

## **Board Statement re: NWCCU Investigation**

The North Idaho College Board of Trustees understands the concerns expressed in the complaint received by the NWCCU which is the subject of its investigation of NIC's fulfillment of Eligibility Requirements 7, 9 and 16. The board is committed to addressing and resolving these concerns.

The Board acknowledges that competing views regarding board authority, roles and responsibilities referenced above have resulted in board action and actions by individual board members perceived to be directing college operations. The Board recognizes that its powers, duties and limitations are established by statute and policy as outlined below. The board agrees that by Board policy and its contractual relationship with the president, college operations are appropriately the responsibility of the administration.

### ***Board authority and Delegation to the President:***

Idaho Code Section 33-2107, entitled General Powers of the Board of Trustees, lists specific powers of an Idaho community college board of trustees. The statute provides that the powers of the board of trustees is to adopt policies and regulations for its own government and the government of the college. There is no specific statutory authority contemplating that a community college board of trustees has responsibilities for operational decision-making. That power is necessarily vested with the President and administration, leaving the board the authority and responsibility to develop policies that govern the institution.

The legislature gave the board of trustees the authority to retain a president for a community college and, on the president's recommendation, appoint personnel, fix salaries, and prescribe duties. See, Idaho Code section 33-2109.

Consistent with the Idaho statutes, the NIC Board of Trustees has adopted policies regarding the governance and the responsibilities of the Board and recognizing deference to the operational authority of the President.

NIC Board Policy # 2.01.02, Responsibilities and Duties, states in relevant part as follows:

1. To determine the broad general policies that will govern the operation of the college district.
2. To select, appoint, and evaluate the president of the college who shall be responsible for the general administration and the implementation of board policies Page 4 in the on-going operations of the college. To establish a compensation package for the president.

3. 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.
4. To approve annual budgets, which includes setting tuition and fees and establishing the property millage levy rate.
5. To make final decisions regarding awarding tenure based on established policy and procedure, with the final recommendation of the president.
6. To review and approve all salary schedules annually.
7. To acquire, hold, and dispose of real and personal property.
8. To engage in and approve long-range facilities planning for campus site utilization, physical plant development, and further educational needs.
9. To act on recommendations of the college president concerning capital outlay, repairs, and maintenance for buildings, grounds, and equipment.
10. To require and consider reports from the president concerning the programs and condition of the college.
11. To consider and act on the curricular offerings of the college on the recommendation of the college president.
12. To consider and act on the regulations and other information in the college catalog.
13. To consider and act on the recommendations of the president in all matters of policy pertaining to the governance and welfare of the college and the welfare of students.
14. 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.
15. 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.
16. To issue general obligation of revenue bonds in the manner prescribed by law.
17. To periodically review the college's investment policy.
18. To select legal counsel and other professional and non-professional persons, to evaluate them periodically, and to prescribe their qualifications.
19. To accept grants or gifts of materials on such terms as may be mutually agreed upon by the college and the grantor.
20. To consider communications and requests from citizens or organizations on matters of policy.

Also see the Standards of Good Practice in Part III of Policy 2.01.02.

By policy, the College President has specific operational authority.

NIC Board Policy # 2.02.01 states as follows:

The president is appointed by the board of trustees and serves at its pleasure.

The board delegates to the president its authority and responsibility to administer the college in accordance with applicable laws and the policies, rules and regulations approved and/or sanctioned by the board of trustees.

The president provides leadership and direction to students, faculty, and staff.

The president has final administrative authority over all matters affecting the college at the operational level.

In addition to such other specific authority as has been or may be delegated to the president by the board of trustees, the president has the authority to further delegate to those college officers he or she deems appropriate.

The president is given the authority and discretion to make day to day decisions in implementing and administering the policies of the board of trustees.

As the administrative officer of the board of trustees, the position of president is subject to the terms and conditions established by the board of trustees.

The president is North Idaho College's personal representative to the community, the legislature, the governor's office, and to state institutions of public and higher education.

In all dealings with people, the president serves as the foremost example of the college's commitment to treat others with dignity, respect, and decency.

### ***Board training:***

The board recognizes that confusing and competing views regarding board authority, roles and responsibilities has had an adverse impact on the entire college community. The two newest Board members have yet to have any formal Board training. Recognizing the importance of the need for training the Board has contracted for a supervised retreat. Board training will provide an opportunity for both veteran and new trustees to learn and mutually understand the boards authority, roles and responsibilities. Consultants with Association of Community College Trustees (ACCT) will conduct a full-day board retreat on June 12, 2021 to facilitate board development. The Board is committed to engaging fully and authentically in its development process, which it understands will be an ongoing process of continuous evaluation and action.

### ***Reinstate board conduct policy:***

The board takes seriously all complaints of individual actions and transgressions by board members. It is imperative that all stakeholders have confidence that the Board and individual board members fulfill their roles in an

ethical manner, and that inappropriate board member conduct must be addressed. Board Conduct Policy 2.01.10 was adopted in 2020 by the Board to provide additional guidance regarding Board and Trustee conduct. That Policy was rescinded in November 2020 and is currently under revision by the direction of the Board. The rescinding of this policy has generated concern among the campus constituent groups resulting in expressions of no confidence. Recognizing this need, the board has reinstated Policy 2.01.10 (Board Conduct) with amendments, pending completion and adoption of the revisions now being developed.

***Consideration of the views of constituent groups:***

The board values and affirms the legitimate role, both formal and informal, that the faculty, staff, administrators and students have on matters in which each has a reasonable interest. It understands that the views of these constituent groups must be authentically considered.

Recognizing the value of constituent groups and the general public the Board adopted Policy 2.01.05 some time ago.

The policy provides in relevant part that it will be the practice of the board of trustees to utilize the advice of all interested individuals and groups in the solution of its educational and financial concerns, although the board alone will be the final policy agent.

The president is North Idaho College's official voice and the general agent through whom members of the college community, faculty, staff, and students normally address communication to the board of trustees. These presidential functions are established in custom, and in board policy. It is therefore, regular operating procedure for official communications to the board of trustees that originate within North Idaho College to be routed through administrative channels.

It is the policy of the board that the faculty and staff use their respective governance structure, in bringing matters of interest before the board. As such, they should report their concerns, suggestions, etc. to their immediate supervisor or committee representative and request that they be carried forth through the appropriate communication channels to the board by the president, or president's designee if necessary.

Relevant to the current complaint, the board has reviewed the resolutions it received from the Faculty and Staff assemblies, the College Senate, and the Associated Students of North Idaho College. The Board is addressing these concerns through the training addressed above, the acknowledgments made in this response and the Board's readoption of Policy 2.01.10 as amended.

**Address board leadership:**

The board recognizes that the complaint references allegations of significant misconduct by the board chair. Specific details of the alleged misconduct are largely contained in two communications received by the board from the college president. As such, the board is committed to working through the issues raised by the president in order to satisfactorily address the scope of the NWCCU investigation. The Board agrees to readdress the Board leadership roles.

Signed:

Todd Banducci, Trustee

*Todd M. Banducci*  
Todd M. Banducci (May 27, 2021 16:25 PDT)

Greg McKenzie, Trustee

*Greg McKenzie*  
Greg McKenzie (May 27, 2021 16:20 PDT)

Michael Barnes, Trustee

*Michael Barnes*  
Michael Barnes (May 27, 2021 17:15 PDT)

Christie Woods, Trustee

*Christie Wood*  
Christie Wood (May 27, 2021 16:52 PDT)

Ken Howard, Trustee

*Kenneth Howard*  
Kenneth Howard (May 27, 2021 13:32 PDT)













# FINAL - ACCREDITATION INQUIRY RESPONSE - 27May2021

Final Audit Report


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