public sector clients.
- Advised public sector clients related to state and federal grant requirements and grant assurances.
- Designed and implemented comprehensive insurance and risk mitigation programs for public entities from implementing appropriate policies to claims handling to litigation.
- Designed, managed and oversaw self-insured retention programs for public entities.
- Represented public clients and elected officials in state and federal courts, including appellate courts.
- Experience representing boards, legislators and executive branch officials in private and official capacities.
- Experience as general counsel for international ministries, national non-profits, and national companies in the software, medical and marketing industries.
- Knowledge and experience with the unique challenges of representing entities and ethically interacting with constituent members and entity employees, faculty and staff.
- Experience in administrative law and administrative procedures including appeals and appearing before Idaho agencies.
- Supervised cutting edge insurance litigation in federal court on untested, novel, financial policy provisions.
- Experience advising public hospital districts, clinics, doctors and nurses in public entity and medical compliance including HIPAA.
- Represented doctors, nurses, clinics and hospitals.
- Experience advising public entities related to liability, Idaho Human Rights Act claims, whistleblower claims and notice of tort claims.
- Advised public entities on procurement, public bid compliance, administrative procedures, and quasi judicial roles.
- Extensive experience drafting board governance documents.
- Experience advising clients on issues related to FERPA, Title IX and campus safety and enforcement.
- Experience drafting construction contracts, purchase agreements and litigation including NORA.
- Experience drafting and negotiating a variety of commercial real estate transactions including purchase and sale and lease.
- Management experience in employment contract administration including advice on grievances, alternative dispute resolution, contracts drafting and interpretation.
- Provided comprehensive public entity policies and procedures.
- Knowledge and experience with discipline issues regarding employees and elected officials.
- Knowledge and experience with ADA, FMLA, and FLSA matters.

*June 1, 2023*

***RE: REQUEST FOR QUALIFICATION North Idaho College Legal Counsel RFQ 23-04***

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- Knowledge and experience with harrassment, retaliation, whistleblowers and hostile work environment.
- Knowledge and experience drafting employment handbooks.
- Knowledge and experience defending and prosecuting employment litigation including administrative hearings before hearing officers, mediators and Human Rights Commission of Idaho and other states.
- Knowledge and experience with compliance and audit correspondence, conflicts of interest, and legislative versus quasi judicial proceedings.
- Knowledge and experience in open meetings laws and public records requests and experience defending clients regarding the same.
- Knowledge and experience training staff regarding discrimination, harassment, disability and emerging state and federal statutory and regulatory requirements.
- Knowledge and experience advising clients on legislative changes and recent judicial rulings impacting public entity clients.
- Experience drafting internal guidance, procedures and compliance recommendations.
- Knowledge and experience advising boards on governance issues, Robert's Rules of Order and open meeting laws.
- Knowledge and experience overseeing panel counsel and managing claims.
- Knowledge and experience in public construction, procurement, solicitation and related matters.
- Experience litigating and advising on purchase and sale of real estate, easement disputes, inverse condemnation, zoning and state and county codes.
- Knowledge and experience in conducting and overseeing internal investigations into allegations of discrimination, harassment, retaliation and protection of whistleblowers.
- Knowledge and experience as panel counsel for various insurance carriers and organizations, overseeing panel counsel, and litigating coverage and claims disputes.
- Knowledge and experience drafting internal liability analysis and analyzing loss reserve estimates, loss runs, insurance policies, endorsements and exclusions.
- Proven track record of maintaining coolness under pressure, consistent ability to provide timely services, and the ability to swiftly and appropriately react under urgent, emerging circumstances.

Although we are confident that our team will be able to meet all of NIC's legal needs, Boyles Law frequently advises entities that engage specialized outside counsel and can leverage relationships along multiple vectors to provide temporary, specialized expertise. This valuable experience managing outside contract counsel is coupled with our experience associating with local counsel to assist clients with matters in other jurisdictions across the United States. Because of these relationships and experience, Boyles Law will be able to assist NIC in creating a plan to leverage diverse outside counsel, if necessary, to minimize legal costs and provide the best suite of specialized services without the need for continued engagement resulting in unnecessary expense. There is no need for a large, bloated, outdated firm model. That just adds costs. The majority of NIC's needs can be handled by a boutique, local Idaho firm. With advice from Boyles Law, the Board will be empowered to make informed decisions whether to authorize

*June 1, 2023*

***RE: REQUEST FOR QUALIFICATION North Idaho College Legal Counsel RFQ 23-04***

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limited engagements as necessary to handle any specialized tasks that may infrequently or frequently arise.

Mr. Boyles has over 20 years of combined legal and insurance experience. Mr. Wixom has over 20 years of litigation experience in Idaho. Mr. Diviney has over 11 years experience in personal injury, workplace harassment, wrongful death, civil settlements, business litigation, medical malpractice and employment disputes.

Boyles Law is a boutique civil litigation firm with a unique, entrepreneurial model leveraging over 50 years of combined professional experience. We work well in a team environment and encourage coalition building. We immediately own and fix mistakes and we have a knack for assembling the best team to handle any challenge. We are adaptable, responsive and resilient, and we stand ready to diligently provide NIC with a full suite of competent legal services and handle any ad hoc issues in a timely manner. Although the RFQ anticipates a three year term, plus two, our engagement agreements provide that the client may terminate our services at any time.

Requested 2023 Public Entity Attorney Rate:       \$275/hr  
Requested 2023 Public Entity Paralegal Rate:     \$120/hr

Please do not hesitate to contact me if you have any questions regarding anything herein.

Sincerely,

BOYLES LAW, PLLC



D. Colton Boyles, Esq

**Additional Information Responses  
from Candidate Finalist:  
Boyles Law**



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**From:** Sarah Garcia  
**Sent:** Thursday, June 15, 2023 12:33:17 PM  
**To:** Colton Boyles <colton@cboyleslaw.com>  
**Cc:** Board <Board@NIC.EDU>; Nick Swayne  
**Subject:** RE: Legal Service RFQ Follow Up

Mr. Boyles,

I would like to clarify that the questions are requests of the board (some during the meeting Wednesday night and some from the subsequent day). I sent this same email to the other firm under consideration requesting identical information as well to ensure we are providing equal opportunity for both firms to respond with additional information.

Respectfully,  
Sarah Garcia

**Sarah Garcia**

Vice President for Finance  
Finance and Business Affairs  
North Idaho College  
(208) 769-3341  
[sarah.garcia@nic.edu](mailto:sarah.garcia@nic.edu)

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**From:** Colton Boyles <colton@cboyleslaw.com>  
**Sent:** Thursday, June 15, 2023 11:51 AM  
**To:** Sarah Garcia <SMGarcia@NIC.EDU>  
**Subject:** RE: Legal Service RFQ Follow Up

It has become clear to me that the "group of administrators" conducting the RFQ review are biased against me and my firm and that we are not being fairly considered. The Board is, however, welcome to reach out to me directly if it requires any further information.

---

D. Colton Boyles, Esq.  
Boyles Law, PLLC  
217 Cedar Street, Suite 312  
Sandpoint, Idaho 83864  
Phone: (208) 304 - 6852  
Email: [Colton@CBoylesLaw.com](mailto:Colton@CBoylesLaw.com)

Disclaimer: No attorney-client relationship is established by this communication. We will take no action on your behalf unless a written Advance Fee Agreement has been signed and advance fee collected. This communication is meant solely for the person to whom it is addressed. If you are not the intended recipient, you may not forward, disclose, copy, print or save the message or any of its attachments. If you are not the intended recipient, do not read, distribute or copy this message. If you have received this communication in error, please notify us immediately by telephone and destroy it. Thank you. Please excuse typos. Sent from a mobile device.

----- Original message -----

From: Sarah Garcia <[SMGarcia@NIC.EDU](mailto:SMGarcia@NIC.EDU)>

Date: 6/15/23 11:33 AM (GMT-08:00)

To: [colton@cboyleslaw.com](mailto:colton@cboyleslaw.com)

Subject: Legal Service RFQ Follow Up

Good day,

Thank you for submitting a response to North Idaho College's RFQ 23-4 for legal services. We appreciate your interest in working with the college and the efforts made to assemble your response.

The North Idaho College Board of Trustees and a group of college administrators who utilize legal counsel regularly reviewed all the proposals received. I was asked to reach back out to your firm for some additional information before a final selection can be made. The additional requested information is as follows:

1. Client references that are relevant to North Idaho College
2. An engagement letter/retainer agreement (**provided via email on 6/10/23 – thank you**)
3. Examples of insurance coverage negotiations/risk management experience
4. Years of experience representing higher education clients (please include client name and time represented)
5. Please share if you have had any criminal or civil suits against you in the past seven years (or work with us to conduct a background check on primary counsel)
6. Share the proximity of your firm's place of business to the North Idaho College Main campus and commute time thereto (particularly in winter).

Please feel free to contact me if you have any questions. We would like this information by the middle of next week if possible.

Thank you very much.

Sarah

*Sarah Garcia*  
Vice President for Finance  
And Business Affairs  
208-769-3341

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**From:** colton@cboyleslaw.com  
**Sent:** Saturday, June 10, 2023 5:26 PM  
**To:** Sarah Garcia  
**Cc:** Board of Trustees  
**Subject:** Re: North Idaho College Legal Services RFQ  
**Attachments:** Retainer Agreement Engagement Letter NIC 2023-06-10.pdf

Dear Ms. Garcia,

Please find the attached Retainer Agreement/Engagement Letter pursuant to the Board's June 7 request. We are open to negotiating the terms of the agreement upon request.

Please note that we have included provisions that 1) allows the Board to terminate our services at anytime upon notice; and 2) allows the Board to choose whether any dispute is handled through confidential arbitration or court (although I don't anticipate there ever being one).

Additionally, we are cataloguing derogatory statements made about my firm, and me personally, and note that we have not had a chance to address or rebut the false (and some defamatory) allegations to the board or president either publicly or in executive session. Any statement that we are not qualified or that we will violate ethical rules by displacing accurate and precise legal advice with ideology, politics or personal preference is without any basis in fact or law.

Furthermore, Rule 1.2(b) of the Idaho Rules of Professional Conduct states that, "A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities." It is fundamentally unfair to bootstrap my current or former clients' views to me or the firm. Indeed, we take great pleasure in assisting clients who may have no where else to turn because some of the greatest benefits and gains to society are made and occur at its fringe.

To be clear, we are team NIC. Our primary concern is to make valuable contributions to your great team to assist you in continued success and the provision of quality, affordable, accessible and inclusive education. We have never altered our exceptional, precise and accurate legal advice or conclusions due to ideology, politics or personal philosophy and will not start now, regardless of how much we get attacked or defamed.

Thank you for your consideration and prompt transmittal of the attached agreement and this email to the Board of Trustees.

Sincerely,

---

D. Colton Boyles, Esq.  
Boyles Law, PLLC  
217 Cedar Street, Suite 312  
Sandpoint, Idaho 83864  
Phone: (208) 304 - 6852  
Email: [Colton@CBoylesLaw.com](mailto:Colton@CBoylesLaw.com)

Disclaimer: No attorney-client relationship is established by this communication. We will take no action on your behalf unless a written Advance Fee Agreement has been signed and advance fee collected. This communication is meant solely for the person to whom it is addressed. If you are not the intended recipient, you may not forward, disclose, copy, print or save the message or any of its attachments. If you are not the intended recipient, do not read, distribute or copy this message. If you have received this communication in error, please notify us immediately by telephone and destroy it. Thank you.



P.O. Box 1242 – 217 Cedar Street, Suite 312  
Sandpoint, ID 83864  
Phone: (208) 304 - 6852

June 10, 2023

**RETAINER AGREEMENT - ENGAGEMENT LETTER**

***Via Email***

North Idaho College  
1000 W. Garden Ave.  
Coeur d’Alene 83814 83301  
Phone: (208) 769-3300  
Email: board@nic.edu

Re: *NORTH IDAHO COLLEGE GENERAL COUNSEL*

Dear North Idaho College:

We are pleased to welcome North Idaho College, (the “Client”) as a client of Boyles Law, PLLC (the “Firm”), and we appreciate the opportunity to act as your legal counsel. This letter (the “Agreement”) describes the basic terms of our engagement. If the Agreement is acceptable to you, please sign and return a copy of this Agreement to us at your earliest convenience. Please feel free to call us if you have any comments or questions concerning the Agreement.

**I. SCOPE OF SERVICES**

You have engaged us to provide you with general counsel legal advice and services. This scope includes managing and overseeing other outside counsel, panel counsel for insurance litigation and any other specialized attorneys hired by NIC on a limited or continuing basis. The scope of our engagement may change if you ask us to provide different services and we agree to provide them. If our engagement changes, the terms set out in this letter will apply to the expanded engagement, unless we enter into a further agreement modifying or superseding this one. Our engagement may be terminated by either one of us upon notice to the other.

We understand that the Chair of the Board of Trustees will be the primary person with whom we will communicate regarding the subject matter of our representation. This engagement does not create an attorney-client relationship between our lawyers and any organization affiliated with you, such as a corporate parent or subsidiary, or any individual constituent members, owners,

***Confidential: Boyles Law, PLLC/NIC-General Counsel  
Attorney Engagement Agreement  
June 10, 2023***

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governors, employees, managers, or other persons affiliated with or contracting for Client. Our engagement is solely with Client.

## **II. STAFFING**

I will be the attorney responsible for the overall supervision of the legal services provided to you. Please feel free to contact me directly at (208) 304-6852. My e-mail address is Colton@CBoylesLaw.com. You should never hesitate to contact me, and I will endeavor to be available to you as often as you require.

Where appropriate, I may call upon others within our group, or engage consultants, to assist in representing you when the circumstances of the engagement require or when the talents of a particular individual can be beneficially applied in furtherance of your goals. We make all staffing decisions with an eye toward efficiency. As with all aspects of our relationship, we would be pleased to discuss or revisit these issues with you at any time.

## **III. BILLING PROCEDURES**

We will charge the Client for the above scope of legal services based upon an hourly fee. We have agreed to an hourly fee for my services of \$275.00/hour and \$225.00.00/hour for associates, including Alexander Haggard. If we use paralegal services in your matter, we will bill those at the rate of \$90 to \$120.00/hour. We will bill consultants according to a fee schedule that will be preapproved by you. If the scope of our engagement changes, it will be at the fee schedule above.

We generally bill on a monthly basis. Our bills are due and payable upon receipt and become past due after 30 days. Each month, the Client shall replenish the retainer to the full Retainer Amount. If you have any questions or concerns about the form in which your bills are presented, please raise them immediately. Please note that our Firm reserves the right to charge interest at the rate of ten percent (10%) per year on past due accounts. The wire instructions for payment of fees, should you choose to wire same, are as follows:

Retainer Amount: N/A

Boyles Law, PLLC

[REDACTED]

Sandpoint, ID 83864

Account No.: [REDACTED]

ABA No.: [REDACTED]

## **IV. REIMBURSEMENT OF COSTS**

In addition to fees, you will be responsible to pay for disbursements and certain other expenses incurred as a result of our engagement. We know that clients are concerned about reimbursable expenses, and we recognize, and take seriously, our obligation to control these costs.

***Confidential: Boyles Law, PLLC/NIC-General Counsel  
Attorney Engagement Agreement  
June 10, 2023***

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For some disbursements, you will not be charged. These include costs of normal secretarial assistance. You will be charged for expenses we incur on your behalf for such items as filing fees, telephone and printing costs, courier charges, travel expenses of attorneys (such as transportation expenses, hotels, and meals), use of conference rooms and other disbursements customarily charged to our clients. You are directly responsible for the cost of experts, consultants, outside copying and imaging services and other vendors. We reserve the right to ask you to pay substantial third-party expenses directly to the providers of those services where appropriate.

**V. PAYMENT**

To facilitate prompt payment, bills will be rendered directly to you. You should be aware that the Firm may terminate its legal services and withdraw from this engagement in the event our fees and other charges are not promptly paid. In addition, if our engagement is terminated by either one of us or for any reason, you will remain obligated to pay us for any charges incurred before the termination date.

**VI. RESPONSIBILITIES OF ATTORNEY AND CLIENT**

We will provide strictly legal services to you in connection with this engagement. You are not relying on us for, and we are not providing, any business, investment, insurance or accounting decisions or any investigation of the character or credit of persons with whom you may be dealing.

You are engaging the Firm to provide legal services in connection with a specific issue. After completion of our services to you, changes may occur in the applicable laws or regulations that could have an impact upon your future rights and liabilities. Unless you engage us after completion of our services to provide additional advice on future related legal issues, the Firm shall have no continuing obligation to advise you with respect to future legal developments.

In order for us to assist you effectively and efficiently, we expect that you will provide us with the factual information you have which relates to the subject matter of our engagement. We encourage you to share with us at all times your expectations and any concerns regarding our services at any time during the course of our representation. We believe that you should be actively involved in the strategy and management of your legal affairs and our goal is to encourage candid and frequent communication between us. We will keep you informed of developments regarding your matters and will consult with you as necessary to ensure the timely, effective and efficient completion of our work.

Our representation of the Client concludes when this Agreement is terminated. Following the conclusion of our representation, any otherwise non-public information you have supplied to us which is retained by us will be kept confidential in accordance with applicable rules of professional conduct. At your request, your papers and property will be returned to you promptly upon receipt of payment for outstanding fees and costs. Our own files pertaining to the matter will be retained by the Firm. These Firm files include, for example, Firm administrative records, time and expense reports, personnel and staffing materials, and credit and accounting records; and internal lawyers' work product such as drafts, notes, internal memoranda, and legal and factual research, including investigative reports, prepared by or for the internal use of lawyers. All such documents retained by the Firm will be transferred to the person responsible for administering our

***Confidential: Boyles Law, PLLC/NIC-General Counsel  
Attorney Engagement Agreement  
June 10, 2023***

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records retention program. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to destroy or otherwise dispose of any such documents or other materials retained by us within a reasonable time after the termination of the engagement.

We pride ourselves on maintaining good working relationships with our clients. If you become dissatisfied with any aspect of our relationship, we encourage you to bring that to our attention immediately. It is our belief that most problems can be resolved by a frank and good faith discussion between us.

In order to provide Client with efficient and convenient legal services, the Firm will frequently communicate and transmit documents using e-mail. Because e-mail continues to evolve, there may be risks communicating in this manner, including risks related to confidentiality and security. By entering into this Agreement, Client is consenting to such e-mail transmissions with Client and Client's representatives and agents.

In addition, the Firm uses a cloud computing service with servers located in a facility other than the Firm's office. Most of the Firm's electronic data, including emails and documents, are stored in this manner. By entering into this Agreement, Client understands and consents to having communications, documents and information pertinent to the Client's matter stored through such a cloud-based service.

## **VII. CONFLICTS**

You are aware that the Firm represents other companies and individuals. It is possible that during the time we are representing you some of our present or future clients will have disputes or transactions with you. To preserve our ability to be available to our clients, you agree to waive in advance any conflict that might result from our continuing to represent or undertaking in the future to represent existing or new clients in any dispute or transaction that is not related to our work for you, even if the interests of such clients in those other matters are directly adverse to you. We agree that your prospective consent to conflicting representation will not apply in any instance where, as a result of our representation of you, we have obtained proprietary or other confidential information of a non-public nature that if known to such other clients could be used in any such other matter by such client to your material disadvantage. Note that in similar engagement letters with other clients we have obtained advance waivers which could preserve our ability to represent you.

## **VIII. DISPUTE RESOLUTION**

**(Please select either a or b. If no selection is made, or both a and b are selected, a will apply.)**

- a.  The Client and the Firm agree that any legal action arising out of or related to this Agreement shall be governed by and construed under the laws of the State of Idaho, but for Idaho choice of law provisions, which shall not apply. Any such legal action shall be filed solely in the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai to the exclusion of any other available venue.



***Confidential: Boyles Law, PLLC/NIC-General Counsel  
Attorney Engagement Agreement  
June 10, 2023***

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The parties hereby waive any objections to the forum, including personal jurisdiction and *forum non-conveniens*.

- b. [ ] In the event of any difference of opinion or dispute between Client and the Firm with respect to the construction or interpretation of this agreement or the alleged breach thereof which cannot be settled amicably by agreement of the parties, such dispute shall be submitted to and determined by arbitration by a panel of three arbitrators, or if Client and Firm agree in writing, by one Arbitrator, in the county of Kootenai in accordance with the rules then obtaining of the American Arbitration Association or any other rules that the Client and Firm may mutually agree to in writing, and judgment upon the award shall be final, binding and conclusive upon the parties and may be entered in the highest court, state or federal, having jurisdiction. Each party shall bear their own attorney's fees. Client shall pay the costs of arbitration including arbitrator fees. Any arbitration and the documents and proceedings thereof shall be confidential unless expressly prohibited by applicable law, and then only to the extent as required by applicable law.

**IX. SIGNATURE**

While we would prefer to confirm the terms of our engagement by a less formal method than a written statement such as this, the Firm is required to memorialize the terms of our engagement in writing. We do request that you review this letter carefully and, if it is consistent with your understanding of our respective responsibilities, please return a signed copy.

We are looking forward to working with you. Please do not hesitate to call me if you have any questions concerning anything outlined in this letter or any other aspect of our engagement.

BOYLES LAW, PLLC

By: D. Colton Boyles, Esq.

**REVIEWED, ACKNOWLEDGED AND AGREED:**

By: \_\_\_\_\_  
Authorized Representative  
North Idaho College

Dated: \_\_\_\_\_, 2023

**Original RFQ Submission  
by Candidate Finalist:  
Stevens Clay**

# COVER LETTER

STEVENS | CLAY PS

SUITE 1575, PAULSEN CENTER

421 WEST RIVERSIDE

SPOKANE, WA 99201-0402

TELEPHONE: (509)838-8330

FACSIMILE: (509)623-2131

# STEVENS | CLAY PS

421 W. RIVERSIDE, SUITE 1575  
SPOKANE, WASHINGTON 99201-0402  
TELEPHONE (509) 838-8330  
FACSIMILE (509) 623-2131

June 1, 2023

North Idaho College  
1000 W Garden Ave.  
Coeur d'Alene, ID 83814

Request for Qualification for Legal Services  
RFQ No. 23-04  
Due Date: June 2, 2023

To Whom It May Concern:

Thank you for giving Stevens | Clay, P.S. the opportunity to represent North Idaho College.

Our firm was founded in 1982 as a specialty law firm committed to representing educational institutions. Today, our law firm represents well over 100 educational institutions, governmental agencies, and insurers for public entities.

Our attorneys are the most experienced education law experts in the region. Utilizing a team approach, we leverage that experience to provide each client with unrivaled legal services in the areas of general counsel, human resources, facilities and public works, contracts and bidding, disability services, public records, litigation, and union bargaining. We enhance that experience with three core values—a client-centered approach, a team-oriented focus, and a quality-driven assurance.

We want to bring that expertise to North Idaho College. While much of our experience has been with K-12 educational entities, several of our attorneys have represented postsecondary educational entities. Moreover, a great deal of our K-12 experience is directly applicable to NIC, especially with regard to board governance, FERPA, public records, Title IX, public contracts, disability laws, and even HR/personnel issues.

Contained within this RFQ packet are the Firm's Resume and Fee Schedule. The Firm's Resume is a comprehensive document. It details information about each attorney within the Firm, it describes our

strengths, our legal experience, and our client-centered approach—including our unwavering commitment to have an attorney available 24/7 to serve your needs.

Our Fee Schedule describes our hourly billing rates and invoicing practices. As noted in the Fee Schedule, we have never had a dispute with a client about rates or fees charged in 40 years. We pride ourselves on providing efficient and effective legal representation, and if chosen to represent North Idaho College, we would continue that practice.

Given our unwavering commitment to 24/7 legal services, the Firm has identified four attorneys who would act as Principal Attorneys. They are Kevin O'Neill, Garrett Williams, Jason MacKay, and Jason Brown. Kevin and Garrett are licensed in Idaho and Washington, and are immediately available to assist. The two Jasons will promptly seek admission to the Idaho bar through reciprocity and be available to assist shortly.

All four have extensive education law experience. Moreover, Jason MacKay and Jason Brown both have extensive postsecondary experience prior to joining the firm. Jason MacKay served as General Counsel for Eastern Washington University. Jason Brown served as General Counsel for Eastern Washington University, the Community Colleges of Spokane, and Big Bend Community College. In this work, the Jasons worked closely with the Boards of Trustees and administrative staff of these institutions on policy development, compliance, public records and open public meetings issues, risk management, and high-level personnel and labor matters.

Our firm utilizes a team approach with clients and a client-centered focus. So, we offer the opportunity for NIC to utilize multiple subject matter experts in the firm, and lower-cost associates and interns when appropriate.

We thank you again for giving Stevens | Clay, P.S. the opportunity to represent North Idaho College, and we look forward to hearing from you.

STEVENS|CLAY, P.S.

*/s/ Kevin F. O'Neill*

*/s/ Garrett J. Williams*

By: Kevin F. O'Neill  
[koneill@stevensclay.org](mailto:koneill@stevensclay.org)  
Garrett J. Williams  
[gwilliams@stevensclay.org](mailto:gwilliams@stevensclay.org)

Encl.: Firm Resume  
Fee Schedule

# FIRM RESUME

STEVENS | CLAY PS

SUITE 1575, PAULSEN CENTER

421 WEST RIVERSIDE

SPOKANE, WA 99201-0402

TELEPHONE: (509)838-8330

FACSIMILE: (509)623-2131

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# DESCRIPTION OF THE FIRM

## **Founding of Our Firm as Education Law and Governmental Law Specialists**

Our firm has been committed to representing educational institutions and governmental agencies for 40 years, making us one of the oldest and most-experienced education and government law firms in the region. The firm is committed to representing the general counsel and litigation needs of our clients and the organizations that support them. Each of our partners has robust experience serving the legal needs of educational institutions, and we now employ eleven attorneys who are committed to representing their interests.

Given the ever-growing complexity of public education laws over the past two decades, each of our partners has strategically developed particular areas of specialization within the general field of education law. Each of us keeps abreast of new federal and state laws and regulations, as well as judicial and administrative decisions, which impact educational institutions within our respective areas of expertise. Consequently, we are a truly comprehensive education law firm, equipped to address even the most novel and complex issues that arise, requiring the highest levels of legal knowledge, experience, and expertise available.

We are committed to maintaining a strong presence across the region. Partners in our firm have served as general counsel to public colleges in Washington. Our firm also has maintained a strong presence in the Washington State Council of School Attorneys (COSA).

## **Our Approach to Serving Your Needs**

A significant percentage of our client communication with North Idaho College would be through personal meetings, telephone calls, email, and other digital communication. We are able to respond to North Idaho College's immediate needs. It is common for us to attend meetings on short notice. It is also common for us to attend school board meetings, hearings, or other engagements as desired, again some on very short notice and outside typical business hours. We can attend in person, via telephone, or via other electronic means.

We commit to taking the following approach to meet your needs:

- We will return phone calls on the day we receive them nearly without exception.
- We will promptly respond to emails and texts.
- We will use the lowest-cost attorney for doing legal research.

- We will provide consistent communication with administrators and board members on all matters.
- We will borrow each other's expertise rather than spending time researching new areas.
- We will continuously update and maintain the most current hardware and software resources available to maximize the quality and efficiency of our work product.
- We will keep our overhead low so that our hourly rates are competitive and are not unnecessarily increased.
- We will give preventative and proactive advice to help you avoid liability.
- We will use quality control at all levels of our practice.
- We will provide you with options and alternatives to help you problem-solve.
- We will stay current on new areas of the law.
- We will continue to cultivate relations with other attorneys (both locally and across the region), legislators, state elected officials and local elected officials, and other education administrators.
- We will be available to attend all meetings, including school board meetings, in-person as desired by you, including on short notice and on weekends.
- We will be available 24/7 every day of the year to meet your needs.

#### **Our Areas of Specialization for Serving Your Needs**

Two partners in the firm have served as general counsel for higher education institutions. Our firm has also represented approximately a third of all school districts in Washington and numerous other governmental entities, including cities and special interest districts. Our firm has thus developed specializations that represent each sub-area of government law (with the exception of bond counsel, with whom we have a close working relationship):

- General Counsel
- Human Resources
- Facilities, Public Works, and Bidding
- Special Education/Disability Services
- Public Records

Within these broad areas, our firm's expertise includes the following:

#### **General Counsel**

- All aspects of federal, state, and local compliance requirements
- Board meetings and Open Public Meeting requirements
- Board elections and ballot measures
- Leadership and Team Training for Board/Administration Governance
- Development and review of standard procurement terms and contracts, including development and review of contract templates for outside services as needed
- Family Educational Rights and Privacy Act (FERPA)



- Health Insurance Portability and Accountability Act (HIPAA)
- Laws and Regulations relating to all matters that impact operation of a public institution
- Board Member Conflicts of Interest
- Board Policy and Procedures Development and Drafting
- Student Free Speech and Constitutional Rights
- Student matters, including discipline, hearings, and related proceedings
- Student Civil Rights Litigation
- Title IX Investigations and Complaints
- Harassment, Intimidation, and Bullying
- Tort and Injury Law
- Risk Management
- Liability Insurance and Defense, Indemnification, and Hold Harmless Agreements
- Funding
- Audit Opinions, Audit Findings, and Consultation on Audits
- Parent/Student Support Groups
- Equal Access Act and Religious Discrimination
- Interscholastic Athletics
- Interlocal and Cooperative Agreements
- Directors' and Officers' Liability Insurance
- Records Retention Laws
- Employee Subpoena Obligations

### **Human Resources**

- All aspects of Employee Relations and Collective Bargaining Negotiations and Contracts
- Legal qualifications for employees, teaching credentials and certificates
- Strikes and Work Stoppages
- Discrimination and Harassment, including Title IX
- Pre-Employment Inquiries, hiring, development of employment contracts
- Disability and Accommodation Law under the ADA, § 504 Accommodations
- Public Employee Free Speech Rights and Limitations
- Grievance Processing and Litigation
- Discipline, Discharge, and Non-Renewal of Staff
- Performance Deficiencies, Plans of Improvement, and Probation
- Reductions in Force, seniority, and tenure
- Leaves of absences, leave laws, and attendance issues
- Unfair Labor Practices and Public Employment Relations Commission Litigation
- Civil Rights
- Employment Practices Liability Insurance
- Employee Misconduct Allegation Investigations

**Facilities and Public Works**

- Public works
- Contracting and Procurement of Goods and Services
- Competitive Bidding
- Requests for Proposals for Professional Services
- Architect and General Contractor Contracts
- Construction Law and Construction Lien Laws
- Prevailing Wage Act
- Construction Disputes and Litigation
- Real Property Purchase, Sale, Leasing, and Environmental Impact Statements
- Independent Contracting
- Condemnation
- Adverse Possession
- Transportation Department Policies and Procedures
- Property and Casualty Insurance
- Bond and Levy Electioneering Issues
- Zoning and Impact Fees

**Special Education/Disability Services**

- Evaluations and Eligibility Determinations
- Placements, Programs, and § 504 Plans
- Procedural Compliance
- Due Process Litigation
- Responses to Citizen Complaints
- Federal District Court Original Actions and Circuit Court Appeals

**Public Records**

- Responding to Public Records Requests
- Representing Institutions in Public Records Litigation
- Interplay Between Education Records under FERPA, Health Records under HIPAA, and Public Records under State law.

**Our Overall Commitment to You**

We value a close, trusting, and problem-solving relationship with each of our clients. Our commitment is that we will provide unsurpassed quality and an economical approach to handling your legal interests. We will be preventative, proactive, and practical in our advice with the intention of avoiding liability and unnecessary litigation. Nevertheless, we recognize the need at times to protect your legal, financial, political, and other interests, and thus to aggressively pursue certain matters through litigation. We will collaborate with the administration team and the board to determine when it is appropriate to use alternative dispute resolutions such as mediation.

# THE FIRM'S EXPERIENCE

In all, we provide practical, honest, innovative advice and will partner with you to strategize for the long-term as well as the short-term. We will be insightful, creative, deliberate, forthcoming, direct and, above all, sensitive to your needs.

## **Our Firm's General Counsel Experience**

Our firm serves as stalwarts for our clients when it comes to resolving conflicts. We support and advocate for the vital need for healthy educational institutions and governmental entities in our communities. Because our firm has been representing educational institutions and governmental entities for forty years and because of our close working relationships with regional support organizations, we are uniquely aware of the financial, political, social, and practical issues faced by our clients. We thus have untold experiences helping school districts resolve matters through creative problem-solving and practical as well as legal options.

Our attorneys have provided advice on practically every legal issue faced by administrators and boards of directors. We have often seen the same issue many times in a wide variety of situations. However, because every client is unique, we recognize the need to address each situation individually. We understand the scrutiny faced by our clients in social media, mainstream media, at board meetings, and through nearly instant email communication. Because of that knowledge, we are skilled at helping our clients see alternative solutions.

One of the great strengths of our firm is that we are much more than the sum of our individual parts. We have successfully served as a general counsel "team" to our clients – a team that is informed by over 100 years of combined general counsel education law experience and expertise.

## **Board of Director Issues**

Our firm has significant experience with board conflict-of-interest situations and extensive knowledge in how to help individual board members with legal issues they sometimes face in their role on the board.

We also have extensive experience drafting board policies. Our firm is one of only a few firms chosen by the Washington State School Director's Association (WSSDA) to serve as a "cadre law firm" to assist WSSDA in drafting school board policies that can be used by all 295 school districts in the State of Washington.

Likewise, we have been relied upon numerous times by boards and board presidents to help them navigate all aspects of Open Public Meetings requirements, including contentious and disruptive board meetings. We have provided in-services and training for board members on all aspects of public records, board meetings, on board members' role in human resources issues, and many other matters.

### **Our Firm's Litigation and Mediation Experience**

With litigation, results matter. Our lawyers have an unrivaled record of successful results for our clients. We are seasoned litigators with a clear understanding of our clients' paramount need to protect the public trust.

Our lawyers have vast experience serving as litigation counsel to educational institutions, government entities, and their insurers for well-over a quarter of a century. We have a long history of successful results in all types of litigation, including employee discharge and discipline cases, employee strikes and labor disputes, arbitrations, administrative hearings, employment discrimination matters, liability/negligence claims, contract breach actions, student rights and special education, and public records cases.

Our firm has successfully litigated cases establishing important legal precedent in the area of public records withholdings, termination of employees, arbitration rights, special education eligibility, IEP provisions, and statute of limitations.

Along with successful litigation results, we have also obtained numerous successful settlements for school districts, saving millions of public tax dollars in litigation costs, potential liability judgments, all while protecting countless students, staff, and administrators from the trauma and stress of the adversarial system.

Overall, the successful and extensive litigation and settlement experience of Stevens | Clay, P.S. has resulted in attorneys with a perspective not shared by many. We are one of the most sought-after education/government law firms in the region for good reason. We know how to help educational institutions and government entities succeed in litigation. We also know how to help them succeed outside of litigation. We understand the ebbs and flows of our court system along with the political and cultural nuances of the judiciary.

### **Professional Development**

In addition to significant experience with litigation, dispute resolution and general counsel advice, Stevens | Clay, P.S. is also committed to providing professional development opportunities for our clients. We cannot possibly list all of the professional development presentations and in-services we have provided over the years. Nevertheless, set forth below is a sampling of presentations we have provided:

Professional Development for Individual School Districts

- Board of Director training on Open Meetings and Public Records
- Administrator training on employee investigations and discipline
- Training on FERPA
- Administrator training on campaign rules
- Administrator training on liability issues
- Administrator training on HIB, Title IX, and discrimination laws
- Administrator training on employee evaluation
- Administrator training on laws governing students with disabilities
- Administrator training on public records
- Administrator training on student discipline

Professional Development for Board of Directors

- Training for New Directors
- Boot Camp for New Directors
- Voting Rights Act Webinar
- Campaign Rules Training
- Student Discipline Training

---

# OUR TEAM

Our team of lawyers and support staff:

## PARTNERS

PAUL E. CLAY

ANTHONY N. ANSELMO

KEVIN F. O'NEILL

JASON MACKAY

JASON D. BROWN

JON B. DALLEY

GARRETT J. WILLIAMS

## OTHER ATTORNEYS

STEPHANIE M. FAUST

ANDREW NEWMAN

MACY DISNEY

## OF COUNSEL/CONSULTANTS

KIM HOLLAND, CONSULTANT

GREGORY L. STEVENS, OF COUNSEL

## PARALEGALS/SUPPORT STAFF

KIMBERLY N. REBER

LAUREL A. BRAUN

### **Paul E. Clay**



Paul has represented countless school districts and government entities for over 30 years. He is a Washington State University undergraduate where he served as President of the Student Senate, President of the Political Science Honorary, and member of Phi Beta Kappa. He graduated from the University of Washington Law School where he served in the

distinguished position as Editor-in-Chief of the Washington Law Review. His experience covers the gamut of legal, political, practical, policy, and litigation issues.

School boards, human resource administrators, student service administrators, and numerous other administrators have relied on Paul's practical approach as well as his vast experience and knowledge regarding laws, policies, and political issues facing school districts. Paul's advice is sought not only by school districts, but also by local legislators, state elected officials, all levels of government bureaucrats, as well as state-wide governmental support organizations. His knowledge of education and human resources law is well-known across the region and lawyers from other law firms frequently seek his advice. He is frequently asked to speak on legal issues and engage in training for state-wide organizations and higher education institutions. We cannot possibly list all the presentations and in-services he has provided over the years.

### **Anthony N. Anselmo**



Tony has a wealth of experience representing school districts and governmental entities for more than 20 years. He has extensive experience in employment matters, student matters, policy and procedure drafting, and assisting clients in navigating the

complex statutory and regulatory landscape of public works, procurement, contracting, and real estate transactions.

Throughout his tenure as legal counsel to school districts and governmental entities, Tony has successfully addressed and resolved numerous legal and political challenges during public contracting,

procurement, and real estate transactions. This experience has equipped him with the ability to identify potential issues, offer practical solutions, and prevent undesirable problems.

Tony is a frequent speaker on various legal matters that impact educational institutions. He has delivered presentations on numerous topics for multiple organizations and conducted staff training sessions.

Additionally, Tony cherishes his time working as a juvenile counselor for the Kootenai County Sheriff's Department in the mid-1990s.

### **Kevin F. O'Neill**



Kevin has extensive experience representing educational institutions in various states over the last 17 years. Kevin has represented school districts in both private practice and as in-house counsel, including as General Counsel for two large school districts in Washington State and as Senior Assistant

General Counsel for the largest school district in Washington State. Kevin has extensive knowledge of school law matters and specializes in advising school districts in a variety of legal areas, including board governance and district operations, public disclosure and open public meetings act compliance, labor and employment issues, student issues, special education, constitutional issues, and litigation and risk management.

Prior to practicing law in Washington and Idaho, Kevin served as an attorney at a Michigan law firm that specialized in representing various educational institutions, including public school districts and public community colleges. Kevin has successfully defended educational institutions in state and federal courts and such administrative forums as the U.S. Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights, the Washington State Public Employment Relations Commission, and the American Arbitration Association.

Kevin is licensed to practice in both Idaho and Washington, and is a proud resident of Kootenai County.



### **Jason K. MacKay**



Jason MacKay has extensive experience in K-12 and higher education and labor law, including as an Assistant Attorney General in the Education Division of the Washington State Office of the Attorney General, where he served as General Counsel to Eastern Washington University. As EWU's General Counsel, Jason worked closely with the University's Board of Trustees and administrative staff on policy development, compliance, public records and open public meetings issues, risk management, and high-level personnel and labor matters. Jason also worked as Assistant General Counsel at Public School Employees of Washington, a labor union representing public school employees.

Given his prior experience working in labor, Jason is one of very few school law attorneys in Washington state who has previously worked on the other side. This unique perspective allows Jason to spot and advise on potential labor issues early in the process, with the goal of avoiding costly and contentious litigation and labor unrest. Jason has vast experience helping employers navigate grievance arbitrations, unfair labor practice complaints, unit clarifications, representation cases, and fact-finding hearings, to name a few. Jason also has experience bargaining classified and certificated collective bargaining agreements. Jason's labor experience and his unrivaled knowledge of labor law makes him an invaluable asset to bargaining teams.

Jason is a proud graduate of the Coeur d'Alene School District and enjoys spending time outdoors with his wife and daughter.

### **Jason D. Brown**



Jason Brown has over 15 years' experience in civil litigation and education law. He has extensive experience advising on a wide range of legal issues, including employment matters, board governance, public records act and open public meetings act compliance, constitutional issues, and litigation and risk management.

Prior to joining the firm, Jason spent over a decade at the Washington Attorney General's Office. During his time as an Assistant Attorney General, Jason spent time with the Labor and Industries, Torts, Education, and Transportation and Public Construction Divisions. As a member of the Education Division, he represented multiple institutions of higher education, including Eastern Washington University, the Community Colleges of Spokane, and Big Bend Community College.

### **Jon B. Dalley**



Jon Dalley serves as general counsel for school districts. In that role, he collaborates with administrators and board members about the day-to-day operations of schools, advising them on a range of topics. Some of those topics include employee discipline, employee benefits, collective bargaining, student discipline, special education, school board obligations, and school board policies. He enjoys working with educators to find practical solutions to their problems. Jon is a summa cum laude graduate from the Gonzaga University School of Law. During law school Jon received the highest grade in eleven different courses, and overall ranked 2<sup>nd</sup> academically in his class.

Jon grew up in Southeast Idaho. He graduated from Pocatello High School and from Idaho State University. Much of his family still lives in Idaho, and he has strong ties to it. He is an Idahoan at heart.

### **Garrett J. Williams**



Garrett Williams is a litigator who advises and defends educational institutions and other large employers on a broad range of legal issues, including labor and employment, general liability, breach of contract, special education/disability services, and insurance and risk pool defense.

Garrett is licensed to practice in Idaho and Washington. His litigation experience includes defending against actions brought in state and federal courts, administrative hearings, statutory hearings, and arbitrations. Garrett has appeared before all U.S. District Courts in Idaho and Washington. He has also appeared before most County Courts in North Idaho and Washington.

In his practice, Garrett defends against investigations by administrative agencies, conducts neutral workplace investigations, and advises employers on their internal policies and procedures. Garrett has also overseen and participated in Title IX investigations for colleges and K-12 institutions.

Garrett received his law degree from Gonzaga University School of Law, where he graduated *summa cum laude* and 2<sup>nd</sup> in his class. Garrett also won the prestigious Dean's Medal of Academic Excellence, and was a regional champion in the National Appellate Advocacy Competition.

### **Associates**

Our firm's associates – Stephanie Faust, Andrew Newman, and Macy Disney provide extensive support covering virtually every area of education law. We are fortunate that the reputation and success of our firm has allowed us to attract attorneys who were at the top of their law school classes.

#### **Stephanie Faust**



Stephanie Faust graduated *cum laude* from Gonzaga University School of Law. She is the Secretary for the Spokane County Bar Association's Young Lawyers Division. While in law school, Stephanie was an Associate Editor for the *Gonzaga Law Review* and a member of the Saul Lefkowitz National Moot Court Team. Stephanie clerked for a local law firm as well as the Washington State Office of the Attorney General. Prior to attending law school at Gonzaga, Stephanie graduated from Western Washington University's Fairhaven College where she received a B.A. in Interdisciplinary Studies with a concentration in Law, Diversity, and Justice.

Stephanie is licensed to practice in Idaho and Washington.

### **Andrew Newman**



Andrew Newman is a litigator who advises and defends public school districts and other public agencies on a broad range of legal issues, such as labor and employment, special education, general liability, constitutional issues, and Public Record Act requests. Andrew's litigation experience includes defending actions in state court, statutory hearings, and unlawful detainers in Spokane County Superior Court, as well as prosecuting petty offenses in federal court at the United States Attorney's Office for the District of Eastern Washington.

### **Macy Disney**



Macy Disney represents and advises public school districts on a broad range of legal issues, including special education, Title IX issues, general liability, and Public Records Act requests.

Macy's litigation experience includes defending actions in state court, administrative hearings, statutory hearings, and unlawful detainers in Spokane County Superior Court. She is passionate about finding creative solutions to solve client problems.

## Of Counsel/Consultants

### **Kim Holland, Consultant**



Kim is a sought-after consultant. She is a former teacher, school principal, and Human Resources administrator. She also serves as the Executive Director for the Washington Schools Personnel Association. She provides consultation services in the area of employee evaluation, probation, onboarding, student teachers, and a variety of other areas. Kim did her undergraduate work at Western Washington University and earned two Masters from Washington State University and Gonzaga University. In 2013, she was awarded the Dick Stannard Distinguished Elementary Principal of the Year. Throughout her 26 years in education, Kim has served on multiple state level committees and delivered presentations at the local, state, and national level.

### **Gregory L. Stevens, Of Counsel**



Along with Paul Clay, Greg co-founded Stevens Clay, PS. Greg is now serving as Of Counsel, having retired from full-time practice.

### **Paralegals/Support Staff**

We are proud of our staff and their consistent excellent performance over their lengthy tenures with the firm.

#### **Laurel A. Braun**



Laurel has been with the firm for 34 years. She provides internal administrative support, records management, accounting, and attends to the firm's day-to-day office needs.

#### **Kimberly N. Reber**



Kim has been with the firm for nearly 20 years as a legal assistant and paralegal. Kim received a B.A. degree from Washington State University and received her Paralegal Certificate from the University of San Diego.



## CONCLUSION

Every one of the attorneys and staff at Stevens|Clay, P.S. has a strong commitment to representing educational institutions and government entities. The very essence of our firm is invested in the success of our clients. Our historical knowledge of education law gives us a broad perspective as to what education means to the students, families, and community. We feel a deep connection to K-12 and higher education.

# FEE SCHEDULE

STEVENS | CLAY PS

SUITE 1575, PAULSEN CENTER

421 WEST RIVERSIDE

SPOKANE, WA 99201-0402

TELEPHONE: (509)838-8330

FACSIMILE: (509)623-2131



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# FEE SCHEDULE

## **Invoices**

We pride ourselves on providing efficient and effective legal services. Indeed, in 40 years, we have never had a dispute with a client as to our hourly rates or fees charged.

Each month we review the time recorded to your account before an invoice is sent. We bill clients monthly unless other arrangements are made.

Disbursements and other charges often do not appear on a statement until a few weeks after the cost is incurred. Payment on all statements is due upon receipt of the statements. We have never assessed a late payment charge to any client in the past 40 years, but reserve the right to do so on balances not paid within 30 days. The late payment charge would be 1.25 percent per month.

## **Hourly Rates**

\$275.00 per hour for Principal Attorney and Partner General Counsel Services

\$295.00 per hour for Principal Attorney and Partner Litigation Services

\$175.00 - \$225.00 per hour for Intern and Associate Legal Services

\$175.00 per hour for Paralegal and Consultant Services

Our billing increments are 1/10 per hour. Whenever feasible, and in order to provide the most cost-effective services possible, we offer clients the opportunity for work, such as research or document preparation, performed by the attorney or staff with the lowest rate who is capable of performing the work.

## **Costs and Expenses**

From time to time, we may advance or incur certain costs and expenses with respect to your legal matters. These costs will be charged to the client. Such charges include court filing fees, deposition or transcript fees, consulting or expert witness fees and expenses, computerized legal research, travel expenses, and messenger services. For all such services, we separately detail the cost items and charge only the exact amount incurred by us. Although such expenses are your responsibility and we assume no liability for payment, for administrative ease, we will act on your behalf and generally advance payment to providers if your account is current. With large amounts, we may forward invoices to you for direct payment.

**Additional Information Responses  
from Candidate Finalist:  
Stevens Clay**

---

**From:** Kevin O'Neill <koneill@stevensclay.org>  
**Sent:** Tuesday, June 20, 2023 11:42 AM  
**To:** Sarah Garcia  
**Cc:** Garrett Williams; Kim Reber  
**Subject:** RE: Legal Service RFQ Follow Up  
**Attachments:** Engagement Letter - North Idaho College.pdf

Dear Ms. Garcia,

Below and attached please find our responses to the additional information that North Idaho College has requested relative to RFQ 23-4 for legal services.

1. Client references that are relevant to North Idaho College:

Kevin O'Neill

- *Shannon Hintz*  
*Co-Chair, Moses Lake School District Board of Directors*  
[shintz@mlsd161.org](mailto:shintz@mlsd161.org)  
*(509) 750-1846*
- *Dr. Ivan Duran*  
*Superintendent, Highline School District (former Superintendent, Bellevue School District)*  
[ivan.duran@highlineschools.org](mailto:ivan.duran@highlineschools.org)  
*(720) 480-9573*

Garrett Williams

- *Brian Talbott*  
*Superintendent, East Valley School District*  
[talbottb@evsd.org](mailto:talbottb@evsd.org)  
*(509) 241-5003*

Jason MacKay

- *Deborah Danner*  
*Associate Vice President of Human Resources, Eastern Washington University*  
[ddanner2@ewu.edu](mailto:ddanner2@ewu.edu)  
*(509) 559-9045*

Jason Brown

- *Dr. Sara Thompson Tweedy*  
*President, Big Bend Community College*  
[sarat@bigbend.edu](mailto:sarat@bigbend.edu)  
*(509) 793-2001*
- *Dr. Kevin Brockbank*  
*Chancellor, Community Colleges of Spokane*  
[Kevin.Brockbank@ccs.spokane.edu](mailto:Kevin.Brockbank@ccs.spokane.edu)  
*(509) 434-5006*

2. An engagement letter/retainer agreement:

*Attached please find our firm's engagement letter if Stevens Clay P.S. is selected to represent the College.*

3. Examples of insurance coverage negotiations/risk management experience:

*Attorney Kevin O'Neill has extensive experience representing educational institutions as defense counsel on insurance-related claims. Mr. O'Neill is a member of the attorney defense panel of the Washington Schools Risk Management Pool, one of the largest insurers of school districts in Washington State. During his 17 years of practice representing educational institutions, Mr. O'Neill has successfully defended educational institutions in a variety of legal actions, participated in numerous mediations, and negotiated scores of settlements.*

*As General Counsel for Bellevue School District, Mr. O'Neill was responsible for managing all of the district's litigation. He has effectively managed and overseen numerous lawsuits filed against educational institutions, including but not limited to actions involving personal injury and abuse claims, wrongful discharge and discrimination claims, wage violations claims, and claims involving public records disclosure laws.*

*Attorney Garrett Williams has extensive experience working as defense counsel on insurance-related claims and navigating disputes between carriers and insureds. Some representative examples are below:*

- Defended a seven-figure claim arising out of a catastrophic injury, which resulted in a "policy limits" demand from the plaintiff; negotiated a joint resolution and payment of the demand between the carrier and the insured despite conflicting interests.*
- Led multiple carrier-assigned investigations into wrongful death claims, including coordination with experts, the insured, and the carrier.*
- Served as defense counsel on a large class action lawsuit regarding withheld wages, missed breaks, and missed overtime; negotiated a joint settlement involving the carrier's funds and the insured's funds.*
- Served as defense counsel on a workplace discrimination (race) lawsuit; successfully defended against two summary judgment motions; negotiated a nuisance-value settlement between the carrier and the plaintiff.*
- Currently serves as a workplace investigator for the Washington State Risk Management Pool.*

4. Years of experience representing higher education clients (please include client name and time represented):

*While practicing law at Collins Blaha PC, an education law firm based in Michigan, Kevin O'Neill was part of a legal team that represented institutions of higher education, including Mott Community College in Flint, Michigan, from November 2006 to February 2010.*

*Jason MacKay has 1.5 years of experience (from June 2019 through November 2020) representing institutions of higher education with the Washington State Office of the Attorney General. During that time, Jason served as General Counsel to Eastern Washington University, wherein Jason provided guidance and advice on a daily basis to the University's Board of Trustees and administration. On occasion, Jason also provided legal advice to the Community Colleges of Spokane.*

*Jason Brown has 4 years and 9 months of experience (from April 2017 through January 2022) representing institutions of higher education with the Washington State Office of the Attorney General. During that time, Jason served as Lead General Counsel to Big Bend Community College from October 2017 to January 2022. Jason also served as Lead General Counsel for the Community Colleges of Spokane from April 2017 to July 2018, and from August 2020 to December 2020 on an interim basis. In these roles, Jason provided guidance and advice on a daily basis to each College's Board of Trustees and administration. In addition, Jason also provided guidance and advice to Eastern Washington University from July 2018 through January 2022, serving as interim Lead General Counsel from May 2019 to June 2019 and November 2020 to January 2021.*

5. Please share if you have had any criminal or civil suits against you in the past seven years (or work with us to conduct a background check on primary counsel):

*The Stevens Clay law firm has had no criminal or civil suits filed against it in the past seven years or ever, and we are willing to work with the College to conduct a background check if needed.*

6. Share the proximity of your firm's place of business to the North Idaho College Main campus and commute time thereto (particularly in winter):

*The Stevens Clay law firm's main office is located in downtown Spokane, Washington, and is approximately a 35-minute drive to the main campus of the College. Primary attorney Kevin O'Neill's home office is located in Post Falls, Idaho, and is approximately a 20-minute drive from the College's main campus.*

We hope this information will be helpful to the College. Should you have any questions or require any further information, please do not hesitate to contact us.

Yours very sincerely,



*CONFIDENTIALITY NOTICE: The information contained in this email and any accompanying attachment(s) is intended for the use of the intended recipient(s) and may be confidential and/or protected by the attorney/client privilege and/or work product doctrine. If any reader of this communication is not the intended recipient, unauthorized use, disclosure, or copying is strictly prohibited, and may be unlawful. If you have received this communication in error, please immediately notify the sender by return email, and delete the original message and all copies from your system. Thank you.*

**From:** Sarah Garcia <[SMGarcia@NIC.EDU](mailto:SMGarcia@NIC.EDU)>  
**Sent:** Thursday, June 15, 2023 11:32 AM  
**To:** Kevin O'Neill <[koneill@stevensclay.org](mailto:koneill@stevensclay.org)>; Garrett Williams <[gwilliams@stevensclay.org](mailto:gwilliams@stevensclay.org)>  
**Subject:** Legal Service RFQ Follow Up

Good day,  
 Thank you for submitting a response to North Idaho College's RFQ 23-4 for legal services. We appreciate your interest in working with the college and the efforts made to assemble your response.

The North Idaho College Board of Trustees and a group of college administrators who utilize legal counsel regularly reviewed all the proposals received. I was asked to reach back out to your firm for some additional information before a final selection can be made. The additional requested information is as follows:

1. Client references that are relevant to North Idaho College
2. An engagement letter/retainer agreement
3. Examples of insurance coverage negotiations/risk management experience
4. Years of experience representing higher education clients (please include client name and time represented)

5. Please share if you have had any criminal or civil suits against you in the past seven years (or work with us to conduct a background check on primary counsel)
6. Share the proximity of your firm's place of business to the North Idaho College Main campus and commute time thereto (particularly in winter).

Please feel free to contact me if you have any questions. We would like this information by the middle of next week if possible.

Thank you very much.

Sarah

*Sarah Garcia*  
*Vice President for Finance*  
*And Business Affairs*  
208-769-3341

## STEVENS | CLAY PS

421 WEST RIVERSIDE · SUITE 1575  
SPOKANE, WA 99201-0402  
Phone: (509) 838-8330  
Fax: (509) 623-2131

June 20, 2023

Greg McKenzie  
Chair  
Board of Trustees  
North Idaho College  
1000 West Garden Avenue  
Coeur d'Alene, ID 83814

Sarah Garcia  
Vice President for Finance  
Finance and Business Affairs  
North Idaho College  
1000 West Garden Avenue  
Coeur d'Alene, ID 83814

**Re: *Engagement for Professional Legal Services***

Dear Trustee McKenzie and Ms. Garcia:

Thank you for engaging our firm to represent North Idaho College (“NIC” or “the College”) in the matter described below. This letter confirms our engagement agreement. We ask that you review it carefully and contact us promptly if you have any questions whatsoever about our relationship, now or in the future.

### **1. Scope of Representation**

Our understanding of our representation is that we will provide the following legal services: representation of North Idaho College for its general counsel legal needs as reflected in that Request for Qualification North Idaho College Legal Counsel RFQ 23-04, including without limitation the following services:

- Advise and alert the Board and Administration on how the law may affect current and emerging business and policy decisions of the college. Monitor proposed legislation and changes in the law that may impact the College and notify the Board and Administration of such changes or proposed legislation in a timely fashion.
- Provide legal opinions, advice, and assistance to the College, and the Board.
- Assist the College in reviewing proposals and contracts for services when requested.
- Attend board meetings (scheduled monthly) and prepare responses to legal issues on the agenda. When requested, draft board resolutions. Review minutes following board meetings.
- Be available and accessible at all times for designated College staff.
- Provide advice and counsel on personnel issues.
- Handle litigation, either directly or as liaison to insurance retained council for matters covered by applicable liability insurance.

We will at all times act on NIC’s behalf to the best of our ability. However, we cannot guarantee any outcome. Any expressions on our part concerning the outcome of NIC’s legal matters are expressions

North Idaho College  
June 20, 2023  
Page 2

of our best professional judgment only. Naturally, our opinions are necessarily limited by our knowledge of the facts and the state of the law at the time they are expressed.

## **2. Who Performs the Legal Services**

Subject to supervision, sections of NIC's work may be performed by other lawyers or legal assistants employed by the firm. This delegation is for the purpose of providing services in the most efficient manner. Given our unwavering commitment to 24/7 legal services, the Firm has identified four attorneys who would act as Principal Attorneys for NIC: They are Kevin F. O'Neill, Garrett J. Williams, Jason K. MacKay, and Jason D. Brown. Mr. O'Neill and Mr. Williams are both currently licensed to practice law in Idaho and Washington and are immediately available to assist. Mr. MacKay and Mr. Brown are currently seeking admission to the Idaho State Bar through reciprocity and will be available to assist upon receipt of their Idaho law license.

## **3. Legal Fees**

Our fees will be computed on an hourly basis. For this matter our hourly rates are as follows:

Principal Attorney and Partner General Counsel Services: \$275 per hour

Principal Attorney and Partner Litigation Services: \$295 per hour

Associate Legal Services: \$225.00—\$250.00 per hour

Paralegal, Intern, and Consultant Services: \$175 per hour

Our time is recorded in units of tenths of an hour.

We will bill NIC on a monthly basis. NIC agrees to make payment within thirty (30) days of receiving its statement. Unpaid fees and disbursements will accrue interest at the maximum rate permitted by state law (non-competitive), but not exceed one percent (1%) per month from the beginning of the month in which they become overdue.

If at any time NIC disagrees with the amount of our fees, NIC should feel free to discuss it with us. Typically, such disagreements can be resolved to the satisfaction of both sides.

## **4. Out-of-Pocket Expenses**

We typically incur and pay on our client's behalf a variety of out-of-pocket costs arising in connection with legal services. These include charges made by government agencies and service vendors as well as clerical charges. Whenever such costs are incurred, we will itemize and bill them. We incur outside costs as NIC's agent and incur internal expenses on NIC's behalf; NIC agrees that these costs will always be paid on a regular basis.

## **5. Termination**

NIC may terminate our representation at any time with or without cause. If such termination occurs, NIC's papers and property will be returned to NIC promptly upon receipt of payment of outstanding fees and costs. We will keep our own files pertaining to the legal services. NIC's termination of our services



North Idaho College  
June 20, 2023  
Page 3

will not affect NIC’s responsibility for payment of legal services rendered and out-of-pocket costs incurred before termination and in connection with an orderly transition of the matter.

We practice under the Idaho Rules of Professional Conduct, which list several types of conduct or circumstances that require or allow us to withdraw from representing a client, including nonpayment of fees or costs, misrepresentation or failure to disclose material facts, action contrary to our advice, and conflict of interest with another client. We try to identify in advance and discuss with NIC any situation which may lead to our withdrawal, and if withdrawal ever becomes necessary, we will give NIC written notice of the withdrawal.

We are pleased that NIC is entrusting its work to us and will do our best to provide NIC with high-quality legal assistance. It is important for us to know how our clients feel about the services we provide. If you ever feel that we are not meeting this commitment, or you have other questions about our relationship, please do not hesitate to contact us.

After you have had a chance to review this agreement, please sign the original below and return it to us. We very much look forward to representing you.

Very truly yours,



Kevin F. O’Neill  
Partner, Stevens Clay P.S.



Garrett J. Williams  
Partner, Stevens Clay P.S.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2023, at Coeur d’Alene, Idaho.

NORTH IDAHO COLLEGE

NORTH IDAHO COLLEGE

\_\_\_\_\_  
Greg McKenzie, Chair  
Board of Trustees

\_\_\_\_\_  
Sarah Garcia, Vice President for Finance

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**BOARD OF TRUSTEES MEETING**  
**August 23, 2023**

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**TAB 3**

**SUBJECT:** Resolution on Accreditation

**BACKGROUND:**

North Idaho College received a letter from the Northwest Commission on Colleges and Universities on July 7, 2023.

With this action, the NIC Board of Trustees would acknowledge receipt of the July 7, 2023 letter from NWCCU, and resolve to do everything necessary to address NWCCU concerns and be in full compliance with standards and eligibility requirements noted in the that letter in order to maintain accreditation.

Included as Tab 3 Attachment A is a draft resolution.

**SUGGESTED MOTION FOR BOARD ACTION**

[Board Member] make the motion for the NIC Board of Trustees to approve the resolution as presented. Request a second, then discussion, then take a vote.

Prepared by: Suzy Scura  
Board Clerk

***RESOLUTION***  
***Board of Trustees***  
***North Idaho College***

**Whereas,**

The Northwest Commission on Colleges and University (NWCCU) is the accreditation authority for North Idaho College; and

**Whereas,**

NWCCU sent a letter dated July 7, 2023 of formal notification and official record of action taken by the Commission as it relates to North Idaho College; and,

**Whereas,**

The letter confirmed the status of Accreditation as “Continue Sanction of Show Cause;” and,

**Whereas,**

The letter outlined the status and action needed on various recommendations relating to accreditation.

**Therefore, be it resolved,**

That the North Idaho College Board of Trustees, accepts the recommendations of the Commission, and is dedicated to taking positive action to resolve each of the recommendations in a timely manner.

**Be it further resolved,**

That the North Idaho College Board of Trustees is grateful to the Commission for allowing the college the opportunity to continue efforts to achieve compliance.

**Be it further resolved,**

That the North Idaho College Board of Trustees acknowledges the importance of accreditation and is fully committed to achieving the status of accreditation in good standing.

Approved unanimously by a vote of the Board of Trustees of North Idaho College this \_\_\_\_\_ day of August 2023.

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Greg McKenzie, Chair

---

Mike Waggoner, Vice Chair

---

Todd Banducci, Trustee

---

Brad Corkill, Trustee

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Tarie Zimmerman, Trustee

Witnessed by:

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Nick Swayne, President

**BOARD OF TRUSTEES MEETING**  
**August 23, 2023**

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**TAB 4**

**SUBJECT:** Board Policy Subcommittee Report

**BACKGROUND:**

The Board Policy Subcommittee met to continue review and development of revisions for the board's internal governance policies.

The subcommittee met several times and held robust discussions based on review of pertinent Idaho Code, Idaho Meeting Law, recognized best practices, and sample policies from other colleges. Together they collaborated to make considerable progress on several policies to bring forward at the August board meeting for the board approval.

Those revised documents are included as the following attachments in redline and clean versions:

- Attachment A Policy 2.01.10 (Board General Conduct Policy)
- Attachment B Policy 2.01.11 (New Board Member Orientation)
- Attachment C Policy 2.01.12 (Code of Ethics)
- Attachment D Policy 2.02.02 (Presidential Performance Review)

**SUGGESTED MOTION FOR BOARD ACTION**

[Board Member] make the motion to approve revisions to policy [#] and (title). Following discussion for each,

- call for a motion to approve as presented;
- OR
- call for a motion to return the draft to the subcommittee for additional revisions and a second reading.

Prepared by: Suzy Scura  
Board Clerk

## **Tab 4 Attachment A**

# Policy

Policy #2.01.10

Effective Date: 8/24/20

Rescinded: 12/16/20

Revised and Reinstated: 5/26/21

Revised: 8/22/22

<i>(Impact Area - Dept Name)</i> Board of Trustees	<i>(General Subject Area)</i> Board of Trustees	<i>(Specific Subject Area)</i> Board Member General Conduct
	<b>Author:</b> Board of Trustees	<b>Supersedes Policy</b>
<b>Relates to Procedure #</b>	<b>Impact:</b> Board of Trustees	
<b>Legal Citation (if any):</b>		
<b><i>North Idaho College</i></b>		

Policy Narrative

Page 1 of 8

Pursuant to Idaho Code Title 33 Chapter 21; 33-2107 entitled General Powers of the Board of Trustees, the Board of Trustees of each community college district shall have the power to adopt policies and regulations for its own government and the government of the college. In furtherance of this power the Board of Trustees establishes this policy regarding Board Conduct.

## Purpose

The purpose of this policy is to prescribe processes, behaviors, and methods of appropriate communications for effective and efficient Board operations. This policy is not intended to infringe upon individual first amendment rights nor interfere with

personal relationships. Utilizing proper procedures and channels of communications and exercising respectful behaviors results in a more effective and efficient organization.

### General Guidelines for Conduct

The Board expects its members to demonstrate ethical and businesslike conduct. This commitment includes proper use of authority and respect in group and individual behavior when acting as Board members.

#### Board members are expected to:

1. ~~Devote time, thought, and study to the duties of a trustee in order to be effective and provide credible service.~~
2. ~~Consider information received from all sources and base personal decisions upon all available facts while maintaining confidentiality of privileged information.~~
3. ~~Work with fellow trustees in a spirit of harmony and co-operation in spite of differences of opinion.~~
4. ~~Recognize that authority over the organization is only vested in the Board when it meets in legal session.~~
5. ~~Maintain the integrity of the Board and the position of the trustee when communicating and interacting with outside individuals and agencies. This includes full disclosure to participants when attending meetings as an ordinary citizen.~~
6. ~~Respect the majority decisions of the Board.~~
7. ~~Work to support the interests of North Idaho College ("NIC") and the Board.~~
8. ~~Demonstrate discretion when making public statements in person, online or in other forums, so as to minimize the impression that such statements reflect the opinion of NIC or the Board when they do not.~~
9. ~~Maintain the highest standards of civility and respect accorded to public office through the absence of unwarranted criticism of fellow Board members, the Board, NIC administration or employees.~~
10. ~~Deal appropriately with sensitive issues and respect the confidentiality of discussions that take place during executive sessions.~~
11. ~~Represent everyone the College serves, not a particular interest group.~~
12. ~~Declare any conflict of interest. A trustee will not participate in, vote on, or exert influence on, any decision in which the trustee has any interest.~~

The Board of Trustees recognizes that it has authority to act only as a unit and that individual Board members have no authority to act in College matters without approval of the Board. ~~Consistent with this and other Board Policies, a~~ An individual Trustee shall

**Commented [KH1]:** Replaced with Annual Affirmation of General Guidelines and placed at end of policy.



not purport to act for, bind, or commit the College to any act or course of conduct without prior approval of the Board. The College can be bound only by formal action of the Board.

The Board will enforce upon itself and its members effective practices to govern and discharge its duties effectively and efficiently. The Board and individual Board member's self-discipline will apply at all times and to such matters including, but are not limited to attendance, respect for others, proper decorum, confidentiality with sensitive information, speaking with one voice for external communications, and adherence to the policies and rules of the College and the Board. The Board will take appropriate action to enforce the obligations imposed hereunder, including without limitation, limiting or suspending Board privileges, private or public censure, or other such action as the Board deems appropriate.

Each Board member is subject to and shall conform his or her behavior in accordance with Board and general College policies regarding ethical and professional conduct.

#### **Interaction with College Personnel Guidelines**

College personnel regard a visit by a Board member, except for consultation with the President, as a special occasion. Ongoing interaction can create confusion as to the roles of the Board and the College Administration. To prevent the appearance of impropriety or unethical conduct and to avoid the use of undue and inappropriate influence over College personnel, Board members shall inform the president about contact and interactions with College personnel. Board members should be afforded communication with the NIC community. Nothing herein shall be construed to prohibit or discourage communications between board members and members of the faculty, staff, administration or community.

Individual Trustees, however, must refrain from communicating or acting in a manner that violates, interferes with or circumvents College policy and administrative procedures and guidelines. Trustees are responsible for familiarizing themselves with College policies, adhering to those policies, procedures, and guidelines and complying with the spirit and intent of those policies.

The Board recognizes the rights of students, faculty, administrators and other employees of the College to hold private meetings and to carry on the day-to-day operations of the College without the participation of Board members. Accordingly, it is improper for Board members:

1. To attend or participate in private meetings of students, faculty, administrators or other employees of the College where College business is to be considered, unless the Board member has been invited to attend as an observer only, or the

- Board as a whole is invited to attend and has decided to participate, or the Board member has been officially designated by the Board to attend or participate;
2. To participate in the day-to-day operations of the College without official Board approval;
  3. To intercede with students, faculty, administrators or any other employees of the College on behalf of any person or program without informing the Board.
  4. To threaten or harass or intimidate any employee or student of the College or anyone doing business with the College; and
  5. To borrow money, solicit funds or accept gratuities of any kind from any employee of the College, unless the activity, is conduct involving election, campaigning, or free speech or is otherwise protected by constitution or statute.

### **Communications ~~Pro~~cedures/~~Board Members Request for Information~~**

In order to assure that internal and external communication between the Board, the public and the college staff are clear and represent the unity and maintain the integrity of the Board acting as a whole, these policies will be followed as individual responsibilities of each Trustee. Trustees should be continually conscious of the potential that their position is viewed as one of power and may unduly influence college employees

- ~~1. Requests for information from the Board of Trustees will be communicated directly to the President. Answers to these questions will be provided to all trustees. The President has the discretion to manage college resources needed to provide these answers. Individual Trustees requesting information that will require a material amount of staff time to compile, or the preparation of a special report, or that may be disruptive shall make such requests to the Chairperson of the Board. The Board Chairperson may approve the request or, at his or her discretion, have the request placed on the agenda of the next Board meeting for the consideration of the Board of Trustees. Compilations and reports prepared pursuant to this provision will be available to all Trustees. Individual Trustees shall not make such requests directly to an employee of the College.~~
- ~~2.1. Individual Trustees with questions regarding the operations of the College, such as inquiries concerning employment or admission to the College, complaints for or about students, complaints from or about faculty and staff, complaints or questions about administrative decisions, and complaints or questions from or about facilities, shall convey such to the Office of the President for consideration and possible action;~~
- ~~3. When discussing community concerns, issues involving the College, and actions taken by the Board of Trustees and the administration, Trustees should carefully delineate between opinions that are personal and held as an individual citizen~~

versus opinions that reflect officially approved policies or action of the Board or College;

~~2.~~

~~4. Trustees should make no announcement of nor give any information about action taken by the Board until such action has been communicated by the Board Chairperson or President through regular official channels;~~

~~5.1. Consistent with this and other Board Policies, an individual Trustee shall not purport to act for, bind, or commit the College to any act or course of conduct without prior approval of the Board. The College can be bound only by formal action of the Board.~~

~~6.~~

~~7.1. Communication with Legislators, Public Officials, and Community Leaders~~

Unless authorized by the Board, when communicating with legislators, public officials, and Community leaders, Communication with Legislators, Public Officials, and Community Leaders individual Trustees ~~Board members~~, should take reasonable care to clarify that they are acting as individuals and not on behalf of the Board or the College and should strive to maintain consistency with established board decisions, policies and plans.

~~3.~~

~~8.~~

~~9. Relationship with the Press~~

~~10.~~

~~11.4.~~ The Board Chairperson and the President, or their respective designees, shall be the spokespersons to the press on College matters. In most cases, Board members should refer inquiries from reporters to the Chairperson and/or President, or designee. The goal is to speak with one voice on College matters and to remove the potential of conflicting statements. However, the Board recognizes elected officials will speak to the Press when they feel it is appropriate.

### Conflict of Interest

Trustees will avoid any situation to use their position as an NIC Trustee to bring themselves benefit or personal gain. Examples of Trustee personal gain may involve:

(a) a member of the Board, or

(b) a member of his or her immediate family or close relative ("immediate family" means the employee's spouse, parent, step-parent, guardian, brother, sister, mother-in-law, father-in-law, child, or stepchild; "close relative" means the employee's grandmother, grandfather, aunt, uncle, niece, nephew, brother-in-law, sister-in-law, first cousin, or grandchild.), or

(c) an organization with which a member of the Board is affiliated, such as an existing relationship, serving as a Board member, administrator, or employee.

At first knowledge of any of these situations, the Trustee must disclose such real or potential conflict by informing the Board chairperson or the entire Board. If the conflict involves the Board chairperson, the chairperson will inform the entire Board. Where a conflict is determined to exist, Trustees will abstain from involvement in decision-making. As required by state law, if a Board member's outside activity (employment, participation or involvement in another business, corporation, institution or other entity) constitutes a conflict of interest, then the Board member will (a) disclose to the Board such conflict or the potential conflict; (b) absent herself/himself from discussion regarding any issue which involves his or her role as a Board member and his or her outside activity, and (c) refrain from voting on any such issue.

### **Trustee Usage of Facilities**

Trustees are not prohibited from using College facilities for professional or personal reasons provided such facilities are normally available to the public, and the Trustee is subject to the same conditions, goes through the same procedures and pays the same compensation as would a member of the public who is not a College employee or are specifically authorized by Board policy.

### **Complaints Regarding Individual Board Member**

In the event the College or any trustee receives a complaint about a Trustee from a member of the public or from a College employee, the complaint shall be referred to the Board Chairperson or, if the complaint is against the Chairperson, to the Vice Chairperson. The Trustee that is the subject of the complaint shall be notified and given an opportunity to respond. The Board shall have the discretion to investigate the complaint, including the authority to engage either the free services of the Department of Labor or an outside consultant to undertake ~~the an~~ investigation. Any report from an outside consultant shall be disseminated to all Board members prior to any action being taken against the Board member. Meetings to hear complaints or to consider the conduct of a Board member shall initially take place in executive session. If the Board decides to take action (such as censure), such action may be a private admonishment or, if the Board decides the conduct justifies public admonishment, may announce censure (or other appropriate sanction) at an open meeting.

### **Potential Action for Trustee Violation of Policy**

A Trustee violation of this policy will be subject to the following potential action as determined by the Board as a whole:

- Loss of Board appointments to committees.

- Loss of officer status (e.g. designation as Chair, Vice-Chair, Secretary, Treasurer, etc.).
- Private censure in executive session by other Board members.
- Public censure by the Board (by motion or resolution in an open meeting)

Prior to such action, the Trustee will be entitled to a hearing before the Board in executive session to hear the charges and to allow the Trustee to respond. The decision of a majority of the Board is final.

The Board shall cause a record to be made of any ~~private censure such complaint proceedings. These records and deposit such record in a confidential file maintained by the Secretary of the Board.~~ will be stored in the office of the Executive Assistant to the President in a locked, fire-proof box. Access to the box is limited to the Board Clerk and the Secretary/Treasurer of the Board, who can provide viewing of private censure to the president or individual trustees upon request. A viewing log will be maintained within the box by the Board Clerk and Secretary/Treasurer of the Board. Archiving of the file(s) within the box will follow North Idaho College Policy 2.01.06 "Retention of Records."

### **Annual Trustee Affirmation**

*As a North Idaho College Trustee,*

*I affirm that:*

- I will work to support the interests of North Idaho College ("NIC") and the Board.
- I will recognize that authority over the organization is only vested in the Board when it meets in legal session;
- I recognize my authority exists only when acting collectively with my fellow board members, and that our authority is derived from, and obliged to serve, the interests of our entire community;
- I will devote time, thought, and study to the duties of a trustee, and engage in an ongoing process of in-service education and continuous improvement;
- I will consider information received from all sources and base decisions upon all available facts while maintaining confidentiality of privileged information;
- I will work with fellow trustees in a spirit of harmony and co-operation, and respect differences of opinion;
- I will respect the majority decisions of the Board.

- I will demonstrate discretion when making public statements in person, online or in other forums, so as to minimize the impression that such statements reflect the opinion of NIC or the Board. This includes full disclosure to participants when attending meetings as an ordinary citizen.
- I will be prepared to participate in open, honest, and civil deliberation with my colleagues, vote my conscience rather than to advance any special interests, and respect the decisions we make;
- I will deal appropriately with sensitive issues and respect the confidentiality of discussions that take place during executive sessions;
- I represent everyone the College serves, not a particular interest group;
- I will declare any potential conflict of interest. I will not participate in, vote on, or exert influence on, any decision in which I cannot be unbiased;
- I will abide by the Code of Ethics (Policy reference will be added once approved);
- I will honor the division of responsibility between the Board and the CEO/president and staff and contribute to creating a spirit of true cooperation and a mutually supportive relationship in support of our community.

---

Trustee Signature

Date

# Policy

Policy #2.01.10

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Revised and Reinstated: 5/26/21

Revised: 8/22/22

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- I will devote time, thought, and study to the duties of a trustee, and engage in an ongoing process of in-service education and continuous improvement;
- I will consider information received from all sources and base decisions upon all available facts while maintaining confidentiality of privileged information;
- I will work with fellow trustees in a spirit of harmony and co-operation, and respect differences of opinion;
- I will respect the majority decisions of the Board.
- I will demonstrate discretion when making public statements in person, online or in other forums, so as to minimize the impression that such statements reflect the opinion of NIC or the Board. This includes full disclosure to participants when attending meetings as an ordinary citizen.
- I will be prepared to participate in open, honest, and civil deliberation with my colleagues, vote my conscience rather than to advance any special interests, and respect the decisions we make;
- I will deal appropriately with sensitive issues and respect the confidentiality of discussions that take place during executive sessions;
- I represent everyone the College serves, not a particular interest group;
- I will declare any potential conflict of interest. I will not participate in, vote on, or exert influence on, any decision in which I cannot be unbiased;
- I will abide by the Code of Ethics (Policy reference will be added once approved);
- I will honor the division of responsibility between the Board and the CEO/president and staff and contribute to creating a spirit of true cooperation and a mutually supportive relationship in support of our community.

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Trustee Signature

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Date

## **Tab 4 Attachment B**

# Policy

Policy #2.01.11

Effective Date: 5/25/22

Revised: 08/23/2023 (if passed)

<p><i>(Impact Area - Dept Name)</i></p> <p>Board of Trustees</p>	<p><i>(General Subject Area)</i></p> <p>Board of Trustees</p>	<p><i>(Specific Subject Area)</i></p> <p>New Board Member Orientation</p>
	<p><b>Author:</b></p>	<p><b>Supersedes Policy #</b></p>
<p><b>Relates to Procedure #</b></p>	<p><b>Impact:</b></p>	
<p><b>Legal Citation (if any):</b></p>		
<p><b><i>North Idaho College</i></b></p>		

Policy Narrative

[Page 1 of 1]

- A. It is the expectation of the board of trustees that each new board member is afforded the opportunity to participate in a structured onboarding process to facilitate a transition into board knowledge, participation and support trustee effectiveness.
- B. North Idaho College offers a comprehensive orientation program and ongoing board development to support trustees and their board roles. The program includes both an orientation to the college provided by the president, and effective board participation and governance provided by the chair, legal counsel, other administrative designees and/or current trustees.
- C. [At the annual organization meeting, or whenever there is a change in the composition of the board, either through appointment, election, or vacancy, all trustees will reaffirm their commitment to NIC policies, procedures, and board of trustees' ~~Code of ethics~~ Ethics Policy outlined in \(~~Policy 2.01.12 once approved 2.01.02~~\) and Board General Conduct Guidelines for Conduct Policy \(~~outlined in Policy 2.01.10~~\).](#)
- D. Within the first year of their service, the newly onboarded trustee will be expected to attend a professionally sponsored board member training.
- E. [Avoid any situation to use the position as a community college trustee to benefit](#)

for personal gain. Inform the board chairperson and/or the entire board when a matter under consideration might involve or appear to involve a conflict of interest. Each Trustee shall sign and abide by the NIC Trustee Affirmation.

~~F. The president will adopt procedures to administer this policy.~~

*As a North Idaho College Trustee,*

*-I affirm that ~~I will:~~*

- I will w~~W~~ork to support the interests of North Idaho College ("NIC") and the Board.
- I will r~~r~~ecognize that authority over the organization is only vested in the Board when it meets in legal session.;
- I recognize my authority exists only when acting collectively with my fellow board members, and that our authority is derived from, and obliged to serve, the interests of our entire community;
- I will d~~D~~evote time, thought, and study to the duties of a trustee, and engage in an ongoing process of in-service education and continuous improvement; ~~in order to be effective and provide credible service.~~
- I will c~~C~~onsider information received from all sources and base ~~personal~~ decisions upon all available facts while maintaining confidentiality of privileged information.;
- I will w~~W~~ork with fellow trustees in a spirit of harmony and co-operation, and respect ~~in spite of~~ differences of opinion.;
- ~~I will r~~ecognize that authority over the organization is only vested in the Board when it meets in legal session.
- ~~Maintain the integrity of the Board and the position of the trustee when communicating and interacting with outside individuals and agencies. This includes full disclosure to participants when attending meetings as an ordinary citizen.~~
- Respect the majority decisions of the Board.
- ~~I will d~~Work to support the interests of North Idaho College ("NIC") and the Board.
- ~~D~~emonstrate discretion when making public statements in person, online or in other forums, so as to minimize the impression that such statements reflect the opinion of NIC or the Board ~~when they do not.~~ This includes full disclosure to participants when attending meetings as an ordinary citizen.
- I will b~~Maintain the highest standards of civility and respect accorded to public office through the absence of unwarranted criticism of fellow Board members, the Board, NIC administration or employees.~~ e prepared to participate in open, honest, and civil deliberation with my colleagues, vote my conscience rather than

to advance any special interests, and respect the decisions we make;

- I will dDeal appropriately with sensitive issues and respect the confidentiality of discussions that take place during executive sessions;:-
- I Rrepresent everyone the College serves, not a particular interest group;:-
- I will dDeclare any potential and be transparent about any known conflict of interest. I will not participate in, vote on, or exert influence on, any decision in which I cannot be unbiased~~have any interest~~;:-
- I will aAbide by the NIC Guidelines for ConductedCode of Ethics policyoutlined in Policy 2.01.10;:-
- I will honor the division of responsibility between the Board and the CEO/president and staff and contribute to creating a spirit of true cooperation and a mutually supportive relationship in support of our community.

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Trustee Signature

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Date



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<p><b>Relates to Procedure #</b></p>	<p><b>Impact:</b></p>	
<p><b>Legal Citation (if any):</b></p>		
<p><b><i>North Idaho College</i></b></p>		

Policy Narrative

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- A. It is the expectation of the board of trustees that each new board member is afforded the opportunity to participate in a structured onboarding process to facilitate a transition into board knowledge, participation and support trustee effectiveness.
- B. North Idaho College offers a comprehensive orientation program and ongoing board development to support trustees and their board roles. The program includes both an orientation to the college provided by the president, and effective board participation and governance provided by the chair, legal counsel, other administrative designees and/or current trustees.
- C. At the annual organization meeting, or whenever there is a change in the composition of the board, either through appointment, election, or vacancy, all trustees will reaffirm their commitment to NIC policies, procedures, and board of trustees' Code of Ethics Policy (2.01.12 once approved) and Board General Conduct Policy (2.01.10).
- D. Within the first year of their service, the newly onboarded trustee will be expected to attend a professionally sponsored board member training.
- E. Avoid any situation to use the position as a community college trustee to benefit for personal gain. Inform the board chairperson and/or the entire board when a

matter under consideration might involve or appear to involve a conflict of interest. Each Trustee shall sign and abide by the NIC Trustee Affirmation.

*As a North Idaho College Trustee,*

*I affirm that:*

- I will work to support the interests of North Idaho College ("NIC") and the Board.
- I will recognize that authority over the organization is only vested in the Board when it meets in legal session;
- I recognize my authority exists only when acting collectively with my fellow board members, and that our authority is derived from, and obliged to serve, the interests of our entire community;
- I will devote time, thought, and study to the duties of a trustee, and engage in an ongoing process of in-service education and continuous improvement;
- I will consider information received from all sources and base decisions upon all available facts while maintaining confidentiality of privileged information;
- I will work with fellow trustees in a spirit of harmony and co-operation, and respect differences of opinion;
- I will respect the majority decisions of the Board.
- I will demonstrate discretion when making public statements in person, online or in other forums, so as to minimize the impression that such statements reflect the opinion of NIC or the Board. This includes full disclosure to participants when attending meetings as an ordinary citizen.
- I will be prepared to participate in open, honest, and civil deliberation with my colleagues, vote my conscience rather than to advance any special interests, and respect the decisions we make;
- I will deal appropriately with sensitive issues and respect the confidentiality of discussions that take place during executive sessions;
- I represent everyone the College serves, not a particular interest group;
- I will declare any potential conflict of interest. I will not participate in, vote on, or exert influence on, any decision in which I cannot be unbiased;
- I will abide by the NIC Code of Ethics policy;
- I will honor the division of responsibility between the Board and the CEO/president and staff and contribute to creating a spirit of true cooperation and a mutually supportive relationship in support of our community.

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Trustee Signature

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Date

## **Tab 4 Attachment C**

# Policy

Policy #2.01.12

Effective Date: (new--not yet approved)

<p><i>(Impact Area - Dept Name)</i></p> <p>Board of Trustees</p>	<p><i>(General Subject Area)</i></p> <p>Board of Trustees</p>	<p><i>(Specific Subject Area)</i></p> <p>Code of Ethics</p>
	<p><b>Author:</b></p>	<p><b>Supersedes Policy #</b></p>
<p><b>Relates to Procedure #</b></p>	<p><b>Impact:</b></p>	
<p><b>Legal Citation <i>(if any):</i></b></p>		
<p><b><i>North Idaho College</i></b></p>		

Policy Narrative

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## I. Code of Ethics

The NIC Board of Trustees maintains a high level of ethical conduct by adhering to the following performance standards.

As a member of the NIC Board, I am required to:

- devote time, thought, and study to the duties and responsibilities of a community college board member, so that I may render effective and creditable service and comport myself in accordance with NIC Board policies;
- work with my fellow Board members to build trust and cooperation regardless of differences of opinion that arise during vigorous debates of points of issue;
- base my individual decisions upon all available facts, unbiased by private interest or partisan pressure, and abide by and uphold the final majority decision of the Board;
- remember at all times that as an individual I have no legal authority. The legal authority rests with the Board as a whole;
- remember that I derive authority from, and am accountable to, the community and that I must always act as an advocate on behalf of the entire community, honestly debate issues that affect it, and speak with one voice once a decision or

policy is made by the Board;

- recognize that it is important for me to understand the needs of the community, to represent the voice of the community to the College, and to monitor the results of the College in meeting those needs;
- avoid using my position as an NIC Trustee to bring myself benefit or personal gain. Inform the Board chairperson and/or the entire Board when a matter under consideration might involve or appear to involve a conflict of interest as per Policy 2.01.10.
- speak with one voice as a Board member once a Board decision or policy is made.

## **Tab 4 Attachment D**

# Policy

Policy # 2.02.02

Effective Date 4/25/01

Revised Date 10/28/09

Revised: 08/23/2023 (if passed)

<p><i>(Impact Area - Dept Name)</i></p> <p>Administration</p>	<p><i>(General Subject Area)</i></p> <p>Board of Trustees</p>	<p><i>(Specific Subject Area)</i></p> <p>Presidential Performance Review</p>
	<p><b>Author:</b></p>	<p><b>Supersedes Policy #</b></p>
<p><b>Relates to Procedure #</b></p>	<p><b>Impact:</b></p> <p>President</p>	
<p><b>Legal Citation (if any):</b></p>		
<p><b>North Idaho College</b></p>		

Policy Narrative

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The board of trustees recognizes the importance of having exceptional executive leadership and that such leadership is dependent upon constructive review of how that responsibility is exercised. To further this end, the board of trustees ~~may~~ will annually review the president's stewardship in order to strengthen his or her performance, to enable the president and the board of trustees to reset mutually agreed upon goals, and to inform annual decisions on compensation and other terms of employment.

The annual performance review of the president should include a written management review statement by the president and a written report on goals from the previous 12 months, as mutually agreed upon by the president and the board of trustees. It may also include proposed goals for the subsequent 12 months. The annual performance review should be completed on a schedule consistent with the college's annual compensation-setting process.

An external evaluator will be selected by the board to assist in evaluation the president.

The president's personnel file will be stored in the office of the Executive Assistant to the President in a locked, fire-proof box. Access to the box is limited to the Board Clerk and the Secretary/Treasurer of the Board, who can provide viewing to the president or individual trustees upon request. A viewing log will be maintained within the box by the Board Clerk and Secretary/Treasurer of the Board. Archiving of the file(s) within the box will follow North Idaho College Policy 2.01.06 "Retention of Records."



# Policy

Policy # 2.02.02

Effective Date 4/25/01

Revised Date 10/28/09

Revised: 08/23/2023 (if passed)

<p><i>(Impact Area - Dept Name)</i></p> <p>Administration</p>	<p><i>(General Subject Area)</i></p> <p>Board of Trustees</p>	<p><i>(Specific Subject Area)</i></p> <p>Presidential Performance Review</p>
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<p><b>Relates to Procedure #</b></p>	<p><b>Impact:</b></p> <p>President</p>	
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Policy Narrative

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**BOARD OF TRUSTEES MEETING**  
**August 23, 2023**

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**TAB 5**

**SUBJECT:** Approve President's Goals for Jul 2023-Jun 2024 Evaluation Cycle

**BACKGROUND:**

At the June 7, 2023 regular Board of Trustees meeting, Dr. Swayne presented goals for the coming year and recommended the board adopt them as written. Chair McKenzie proposed revisions and discussion ensued. Trustee Banducci made a motion to table. The motion was seconded and carried with four in favor and one opposed.

The draft President Goals are included as Tab 5 Attachment in both redline and clean versions.

**SUGGESTED MOTION FOR BOARD ACTION**

[Board Member] make the motion to approve the president's goals as presented or as amended, if changes are suggested. Request a second, then discussion, then take a vote.

Prepared by: Suzy Scura  
Board Clerk

## President's Goals July 2023 – Jun 2024

- Accreditation: Work with the Board and College to ensure reaffirmation of accreditation and return to good standing with NWCCU before April 1, 2025.
- Enrollment Management, including:  
Recruiting/Enrollment/Retention/~~Persistence~~: Develop, monitor, and evaluate student success metrics focused on recruitment, enrollment, retention, and persistence efforts at NIC ~~in order to have demonstrable improvement results by April 1, 2024~~. Enhance student success and retention rates to ensure students meet their academic objectives.
- Directly engage all community stakeholders ~~equally~~ and offer mechanisms of feedback in order to analyze how NIC is meeting the community's needs and make improvements. Engage business, industry, and education partners to strengthen NIC's reputation and offerings with metrics to include all community stakeholders, ~~not to include media reports. Maximize use of Facilities for revenue generation with metrics reported to the Board.~~
- ~~Ensure an administrator is in charge while classes are in session and this includes night classes with auditability reported to the Board.~~
- ~~Ensure RFP participants are performed with Board policy and ensure equity and fairness for all participants.~~
- Update, strengthen, and align Workforce Training programs to meet community and business needs and maximize the use of our facilities with growth into a regional hub. ~~Evaluated metrics shall be reported to the Board each semester's conclusion with demonstrable increases by April 1, 2024.~~
- Update, strengthen, and align Career and Technical Education programs to meet community and business needs and maximize the use of our facilities with growth into a regional hub. ~~Metrics to include gainful employment metrics shall be reported to the Board each semester's conclusion with demonstrable increases by April 1, 2024.~~
- Review transfer and associate programs at NIC to ensure they are aligned with regional institutions and update and modernize those that require it. This includes reviewing and evaluating existing 2+2 articulation agreements for their efficacy and demonstrable transfer success. ~~This includes improvements in agreement alignment and overall quantity of articulation agreements and quantity of institutions with which agreements exist by April 1, 2024 to foster NIC's follow-on student success.~~
- Develop, monitor, and evaluate student success metrics focused on a student-athlete academic performance that meets or exceeds the regular student body. Develop, monitor, and evaluate athletics performance evaluation metrics which will include attendance and fundraising. These metrics will be monthly reported to the Board with demonstrable improvement results by April 1, 2024 in those metrics. Develop a competitive and comprehensive intercollegiate athletics program that fosters our student-athletes' academic and athletic success, promotes school spirit, and enhances the reputation of North Idaho College as a hub of national-level athletic excellence.
- Strengthen the college's commitment to academic freedom in the classroom and freedom

of speech so that all voices can be heard in a balanced and inclusive environment that respects diverse perspectives, prevents indoctrination concerns, and develops the processes and metrics necessary to evaluate.

- Establish a strategic planning initiative that enhances educational access, academic excellence, and student success through innovative programs, strong community partnerships, comprehensive support services, and the systems and infrastructure needed for success that results in a strategic plan that meets the educational goals and needs of NIC and the community it serves into the future. ~~for the next 5 years by the end of 2024 when the current plan expires. The Board will be provided monthly status reports of progress.~~

~~<https://boardofed.idaho.gov/resources/north-idaho-college-strategic-plan/>~~

## President's Goals July 2023 – Jun 2024

- Accreditation: Work with the Board and College to ensure reaffirmation of accreditation and return to good standing with NWCCU before April 1, 2025.
- Enrollment Management, including:  
Recruiting/Enrollment/Retention: Develop, monitor, and evaluate student success metrics focused on recruitment, enrollment, retention, and persistence efforts at NIC. Enhance student success and retention rates to ensure students meet their academic objectives.
- Directly engage all community stakeholders and offer mechanisms of feedback in order to analyze how NIC is meeting the community's needs and make improvements. Engage business, industry, and education partners to strengthen NIC's reputation and offerings with metrics to include all community stakeholders.
- Update, strengthen, and align Workforce Training programs to meet community and business needs and maximize the use of our facilities with growth into a regional hub.
- Update, strengthen, and align Career and Technical Education programs to meet community and business needs and maximize the use of our facilities with growth into a regional hub.
- Review transfer and associate programs at NIC to ensure they are aligned with regional institutions and update and modernize those that require it. This includes reviewing and evaluating existing 2+2 articulation agreements for their efficacy and demonstrable transfer success.
- Develop, monitor, and evaluate student success metrics focused on a student-athlete academic performance that meets or exceeds the regular student body. Develop, monitor, and evaluate athletics performance evaluation metrics which will include attendance and fundraising. These metrics will be monthly reported to the Board with demonstrable improvement results by April 1, 2024 in those metrics. Develop a competitive and comprehensive intercollegiate athletics program that fosters our student-athletes' academic and athletic success, promotes school spirit, and enhances the reputation of North Idaho College as a hub of national-level athletic excellence.
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