



North Idaho College

Board of Trustees Meeting

November 20, 2023

Edminster Student Union Building

Amended 11-17-23

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 6:00 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.

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.”

AMENDED AGENDA

5:00 p.m. Driftwood Bay Room

- Convene/Call to Order/Verification of Quorum Greg McKenzie
- Executive Session* under Idaho Code § 74-206(1)(f) Litigation
Action: Discussion/Decision Regarding Litigation with Insurance Panel Counsel.....Greg McKenzie
- Executive Session* under Idaho Code § 74-206(1)(f) Litigation
Action: Discussion/Decision Regarding Investigation and Imminent LitigationGreg McKenzie
- Executive Session* under Idaho Code § 74-206(1)(b) Evaluation
Discussion: Presidential EvaluationGreg McKenzie
- Executive Session* under Idaho Code § 74-206(1)(b) Employee Contract
Discussion/Action: Dr. Gregory South Contract..... Greg McKenzie

6:00 p.m.** Lake Coeur d’Alene Room / Zoom: <https://nic.zoom.us/j/84195213568>

- Convene/Call to Order/Verification of Quorum Greg McKenzie
- Pledge of Allegiance.....Greg McKenzie
- Public CommentGreg McKenzie
- Celebrating Success: Math Contest Nick Swayne / Damian Caires / Susanne Bromley

➤ **CONSTITUENT REPORTS**

- ASNIC Michael Habermann
- Faculty Assembly Kathleen Miller-Green
- Staff Assembly Matt Piekarski
- Senate Matthew Nolan

➤ **PRESIDENT'S REPORT** Nick Swayne

➤ **INFORMATION ITEMS**

- Enrollment Fall Report Nick Swayne / Tami Haft
- Development Report Nick Swayne / Rayelle Anderson
- Recruitment/Marketing Nick Swayne / Tami Haft / Tom Greene
- Security Update Nick Swayne / Alex Harris

➤ **CONSENT AGENDA**

- Tab 1: Action: Approve Consent Agenda Items Greg McKenzie
 - a. Board Development/Training Retreat Minutes for October 23, 2023
 - b. Board Regular Meeting Minutes for October 25, 2023

➤ **UNFINISHED BUSINESS**

- Action: Discussion/Decision Investigation Report Greg McKenzie
- Action: Discussion/Decision President Evaluation(s) Greg McKenzie

➤ **NEW BUSINESS**

- Tab 2: Action: Board Officer Elections Greg McKenzie
- Tab 3: Action: Accept Fiscal Audit 2023 Nick Swayne/Sarah Garcia
- Tab 4: Discussion/Action: Board Policy Subcommittee Mike Waggoner / Tarie Zimmerman
 - a. First Reading/Action: Policy 2.01.09 (Trustee Emeritus Status)
 - b. First Reading/Action: Policy 2.01.14 (Creation, Revision, or Elimination of Internal Board Governance Policy and Procedure)
 - c. Discussion/Action: Subcommittee Recommendation to Board Regarding Suggestion for Policy on College Memberships
- Tab 5: Discussion/Action: Policy 7.01.04 (Continuous Professional Service Contracts).... Greg McKenzie
- Discussion/Action: NIC Memberships Greg McKenzie
- Discussion/Action: February ACCT Conference: National Legislative Summit Greg McKenzie
- Action: ACCT Additional Assistance Greg McKenzie
- Action: Board Negotiations Greg McKenzie
- Discussion/Action: Reschedule January 2024 Board Meeting and Training Greg McKenzie
- Action: Board Statement(s) / Response to Constituent Groups Greg McKenzie

➤ **REMARKS FOR THE GOOD OF THE ORDER*****

➤ **ADJOURN**

* 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 6:00 pm and will not begin earlier than 6:00 pm, but may convene after 6:00 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/>)

North Idaho College
Actual Monthly Income Statement
Fiscal Year 2024

	Annual	October			YTD Act %	YTD BUDGET	YTD Variance	% Variance
	Budget	Projected	Actual	YTD	Total Budget	To Budget		
Operating Revenue								
Academic Tuition and Fees	6,099,056	828,271	1,256,605	2,351,122	39%	1,844,784	506,338	27%
Professional Technical Tuition and Fees	1,702,597	231,217	364,258	633,582	37%	514,983	118,599	23%
Dual Credit Tuition	1,258,418	170,896	2,400	223,897	18%	380,633	(156,736)	-41%
Summer Session Tuition	570,000	-	-	256,789	45%	288,077	(31,288)	-11%
Total Operating Revenue	9,630,071	1,230,384	1,623,263	3,465,390	36%	3,028,477	436,912	14%
State & Local Revenue								
State General Fund Allocation	14,982,400	1,248,533	1,248,533	4,994,133	33%	4,994,133	-	0%
State CTE Allocation	6,559,667	546,639	546,639	2,186,556	33%	2,186,556	-	0%
Liquor Tax	200,000	50,000	-	50,000	25%	100,000	(50,000)	-50%
Kootenai County Levy	17,820,607	1,485,051	1,485,051	5,940,202	33%	5,940,202	-	0%
Misc Tax Receipts	850,000	10,570	26,335	590,977	70%	292,606	298,371	102%
Out of District Tuition	514,520	69,873	50,300	139,656	27%	155,626	(15,970)	-10%
Total State and Local Revenue	40,927,194	3,410,666	3,356,857	13,901,525	34%	13,669,124	232,401	2%
Other Non Operating Revenues								
Dedicated Fee Revenue (Athletics)	133,215	11,101	-	71,724	54%	44,405	27,319	62%
Service Unit Revenues	320,868	26,739	28,636	61,636	19%	106,956	(45,320)	-42%
Other Non Operating Revenues	1,105,770	24,725	252,324	783,502	71%	73,129	710,374	971%
Total Other Non Operating Revenues	1,559,853	62,565	280,960	916,862	59%	224,490	692,372	308%
Total Revenues	52,117,118	4,703,615	5,261,081	18,283,776	35%	16,922,091	1,361,686	8%

Interest Income

**North Idaho College
Actual Monthly Income Statement
Fiscal Year 2024**

	Annual	October			YTD Act %	YTD BUDGET	YTD Variance	% Variance
	Budget	Projected	Actual	YTD	Total Budget	To Budget		
Exepenses								
Payroll								
Administrative	634,770	52,898	70,971	283,883	45%	211,590	72,293	34%
Professional	8,517,233	712,228	686,039	2,674,425	31%	2,824,620	(150,194)	-5%
Faculty Tenured/Tenure Track	9,019,772	976,254	747,890	1,900,876	21%	2,124,042	(223,166)	-11%
Faculty Special Appointment	570,306	63,367	91,896	229,741	40%	126,735	103,006	81%
Faculty Part Time	1,844,700	204,967	187,547	462,063	25%	409,933	52,129	13%
Faculty Part Time Benefitted	1,214,400	134,933	86,369	311,291	26%	269,867	41,425	15%
Classified	5,507,049	472,315	356,829	1,350,919	25%	1,781,484	(430,565)	-24%
Classified/Student (no bens)	998,134	86,567	90,598	280,119	28%	319,156	(39,037)	-12%
Total Payroll	28,306,364	2,703,529	2,318,139	7,493,318	26%	8,067,426	(574,108)	-7%
Benefits								
Taxes	2,146,850	206,820	148,464	567,728	26%	617,158	(49,430)	-8%
Retirement (Persi/ORP)	3,052,965	286,682	207,013	820,063	27%	889,920	(69,857)	-8%
Medical/Dental	4,905,082	408,757	328,316	781,568	16%	1,635,027	(853,459)	-52%
Workers Comp/Unemployment	313,064	27,035	13,673	52,615	17%	80,674	(28,059)	-35%
Other	45,000		-		0%	-	-	-
Total Benefits	10,462,961	929,294	697,467	2,221,975	21%	3,222,780	(1,000,805)	-31%
General Expenses								
Travel (Incl Staff Development)	878,616	104,365	140,057	303,501	35%	352,841	(49,340)	-14%
Supplies	786,904	84,065	108,498	368,473	47%	320,469	48,005	15%
Repair and Maintenance Expense	1,390,594	182,120	52,194	882,418	63%	1,118,692	(236,274)	-21%
Professional Services/Contracts	1,488,731	347,194	247,700	750,021	50%	666,333	83,688	13%
Communications	502,897	40,542	36,918	154,970	31%	162,858	(7,889)	-5%
External Relations (Incl Advertising)	387,989	39,959	56,352	153,605	40%	108,199	45,406	42%
Tuition Remission/Grant In Aid	864,274	9,382	30,813	464,455	54%	96,421	368,034	382%
Utilities	1,010,140	87,929	78,447	279,533	28%	352,280	(72,747)	-21%
Rent	230,284	-	17,620	66,490	29%	57,571	8,919	15%
Deferred Maintenance	231,900	-	22,725	43,662	19%	57,975	(14,313)	-25%
Insurance	1,150,000	-	969,893	1,379,643	120%	1,085,000	294,643	27%
Capital Investment Reserve Contribution	2,588,111				0%	647,028	(647,028)	-100%
Other Variable Expenses	2,649,807	187,638	758,036	1,001,735	38%	1,055,450	(53,715)	-5%
Total General Expenses	14,160,247	1,083,194	2,519,252	5,848,507	41%	6,081,117	(232,609)	-4%
Equipment	1,153,190	5,702	32,785	263,153	23%	295,069	(31,916)	-11%
Total Expenses Prior to Capital Investment	54,082,761	4,721,719	5,567,643	15,826,953	29%	17,666,391	(1,839,439)	-10%
Net Income From Operations	(1,965,644)	(18,104)	(306,562)	2,456,823	-125%	(744,301)	3,201,124	-430%
Capital Investment Reserve Expenditures								
	-	-	-			-	-	-
Total Expenses	54,082,761	4,721,719	5,567,643	15,826,953	29%	17,666,391	(1,839,439)	-10%
Net Income	(1,965,644)	(18,104)	(306,562)	2,456,823		(744,301)	3,201,124	-430%
Budgeted Fund Balance Support	1,965,644	382,970				601,881	(601,881)	

PT Faculty to help cover open positions
PT Faculty to help cover open positions
Vacancies and Turnover

Legal Fees

Actual is 54% of Annual Budget and includes
unbudgeted increase for NJCAA Scholarships.

Reflects 12 month premium amount (full year)
Only contributed quarterly

BOARD OF TRUSTEES MEETING
November 20, 2023

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.)

SECONDED BY: _____

Roll call: _____ Banducci
_____ Corkill
_____ McKenzie
_____ Waggoner
_____ Zimmerman

CONVENE AT: _____ ADJOURN AT: _____

BOARD OF TRUSTEES MEETING
November 20, 2023

TAB 1

SUBJECT: Consent Agenda Items

BACKGROUND:

Included as Tab 1 Attachment A are the Board Development/Training Minutes for October 23, 2023

Included as Tab 1 Attachment B are the Board Regular Meeting Minutes for October 25, 2023

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 SPECIAL MEETING: DEVELOPMENT & TRAINING RETREAT

Edminster Student Union Building, Driftwood Bay Room

October 23, 2023

MINUTES


ATTENDANCE:

Nick Swayne, President
Chair Greg McKenzie
Trustee Brad Corkill
Trustee Tarie Zimmerman
Steve Kurtz, Accreditation Liaison Officer
Ken Burke, ACCT Consultant
Debbie DiThomas, ACCT Consultant

- Chair McKenzie began the meeting at 3:22 p.m.
- A draft of the Metrics for President's 2023-24 Goals was distributed to the trustees. President Swayne explained each of the metrics in detail. A discussion ensued regarding reporting frequency.
- Dr. Kurtz spoke of NIC's preparation for the upcoming NWCCU site visit. He reviewed the general logistics and meeting schedules. Dr. Kurtz also provided examples of how the trustees can provide evidence of improved board governance to the accreditation team.
- Ken Burke and Debbie DiThomas asked the trustees to consider whether they would like to continue the ACCT training sessions and a brief discussion ensued. Dr. DiThomas reviewed suggested activities for successful achievement of the board goals. She requested that the trustees consider additional actions for achieving the goals and bring their ideas to the next training session.
- The meeting was concluded at 5:25 p.m.

Respectfully Submitted,
Suzy Scura, Board Clerk

Tab 1 Attachment B

 **North Idaho College**
BOARD OF TRUSTEES MEETING
Edminster Student Union Building
October 25, 2023
MINUTES

CALL TO ORDER AND VERIFICATION OF QUORUM

Chair Greg McKenzie reconvened the meeting at 6:04 p.m. and verified that a quorum was present. He next welcomed attendees and led them in the Pledge of Allegiance.

ATTENDANCE

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

Also present: Nick Swayne, President
Colton Boyles, College Attorney
Art Macomber, Attorney

PUBLIC COMMENT

Name	Topic
Robert Shepler	Accreditation
Greg Green	Accreditation
Caryn Shepler	Board Goals
Joe Jacoby	Board Response to Constituency Groups
Jamie Berube	Constituent Reports/Accreditation
Teresa Borrenpohl	Accreditation

Celebrating Success

Pat O'Halloran, Interim Chair, Trades and Industry Division and Andy Rogge, KTECH Dual Credit Instructor, provided an overview of the recent Rathdrum Rumble car show held at Parker Center. Upwards of 200 people were in attendance at this strategic recruiting event which was designed to showcase the facility, enhance community engagement and raise funds to assist students in attending the upcoming Skills USA competition. Photographs from the event are included as an addendum to these minutes.

CONSTITUENT REPORTS

ASNIC

ASNIC President Michael Habermann introduced the final senate member elected to ASNIC. He stated that the hammocks have been installed but will soon be put away for the winter. Michael advised that the student government constitution is being reviewed, a leadership retreat is being planned and he reported on increased student involvement at a recent campus event. He and ASNIC Vice President Tom Hersey met with the SBOE and other student government leaders in Lewiston, ID to hear differing perspectives regarding student leadership. Michael read a resolution which was unanimously passed earlier in the week. The resolution is attached as an addendum to these minutes.

Faculty Assembly

Chair Kathleen Miller-Green reported on items of business conducted at the most recent meeting, and discussed the Faculty Assembly's plan for the upcoming NWCCU visit. She also provided a response to the Board regarding Dr. South's contract. The Faculty Assembly's written statement and supporting documentation is included as an addendum to these minutes.

Staff Assembly

Chair Matt Piekarski outlined the discussions held at the most recent meeting: review of staff salary by-laws, plans for the NWCCU visit, and vacancies on standing college committees. Chair McKenzie relayed that in the near future, the Board will provide a response to the Staff Assembly's concern of a recent appeal.

Senate

Jason Droesch reported that the Senate voted to reject the proposed revisions to Policy 7.01.04 received from the Board of Trustees. He said that the Senate is returning the policy to the Board of Trustees with all comments. Mr. Droesch presented a new Senate resolution to the board, spoke about past Senate resolutions and provided updates on other Senate activities. The Senate Assembly's response and new resolution is included as an addendum to these minutes.

PRESIDENT'S REPORT

Dr. Swayne updated the trustees on the ongoing preparation for the upcoming NWCCU visit, recruiting efforts, fall tuition revenue budget, grants and external funding, campus security audit, and the Idaho Launch implementation. He reported that intelligent.com ranked NIC as the best community college in Idaho. President Swayne announced that faculty member Carla Mitchell received the General Education Innovative Educator Award for Excellence in Teaching General Education, specifically in the area of mathematical ways of knowing. He also spoke to general topics such as college level nonprofit memberships, performing arts, athletics, and upcoming meetings with SWAC.

INFORMATION ITEMS

Enrollment Update

Tami Haft, Dean of Enrollment Services provided a high level overview of NIC's fall enrollment based on the October 15th census date. Her presentation is included as an addendum to these minutes.

CTE Update

Vicki Isakson, Dean of Workforce Education shared a brief update about the career and technical education programs that she supervises. Her presentation is included as an addendum to these minutes.

Finance Update (Investment, Capital, Facilities)

Sarah Garcia, Vice President of Finance and Business Affairs, introduced the first finance update in the recurring reports series. Her presentation is included as an addendum to these minutes.

Strategic Plan Update

President Swayne reported that NIC has contracted with a consulting firm that will assist the college in creating a strategic plan. The consultants are planning their first site visit for the end of November.

Board Policy Subcommittee Update

Trustee Waggoner provided a status of the policy subcommittee's successful progress to date. He said that all policies have been reviewed and new policies have been created. He stated that these accomplishments address the NWCCU's accreditation concerns regarding policies. Trustee Waggoner reported that the subcommittee decided against creating a policy in regards to institutional non-profit memberships.

CONSENT AGENDA

Chair McKenzie requested a motion from the board to adopt the consent agenda as presented. Trustee Corkill made the motion. Trustee Zimmerman seconded the motion which was carried with four votes in favor.

BREAK 8:18 p.m. – 8:27 p.m.

UNFINISHED BUSINESS

Tab 2: Board Response to Constituent Groups

Chair McKenzie brought the Board's attention to the board response document which he distributed to the board at the beginning of the meeting. You necessarily have to pay attention to the following appendix and such is to help the community just be situational awareness of going why the board response essentially is a response to something else. He explained that he is the sole author of the document and spoke about the appendix. A break was called so that the trustees could adequately review the response. Following the break, the Chair made the motion for the board to approve the board response to the constituent groups. Trustee Waggoner seconded the motion for discussion. Following discussion, the Chair called for a vote. The motion was carried with three votes in favor and zero against.

Tab 3: Approve President's Goals Metrics

President Swayne explained that the metrics were reviewed extensively at the public board development session earlier in the week. He reminded the board that the metrics are a work in progress and requested that each trustee review the materials in the board packet.

Tab 4: Approve Head Start Bylaws

Sarah Garcia provided a short background on Head Start Governance. Beth Ann Fuller explained the one specific change that the Policy Council parents made to their bylaws for the Board's consideration: that they would like to add a member at large.

Following a short discussion, Chair McKenzie requested that a Board member make the motion to approve the Head Start bylaws. Trustee Waggoner made the motion which was seconded by Trustee Corkill. The motion was carried with four votes in favor, one vote against.

Tab 5: Approve 2023-2024 Board Goals

Chair McKenzie made the motion to approve the 2023-2024 Board Goals. The motion was seconded by Trustee Waggoner. The motion was carried with three votes in favor and zero against.

Tab 6: Approve 2024-2025 Board Regular Meeting Calendar

Chair McKenzie requested that a board member make a motion to approve the 2024-2025 Board Regular Meeting Calendar. Trustee Waggoner made the motion which was seconded by Trustee Corkill. The motion was carried with three votes in favor and zero against.

Discussion/Decision Investigation Report

Chair McKenzie made the motion to table the last two agenda items. The motion was seconded by Trustee Waggoner. The motion was carried with three votes in favor and zero against.

Discussion/Decision Regarding Scheduling President's Evaluations Pursuant to Policy 2.02.02

Item tabled.

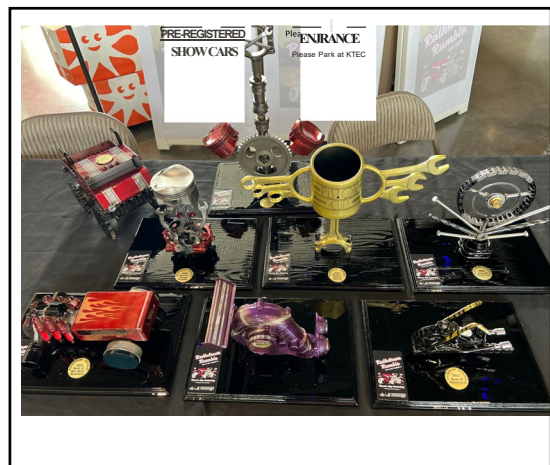
REMARKS FOR THE GOOD OF THE ORDER

Trustee Banducci referenced a positive article in the Coeur d'Alene press which highlighted new Head Women's Basketball Coach, Nate Covill. He spoke about activities at the recent ACCT conference in Las Vegas.

Mike Waggoner also referenced the recent ACCT conference and the topics covered at the various seminars.

The meeting was adjourned at 8:42 p.m.

Respectfully Submitted,
Suzy Scura, Board Clerk



ASNIC Resolution

Rebuilding Confidence: A Resolution for Improved Governance

By Michael J Habermann, ASNIC President

Sponsored by the ASNIC Student Government

WHEREAS, The Associated Students of North Idaho College has previously passed a vote of no confidence that was acknowledged by the Board of Trustees. This resolution was passed due to lack of integrity, not looking towards the best interests of the college, and lack of transparency in placing North Idaho College President Swayne on administrative leave

WHEREAS, The Board of Trustees, have participated in training from the ACCT for several months and have shown improvement in several areas since December of 2022

WHEREAS, The Board of Trustees, have taken President Swayne off administrative leave and voted not to oppose summary judgment in the SWAYNE v. NIC lawsuit from placing him on administrative leave (NWCCU Recommendation 1)

WHEREAS, Trustees Mike Waggoner and Tarie Zimmerman have been working on board policy with Dr. DiThomas and President Swayne (NWCCU Recommendation 5)

BE IT RESOLVED, ASNIC acknowledges that we must have a president of the college who was chosen by relevant stakeholders and is respected by students, staff, and faculty. Currently, that President is Dr. Nick Swayne

BE IT RESOLVED, ASNIC requests the board follow ACCT and NWCCU Guidelines based on the ACCT's June letter with areas of concern and the NWCCU July extension letter,

namely the board needs to focus on policy and not operations of the college that is not within their purview (NWCCU Recommendation 1 and 5)

BE IT RESOLVED, President Swayne was one of the elected candidates chosen by relevant stakeholders and the Board of Trustees hired him via that process. The Board of Trustees must work with the college president and not against him for the good of NIC (NWCCU Recommendation 1, 3, 6, 7, 10, 11)

BE IT RESOLVED, the Board of Trustees will not involve itself in the operations of the college. That is, the Board of Trustees shall work with the president and provide support to help the president achieve the goals mutually agreed upon by both the board and the president (ACCT Guideline 1, NWCCU Recommendation 9)

THEREFORE: ASNIC will withdraw our vote of no confidence if the "BE IT RESOLVED" clauses are addressed and fulfilled (NWCCU Recommendation 2)

Author's Signature: Michael J. Hakenmann

ASNIC President's Signature: Michael J. Hakenmann Date: 10/24/23

Ruling: # For: 8 # Against: 0

Abstaining: 0

COPIES OF THIS RESOLUTION SHALL BE SENT TO

- The Sentinel
- Dr. Nick Swayne, NIC's President
- Alex Harris Dean of Students
- NIC Board of Trustees

October 25, 2023 NIC Board of Trustees Meeting Faculty Assembly Chair Report

Good evening Chair McKenzie, Trustees, President Swayne, local community members, and our exceptional faculty and staff and students.

At the October 12, 2023 Faculty Assembly meeting we addressed the following items of business:

Standing reports from Senate, SLOA, Advising, and Adjunct Committee were presented.

Assistant Professor of Theater, Erick Wolfe was featured in “Faculty Celebrations”, and related to the assembled faculty information about the student-written musical production based on *Pride and Prejudice*, called *Pride v. Prejudice*, which opens tomorrow – October 26th and runs through October 29th. All are invited to come see what our students can do with exceptional faculty guidance and support!

Hannah Reichart from the NIC TRIO program presented to faculty about the important work we can cooperatively engage in on behalf of our first generation, low income or disabled TRIO students. A great reminder of the targeted and generous support NIC provides to our students.

The Chair report primarily addressed two topics: 1) the ongoing work updating the committee/college service lists and charters, as well as the need for faculty for the new Academic Freedom Committee and the restructured Faculty Course Evaluation Committee and 2) the upcoming NWCCU Site Visit, next week October 30-November 1st.

Currently, the updating of the faculty participation on committees and college service is well under way. Once all committees and college service assignments are verified, and goals/charters are identified, the updated spreadsheet will be sent to Division Chairs to ascertain if faculty are fulfilling contractual obligations for college service. The Academic Freedom committee has been filled, and we await two additional Faculty to complete filling the Faculty Course Evaluation Committee. Once those slates are full, Dr. Sherry Simkins will help to launch those groups with work on their goals/charters and identify the parameters and guidelines for the committee work.

Regarding the NWCCU site visit: at the September 12th meeting, we were working under the assumption that there would be open forums for faculty, staff and students as there was in April 2023. Faculty was reminded to thoroughly review the recommendations of the July 7th Extended Sanction of Show Cause letter, as well as the NWCCU Eligibility Requirement links on the NIC NWCCU webpage, and advised to use these sources of documentation when creating statements for the NWCCU. Our intent was to hold several meetings in the weeks prior to the NWCCU visit to gather faculty input and present a unified and targeted approach to preparing for the NWCCU visit.

At the President's Advisory Council (PAC) meeting on October 17th, it was announced that the NWCCU had developed the structure of the site visit agenda, which does not include open forums for any of the constituency groups – but rather scheduled meetings with the leadership of each group. In response, Faculty Assembly Executive Committee quickly organized three opportunities for faculty to attend in person or by Zoom to discuss the items, content, and documentation for any comments to be discussed during the scheduled Monday, October 30th 3:00 p.m. NWCCU meeting with Faculty Assembly Executive Committee. Meetings were held on Friday, October 20th at 10:00 a.m.; Monday, October 23rd at 1:00 p.m. and Wednesday, October 25th at 2:00 p.m. Faculty was also able to send comments and topics to the Chair via email. A total of 64 faculty members participated in one or more meetings, or submitted comment via email or phone.

Faculty Assembly Executive Committee met after the third group meeting this afternoon to collate and organize faculty comments and documentation. All comments and information prepared for the NWCCU site visitors will be linked to NIC Policy, Idaho State Law, NWCCU Eligibility Requirements and/or the recommendations received in the July 7th, 2023 Extended Sanction of Show Cause letter.

My last report item is a response to the request by Trustee Banducci at the September 27th, 2023 regular Board of Trustees Meeting. After hearing the Staff Assembly Chair's report, where NIC Staff affirmed the action items recommended by Faculty to start to address the Votes of No Confidence, Trustee Banducci – referring to the third point in those statements about a buy-out for Dr. Gregory South's contract - stated, *"If you have the formula on how to buy out a President's contract, please bring it to me. Or bring it to us. You keep asking us to buy out a President's contract. So, tell me how you do it."*

In response, I would like to share Dr. Gregory South's Employment Contract, created by attorney Art Macomber, and signed by both Dr. South and Chair Greg Mackenzie on December 21, 2022. Of particular pertinence to Trustee Banducci's request are *Section 4 – Renewal and Resignation*, and *Section 12 – Termination of Agreement* both highlighted as shown (Show Attachment 1: Employment Agreement Interim President of North Idaho College).

In Section 4 of Dr. South's employment agreement, Art Macomber required that there be a review of the agreement *"before the end of the fiscal year"*, which was June 30, 2023. And that this review would determine *"whether to extend this Agreement an additional year (with or without additional modification). Such review shall be accomplished to allow time for Board discussion and action at a properly noticed Board meeting."* A review of the Board Book and Agenda for the June 7th, 2023 Board of Trustees meeting (including the motioned and seconded emergency amendment to the agenda at the June 7th meeting) showed no reference to a review of Dr. South's agreement, nor discussion, nor a vote to continue the employment agreement another year, as required by the signed agreement.

In Section 12 – Termination of Agreement, of Dr. South’s employment agreement, Art Macomber details in five subsections the options, procedures and timeline for both termination of the agreement and buyout provisions.

Not being an attorney, I cannot state definitively, but it would appear that the continuance of Dr. South’s contract past June 30, 2023 constitutes a violation of the provisions of this employment agreement. If a way can be found to legally justify the extension of the employment agreement past June 30th, then the clearly outlined provisions of Section 12 of the employment agreement should provide more than ample direction and authority to terminate and/or buy out Dr. South’s contract. This action would directly address the July 7th, 2023 NWCCU Recommendations 2, 3, 10 & 11; and NWCCU Standard 2.A.3 concerning having only one CEO, Dr. Nick Swayne, with full-time responsibility to the institution.

With those report items, I am now open for questions.

Attachment #1: Employment Agreement for Dr. Greg South

EMPLOYMENT AGREEMENT

INTERIM PRESIDENT OF NORTH IDAHO COLLEGE

THIS AGREEMENT is made effective on or before December 21, 2022, by and between North Idaho College ("NIC" or the "College") and Dr. Gregory South, PhD ("Interim President"). The parties hereby agree as follows:

Section 1. Purpose

This document reflects the Agreement between the Interim President and the Board of Trustees of North Idaho College (the "Board") as to the terms of the Interim President's employment at North Idaho College (the "Agreement").

Section 2. Responsibilities

The Interim President is appointed by the Board as the Chief Executive Officer of NIC and reports directly to the Board. The Interim President is authorized and responsible for the administration of NIC and has authority over all matters affecting NIC at the operational level, in accordance with applicable laws as well as the policies, rules and regulations approved and/or sanctioned by the Board, subject to the Board's guidance under Idaho law as passed by Motions at Board Meetings. In addition to the foregoing, the Interim President shall also be responsible for carrying out all duties requested by the Board. In carrying out these duties, the Interim President recognizes the need for effective and consistent communication with the entire Board.

Section 3. Term

The term of this Agreement will commence on December 21, 2022 and will continue at least until June 30th, 2024, unless terminated consistent with Sections 4.2 or 12.

Section 4. Renewal and Resignation

4.1. The Parties agree that the Interim President and the Board will review this Agreement before the end of each fiscal year so that the Board and the Interim President may decide and agree whether to extend this Agreement an additional year (with or without additional modification). Such review shall be accomplished to allow time for Board discussion and action at a properly noticed Board meeting. Neither the initial term of this Agreement nor any extension thereof shall be construed to create or be evidence of contractual continued service or tenure of the Interim President as an administrator under any provisions, policies, or rules extrinsic to this Agreement. "Annual," for purposes of this Agreement means an NIC fiscal year beginning July 1 and ending June

30 of the following year. The term may be extended by the Board, consistent with Section 4.

4.2. In the event the Interim President wishes to terminate this Agreement at the end of its initial term, he shall notify the Board in writing no later than May 30th 2024. If the Interim President wishes to terminate any extension of this Agreement, he shall notify the Board in writing no later than May 30th in the fiscal year preceding the fiscal year of the desired termination date.

NIC has no duty to renew this Agreement at the expiration of the term. This Agreement will not automatically renew. The Board may, in its sole discretion, extend the Agreement for an additional term or time period as determined by the Board.

Section 5. Compensation

5.1. NIC will pay the Interim President an annual base salary of \$235,000.00, which amount will be earned and payable biweekly. Given the current NIC and community environment, a \$35,000 signing bonus will be paid the Interim President by January 31, 2023.

5.2. NIC will make an annual retirement contribution equal to 15% of the Interim President's base salary, to the Interim President's supplemental retirement account. Payment into such an account will be earned and made biweekly in conjunction with payroll. Any employee payroll taxes resulting from this contribution will be withheld in connection with the Interim President's base salary, unless he chooses a pre-tax retirement account to be funded. There is no right to unearned amounts if this Agreement is terminated prior to expiration of the term.

5.3. The Interim President will have a housing allowance of \$3,000 per month, payable biweekly. The Interim President shall receive reimbursement for up to \$27,000 for reasonable moving expenses documented with receipts to exit his current residence and set up residence in Idaho.

Section 6. Employee Benefits

6.1. The Interim President shall receive 24 annual vacation days, accruing at a rate of 2 days per month. Accrued vacation days may carry over into the following fiscal year, however, total accumulated vacation time will not exceed 30 days (240 hours).

At the end of every fiscal year, any vacation hours accumulated over 240 hours from that fiscal year will be paid out to the Interim President. The Interim President will be paid for such accrued and unused vacation days using a proration based on the Interim President's annual base salary's hourly rate. The Interim President shall notify the Board

at least two weeks prior to taking vacation and the Board, in its discretion, may require such plans to be deferred as the Board deems appropriate for that calendar period. The Interim President is entitled to be paid for holidays recognized by NIC.

6.2. The Interim President is entitled to annual sick leave in accordance with NIC Policy and Idaho Code.

6.3. The Interim President shall receive all other benefits available to NIC employees. The Interim President will receive an NIC-paid family health insurance policy.

Section 7. Automobile

The Interim President shall furnish his own automobile, and shall be liable for all maintenance, repairs, insurance, and operating expenses, including fuel costs. The College shall reimburse the Interim President for all in-district and out-of-district travel using his own personal vehicle for College business at the then-applicable IRS personal vehicle used for business rate in effect at the time of travel.

Section 8. Professional Development

The Interim President shall be eligible to attend and participate in educational conferences, conventions, workshops, seminars, and similar professional activities and events, subject to reasonable prior review and pre-approval by the Board Chair, giving adequate consideration to NIC's calendar affected by such time away. The College shall reimburse the Interim President for reasonable out-of-pocket expenses incurred by the Interim President and his significant other in connection with such approved activities and events consistent with College procedures and practices.

Section 9. Expenses

9.1. The Board agrees that the College will pay the Interim President's reasonable travel expenses, hotel bills, per diem meals, and other travel-related expenses incurred when the Interim President is traveling on NIC business. The responsibilities of the Interim President include attendance (sometimes with significant other) at various community events, hosting events, and entertainment reasonably calculated to promote the College. Reimbursement will be consistent with College procedures and practices.

9.2. The College will provide the Interim President with appropriate electronic and technical equipment such as a laptop computer and reasonable accessories to assist the Interim President in performing his duties.

Section 10. Outside Professional Activities

Subject to the Board's prior approval, which shall not be unreasonably withheld, the Interim President may undertake outside professional activities, including, without limitation, consulting, speaking, and writing. Such activities may be performed for consideration provided they do not interfere with the Interim President's normal duties. The Interim President agrees not to engage in any other employment or activity, whether or not for remuneration, that is inconsistent, incompatible, in conflict with, or inimical to the Interim President's duties, responsibilities, functions, or policies of the College.

Section 11. Performance Review

The Board shall review the Interim President's performance annually in accordance with NIC policy. The Board may also elect to have more frequent reviews (for example, semiannual or quarterly reviews) as determined by the Board in its discretion.

Section 12. Termination of Agreement

12.1. This Agreement may be terminated by mutual agreement, for no cause by either party with conditions, or for cause by NIC. If the termination is for cause and initiated by the Board, the parties agree that a buyout will be paid to the interim president as set forth in paragraph 12.5. If for cause, such cause shall be stated in the notice of termination, which must be delivered to the non-terminating party at least thirty (30) days prior to taking effect.

12.2. If, during its term, this Agreement is terminated by the Interim President without cause, the termination shall become effective thirty (30) days after receipt by NIC of the written notice of termination. If, during its term, this Agreement is terminated without cause by NIC, the Interim President will be paid an amount equal to twelve (12) months of his base pay. The obligations of both parties under this Agreement cease on the termination date, except for payments due the Interim President from NIC under Sections 5, 6, 7, 8, 9, and the buyout provisions contained in this paragraph 12.2 and in paragraph 12.5. The Board may, in its discretion, place the Interim President on administrative leave during part or all of such a 30-day notice period. The Board's power to impose administrative leave for other purposes is not limited to the employment termination circumstances outlined in this paragraph.

12.3. This Agreement may be terminated for cause by the Board, subject to subsection 12.4 and 12.5 below, if a Board majority in its sole and reasonable discretion determines that: (1) the Interim President has failed or refused to act in accordance with a material provision of this Agreement or any lawful directive or order of the Board; (2) the Interim President has exhibited gross misconduct or dishonesty in regard to his

employment; (3) the Interim President has been accused of a crime and clear and convincing written evidence shows dishonesty, breach of trust, or physical harm to any person or property; (4) the Interim President becomes incapacitated and cannot perform essential functions of the position; or (5) the Interim President has acted in bad faith to the detriment of NIC.

12.4. In the event of termination for cause, the Board shall provide the Interim President a written statement of its intent to terminate and its reasons for considering termination. Before the Board makes a final decision and within ten (10) calendar days of the Interim President's receipt of the Board's written statement, the Interim President is entitled to meet personally or by Zoom with the Board in executive session. The Interim President may present any evidence to the Board to rebut the stated reasons for the termination. After the Interim President has had an opportunity to respond to the stated reasons for termination, the Board will make a final decision by a majority vote at the next public meeting outside of executive session.

12.5. In the event of termination by the Board with cause, the Interim President shall be entitled to be paid his annual base salary for the remainder of the term, or for three (3) months, whichever is less, as well as the payments due under sections 5, 6, 7, 8 and 9 up to the date of termination.

Section 13. Governing Law and Dispute Resolution

This Agreement will be governed, construed, and enforced according to the laws of the State of Idaho. If either party disputes the application of this Agreement's language and informal conversation without Board deliberations results in no resolution, then within two (2) business days the party originating the dispute shall call for contractual mediation, and, if such mediation fails, then arbitration pursuant to Chapter 9 of Title 7, Idaho Code, known as Idaho's Uniform Arbitration Act. The parties understand they are waiving their rights to litigate this Agreement in preference to a mediated resolution, or if mediation fails an arbitrated resolution as stated above to minimize community and college disruptions detrimental to NIC.

Section 14. Assignment

This Agreement is personal to the Interim President and is not assignable.

Section 15. Amendments

This Agreement may be amended or modified by mutual agreement of the parties. Such amendments or modifications must be in writing signed by the Interim President and the

Board Chair, following approval by a majority vote of the Board approving such amendment or modification.

Section 16. Waiver

The failure of the Interim President or NIC to enforce or to require compliance with any provision of this Agreement in a given circumstance, or to take any permitted action under this Agreement in a particular circumstance, shall in no way be construed as a continuing or future waiver of such provision or of any other provision of this Agreement, shall not affect the right of either party thereafter to enforce each and every provision of this Agreement, and shall not render any such provision(s) unenforceable or invalid. The parties agree to endeavor in every circumstance to adhere to this Agreement's terms.

Section 17. Entire Agreement

This Agreement constitutes the complete understanding of the parties hereto and this writing supersedes all prior or contemporaneous representations, understandings or agreements, whether written or oral, between the parties, and cannot be modified or amended without a writing signed by both parties pursuant to Section 15.

Section 18. Severability

The unenforceability, invalidity, or illegality of any provision or clause of this Agreement as determined by a Court of proper jurisdiction shall not render any of its other provisions as unenforceable, invalid, or illegal, and such remaining provisions shall be construed in all respects as if the unenforceable, invalid, or illegal provision(s) were omitted.

Section 19. Interpretation and Time for Review

The parties hereby agree and confirm by their signatures below that this Agreement was drafted by the NIC attorney, was then subject to negotiations between the parties to reach this Agreement, and that any legal doctrine construing the document against the drafter is waived and shall have no force or effect in this Agreement's interpretation or application. Further, the Interim President agrees that he has had ample time to review and consider the terms of this Agreement after consultation with legal counsel of his choice at his own cost. Both parties agree that they were under no duress or undue influence in their consideration prior to and when they signed this Agreement.

Signing Date: December 21, 2022

Signing Date: December 21, 2022





NIC Interim President

Chair, NIC Board of Trustees

Gregory South
Printed Name

Gregory M McKenzie
Printed Name

To: North Idaho College Board of Trustees

From: College Senate

Date: October 24, 2023

CC: President Nick Swayne, PhD.

RE: 7.01.04 Policy on Professional Service Contracts as of 6-7-23_REDLINE

The College Senate appreciates the opportunity to review the proposed revisions to Policy 7.01.04 from the Board of Trustees and has voted to reject it. Per Procedure 2.01.04 II.E. Senate is returning the Policy to the proposing party (e.g. Board of Trustees) with all comments.

Here are the key concerns:

- 1) Granting the Board Chair "final decision-making power" contradicts Board Policy 2.01.02 and Idaho Code 33-2107, which specify the authority in selecting professionals and setting qualifications as belonging only to the "Board of Trustees".
- 2) The policy changes regarding RFP authority, removal of the President's Cabinet, and limiting the President's operational control conflict with Board policy 2.02.01 assigning operational control to the college President.
- 3) The policy changes eliminate the ad hoc committee's ability to review proposals and make recommendations, exclude the President's Cabinet, and allow the Board to select "interim professional services providers" without an employee ad hoc committee or input from Administration, violating Participatory Governance standards (NWCCU 2020 Standard 2.A.4).
- 4) The provision allowing for individual board members to contact and communicate with the service provider seems to violate Policy 2.01.10 prohibiting individual trustees from making direct requests to college employees (2.01.10 V.1).
- 5) The policy was sent directly to Senate bypassing the President and the Administration, violating Procedure 2.01.04, which delineates a collaborative process involving the College Senate, the President, and the Board of Trustees. We urge the Board to collaborate with the President and Administration to identify and address any substantive issues with the current form of the policy.

North Idaho College
2023 – 2024 College Senate

Statement to the Board of Trustees

Regarding:

- Constituent and Senate Resolutions presented to the Board 2021 – 2023
- “Sanction of ‘Show Cause’” (NWCCU Feb 9, 2023)

Adopted by College Senate

Date: October 19, 2023

Presented to the Board of Trustees on October 25, 2023

Overview of Concerns

Participatory governance at North Idaho College is crucial. It enables collaboration among faculty, staff, students, and administration with the Board of Trustees to advance the College's best interests, uphold the mission of the College, and serve the community. The College Senate, identified as the "principal vehicle" for faculty, staff, and student input on Policies and Procedures (Policy 2.01.04), is integral due to the "direct and reasonable interest" as constituents (NWCCU Standard 2.A.4). Other instances of participatory governance include Meet and Confer, College Committees, Administrator Hiring, Tenure, and Naming of Facilities.

The North Idaho College community is currently facing challenges that have emerged from a 'Show Cause' sanction issued by NWCCU. This sanction was imposed, in part, due to the Board of Trustees neglecting to invite and listen to input from constituent groups. Faculty, staff, and students, along with the College Senate, have repeatedly communicated concerns to the Board of Trustees. Through the resolutions passed in March 2021, September 2021, and December 2022, the College Senate has emphatically stated objections to the Board violating participatory governance and offered support for the concerns brought forward by the constituent groups related to the Board's adherence to the mechanisms that ensure participatory governance, respecting the President's authority over College Operations, and proper board conduct.

The consequences of the Boards actions and inactions have a profound impact on the college community. Therefore, the College Senate calls on the Board of Trustees to address the following imperatives:

- 1) The Senate expects that the Board honor constituent group input in decision-making processes.
- 2) The Senate expects the Board to refrain from exceeding its established role, allowing the administration the autonomy necessary for effective day-to-day operations.
- 3) The Senate expects that the Board strictly adhere to its own policies regarding professional, respectful, and ethical conduct.

The College Senate's objective is not only to have these concerns acknowledged but to see concrete actions taken by the Board of Trustees, ensuring the college's stability and securing its accreditation for the future.

The North Idaho College community confronts an existential threat – unprecedented in NIC’s 90-year history – due to a persistent 'Show Cause' sanction attributed solely to the dysfunctional and ineffective leadership of the Board of Trustees.ⁱ Over *years*, Students, Staff, and Faculty have repeatedly petitioned the Board in an effort to stabilize the institution. However, after years of indifference, the Board's singular response to these appeals has merely offered empty platitudes without any solid commitments to specific actions. [1] The college Senate, representing Students, Faculty, and Staff, urgently implores the Board of Trustees to provide a substantive response to the open resolutions (NWCCU Recommendation 2-spring 2023, Eligibility Requirement 7, Standards 2.D.2) from the constituent groups and to demonstrate a commitment, through tangible actions, to addressing the following concerns.

The consistent theme throughout the petitions from the Students, Faculty, and Staff to the Board has revolved around concerns regarding the Board's non-compliance with its legitimate roles and proper conduct. Specifically, there has been criticism of the Board’s disregard for the institutional mechanisms that ensure participatory governance and inclusive decision-making, its ongoing attempts to insert itself into administrative roles, and the lack of professional and ethical conduct among Board members.

Students, Faculty, and Staff have persistently urged the Board to adhere to established standards of participatory governance. [2, 3, 4, 5, 6, 7] Despite the college community’s repeated warnings, the Board has continued to disregard constituent group input and violate policy,ⁱⁱ even going so far as to temporarily suspend the policy establishing the means of participatory governance. [8] By its own actions, the Board has undermined its own appointments, compromising their ability to effectively lead the College.ⁱⁱⁱ The ensuing turmoil has led to unprecedented turnover in senior leadership, administrators, faculty, and staff^{iv}, and a significant decrease in applicants for available positions. [9, 10]

A definitive example of the institutional damage caused by the Board’s failure to adhere to its own policies and respect participatory governance involves the recent hiring of legal counsel and the retention of existing legal counsel after his withdrawal. The Board acted outside of the established process and against input from constituent groups and the administration. [11, 12, 13] This action prompted NIC’s longtime Chief Human Resource Officer to resign, citing her inability to perform her job without adequate legal counsel.

ⁱ “[the Board of Trustees] fails to sufficiently appreciate the jeopardy it is placing the institution in with respect to the welfare and viability of the institution.” NWCCU Letter of “Show Cause” February 9, 2023

ⁱⁱ “While the structure exists for inclusive institutional planning and decision-making, recent Board actions have circumvented this. Examples of this include: the Board’s decisions to name Drs. Sebaaly and South as Interim Presidents (in November 2021 and December 2022, respectively) without input; passing Resolution 2022-04 to suspend Filling of New and Vacant Positions, which would have enabled the Board to hire administrative positions below the President; and hiring college counsel in a manner that violated Board policy regarding awarding of continuous service contracts (although the Board had suspended that policy, the action to suspend the policy was later determined to be in violation of Idaho’s Open Public Meeting Law).” NWCCU Peer Evaluation Report, April 26-27, 2023

ⁱⁱⁱ “Misgivings about the process used to select Interim President Sebaaly have reduced his ability to effectively lead the institution.” NWCCU Panel Visit Report March 2, 2022

^{iv} “Given the significant turnover of administrators, faculty, and staff, and the hiring of an Interim President with limited executive administrative experience, there is a significant concern whether “the institution employs faculty, staff, and administrators sufficient in role, number, and qualifications to achieve its organizational responsibilities, educational objectives, establish and oversee academic policies, and ensure the integrity and continuity of its academic programs.” NWCCU Panel Visit Report March 2, 2022

The departure of senior administration has cascading effects beyond the loss of institutional experience. For example, NIC's credit profile was downgraded (NWCCU Eligibility Requirements 19 and 21, Standards 2.E.1 and 2.E.2) as a result of "prolonged governance dysfunction" and "turnover at the administrative level." [14] These actions are in direct opposition to the NWCCU's Recommendations for a path to good standing (Recommendations 3-spring 2023, 6-spring 2023, 7-spring2023, and 9-spring2023) [15], and NWCCU Eligibility Requirement 2 and Standards 2.A.4, 2.D.3 and 2.F.3.

The Senate, on behalf of the constituencies, expects that the Board cease acting outside established processes and policies and honor constituent group input.

This would address NWCCU Recommendations 2, 3, 7, and 9.

The Board has also repeatedly sought to assume administrative roles (ER2 and 9, Standards 2.A.1). This includes the hiring freeze of President Cabinet positions [8], Chair McKenzie insisting on participating in the hiring of administrators other than the President [16], Policy 7.01.04 being rewritten to give the Board Chair unilateral authority in establishing the contents of an RFP [17] which is currently before College Senate, and Chair McKenzie's insistence on being involved in the selection of the Master Plan firm [18].

The Senate, representing the constituencies, expects the Board to refrain from overstepping its established role and provide the administration the autonomy required to effectively manage day-to-day operations.

This would uphold NIC Policies 2.01.02 and 2.02.01.


The Constituent groups at NIC have repeatedly pointed out to the Board that the Board fails to act in accordance with both NIC policies (NIC policy 2.01.02, 2.01.10, 3.03.05) and NWCCU expectations (Recommendation 7, Eligibility Requirement 9 and Standard 2.A.3) [19] concerning civility, respectful discourse, and ethical conduct. [20, 7, 21, 22, 23, 3, 2, 5] In summary, the concerns highlight regular instances of disorderly interactions, such as over-talking, suppressing dissent through loud and disrespectful interjections, using antagonistic and derogatory language towards students and employees, and managing disagreements in a manner that results in meetings being 'chaotic and embarrassing.' (For recent examples see Regular Meeting, 9/27/23 00:37:17, Special Meeting, 8/21/23 3:40:00, Regular Meeting, 6/7/23 2:38:00, Special Meeting, 4/24/23 35:00:00) Furthermore, the Board has conducted unauthorized private or serial meetings to advance some of its most contentious actions. [24, 25, 26, 27, 28]

The Senate, on behalf of the constituencies, expects that the Board adhere to its own policies concerning professional, respectful, and ethical conduct (Policy 2.01.10), and additionally comply with NIC's prohibition (Policy 3.03.05) against 'Disruptive, hostile, or violent behavior on NIC sites.'

This would address NWCCU Recommendations 2, 5, and 9, and would address NIC Policies 2.01.10 and 3.03.05, and Idaho Code Title 74 Chapter 2: Open Meeting Law

References

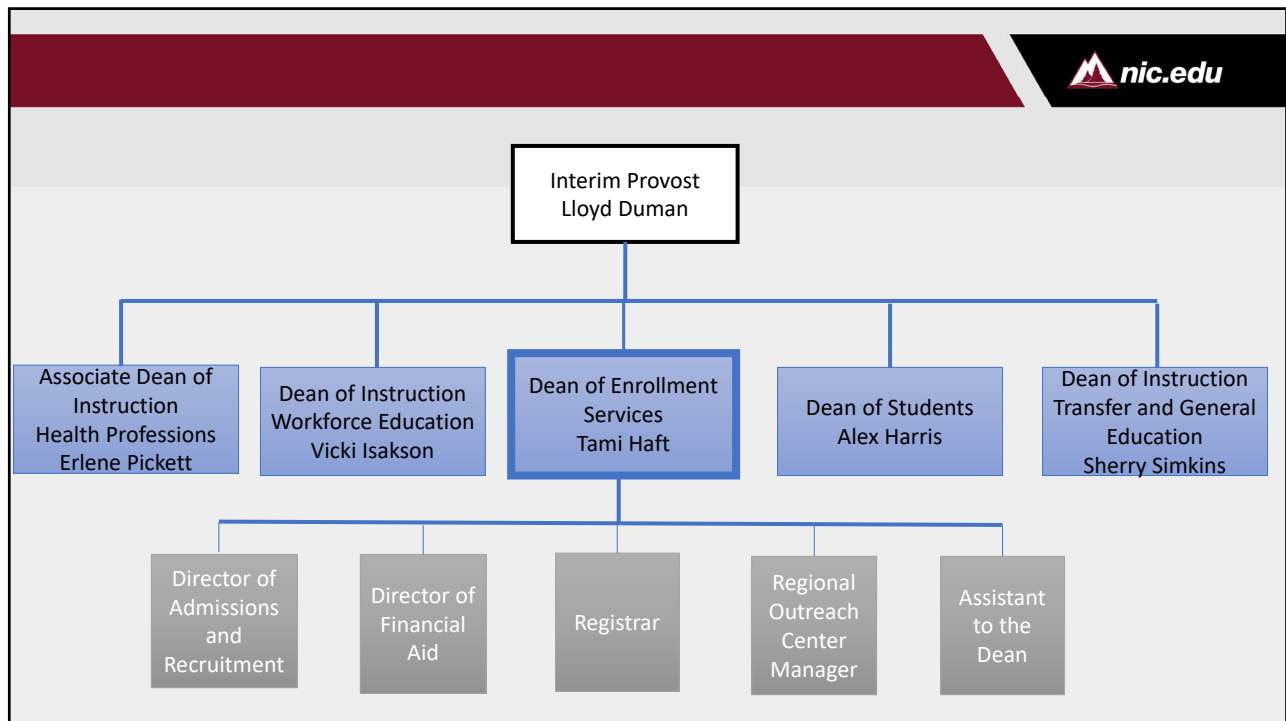
- [1] Board of Trustees, "Statement," April 26, 2023.
- [2] College Senate, Statement, March 3, 2021.
- [3] Faculty Assembly, "Resolution," October 26, 2021.
- [4] Staff Assembly, "Resolution," December 13, 2021.
- [5] Staff Assembly, "Resolution," March 23, 2022.
- [6] College Senate, "Resolution," December 15, 2022.
- [7] Faculty Assembly, "Resolution," February 16, 2023.
- [8] Board of Trustees, "Regular Meeting, Dec 5, 2022".
- [9] Board of Trustees, "Regular Meeting. Aug 23, 2023".
- [10] Human Resources, "Recurring Board Report," 2023.
- [11] Board of Trustees, "Policy 7.01.04 Continuous Professional Service Contracts".
- [12] Faculty Assembly, "Resolution, August 23, 2023".
- [13] Board of Trustees, "Tab 2, Board Book, Regular Meeting, August 23, 2023".
- [14] Moody's Investor Services, "Communication," February 16, 2023.
- [15] NWCCU, "Letter," July 7, 2023.
- [16] Board of Trustees, "Special Meeting, Apr 24, 2023".
- [17] Board of Trustees, "7.01.04 Policy on Professional Service Contracts as of 6-7-23_REDLINE".
- [18] Board of Trustees, "Regular Meeting, Sep 27, 2023".
- [19] Staff Assembly, "Response," September 27, 2023.
- [20] ASNIC, "Statement," February 1, 2021.
- [21] Faculty Assembly, "Resolution," February 9, 2023.
- [22] ASNIC, "Resolution," December 9, 2022.
- [23] Staff Assembly, "Resolution," February 23, 2021.
- [24] NWCCU, "Peer Evaluation Report," April 26-27, 2023.
- [25] NWCCU, "Letter of "Show Cause", " February 9, 2023.
- [26] NIC, "Special Report," September 15, 2023.
- [27] Discovery Documents, Gridley Lawsuit, "Exhibit 7," [Online]. Available:
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- [28] Discovery Document, Gridley Lawsuit, "Exhibit 8," [Online]. Available:
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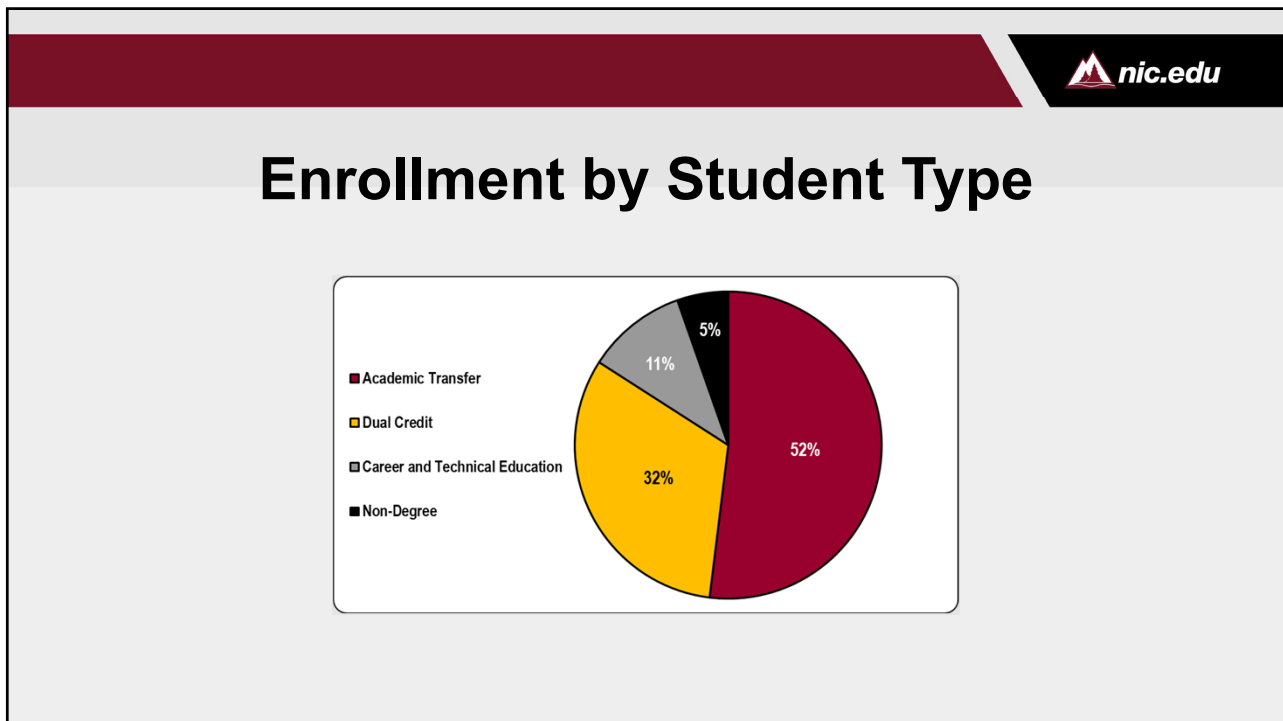
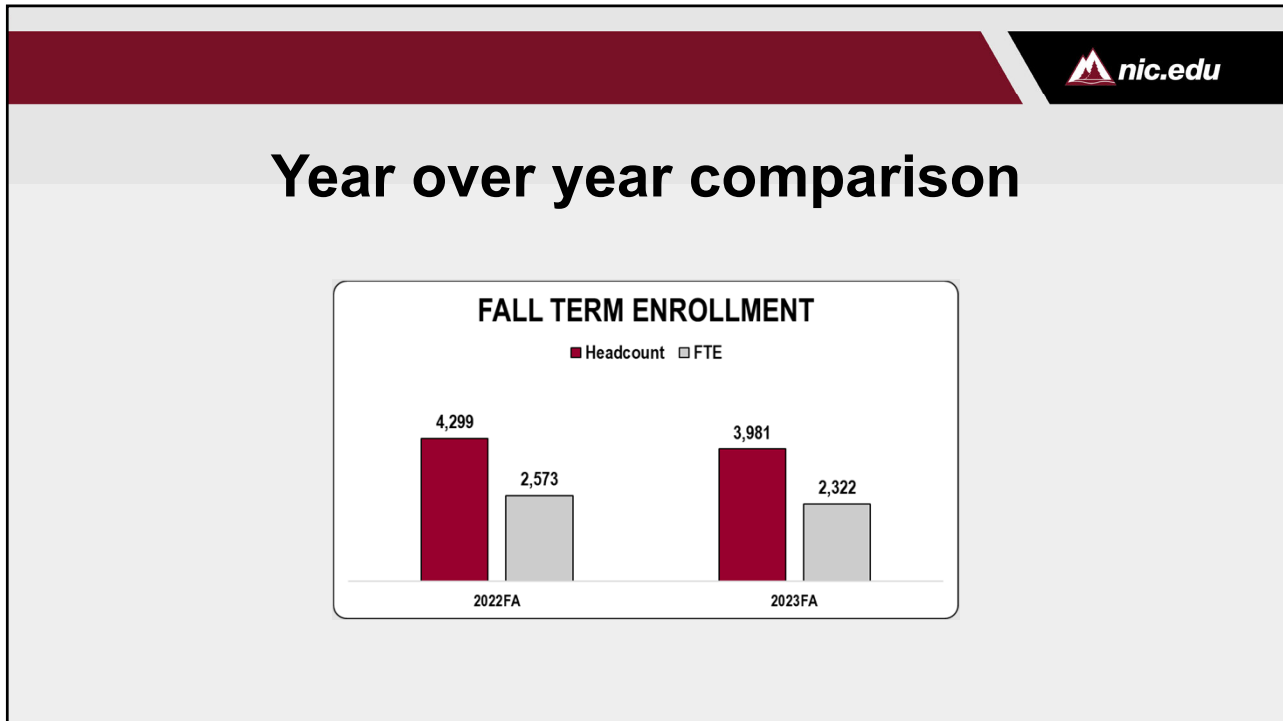


Fall Enrollment Update

Tami Haft
Dean of Enrollment Services
October 25, 2023

North Idaho College
► nic.edu








What's next:

Fall Enrollment Report

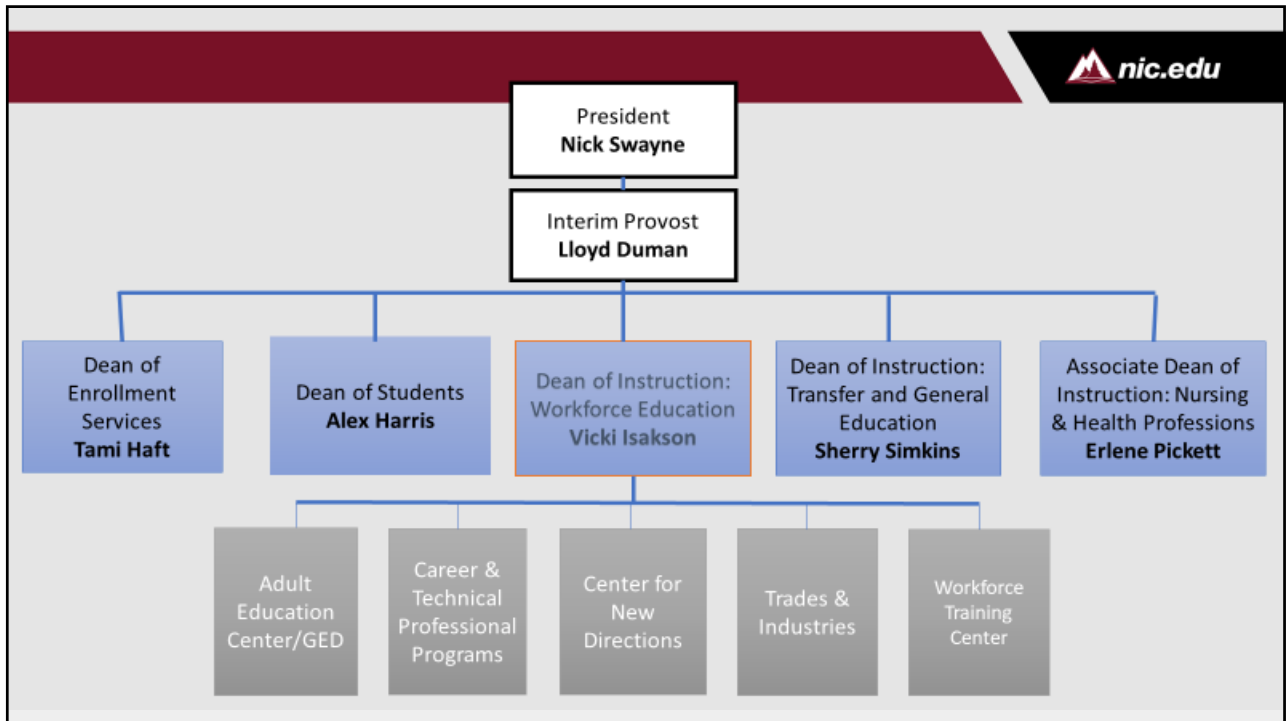
November 20, 2023



Career and Technical Education (CTE)

Recurring Report – October 2023

North Idaho College
► nic.edu





CTE Funding

CTE FY24 allocation – \$6,517,310

- CTE Faculty and Staff
- Maintenance and Operations

Perkins V (Prog. Imp.) – \$170,428

- Equipment
- Travel
- Supplies



Trades & Industry Programs

- Autobody and Paint Technology
- Automotive Technology
- Diesel Technology
- Heating, Ventilation, Air Conditioning, Refrigeration
- Industrial Mechanic/Millwright
- Machining and CNC Technology
- Mechanical Design Engineering Technology
- Mechatronics
- Welding Technology



Community Impact

Trades & Industry Enrollments

- Fall 2023 - 137
- Fall 2022 – 153

Career & Technical Professional Program

- Fall 2023 – 256
- Fall 2022 - 281

Faculty - 21 FT, 16PT, 8 dual credit

Staff – 8 FT, 3 PT



Career & Technical Professional Programs

- Accounting Assistant
- Administrative Office Management Technology
- Administrative Office Technology
- Business Management – Entrepreneurship, Human Resources
- Computer Applications
- Culinary Arts
- Cybersecurity and Information Security Administration
- Fire Service Technology
- Graphic and Web Design
- Health Information Fundamentals
- Hospitality Management
- Law enforcement
- Medical Administrative Assistant
- Medical billing assistant
- Medical Billing Specialist
- Medical Receptionist
- Office Specialist/Receptionist
- Outdoor Recreation Leadership*
- Paralegal
- Virtual Administrative Assistant



What's next:

- Increase CTE dual credit opportunities
- Revamp program schedules
- Align non-credit to credit
- Increase marketing of CTE programs

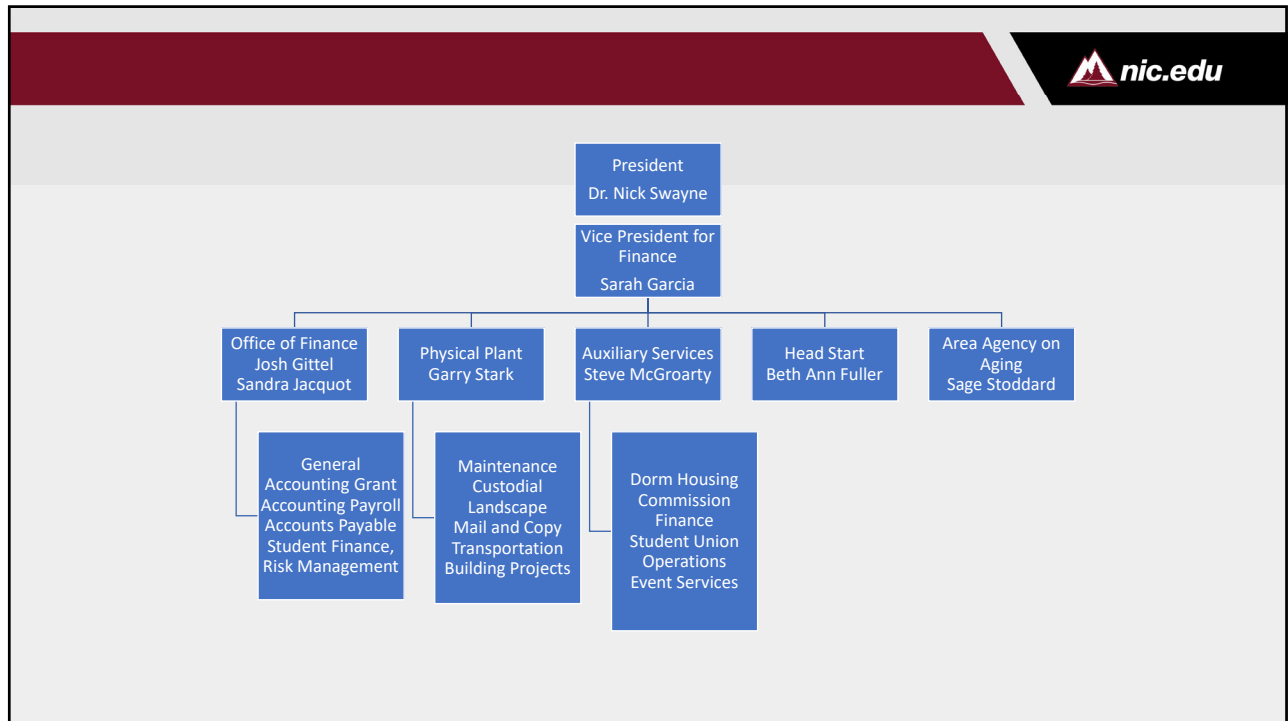


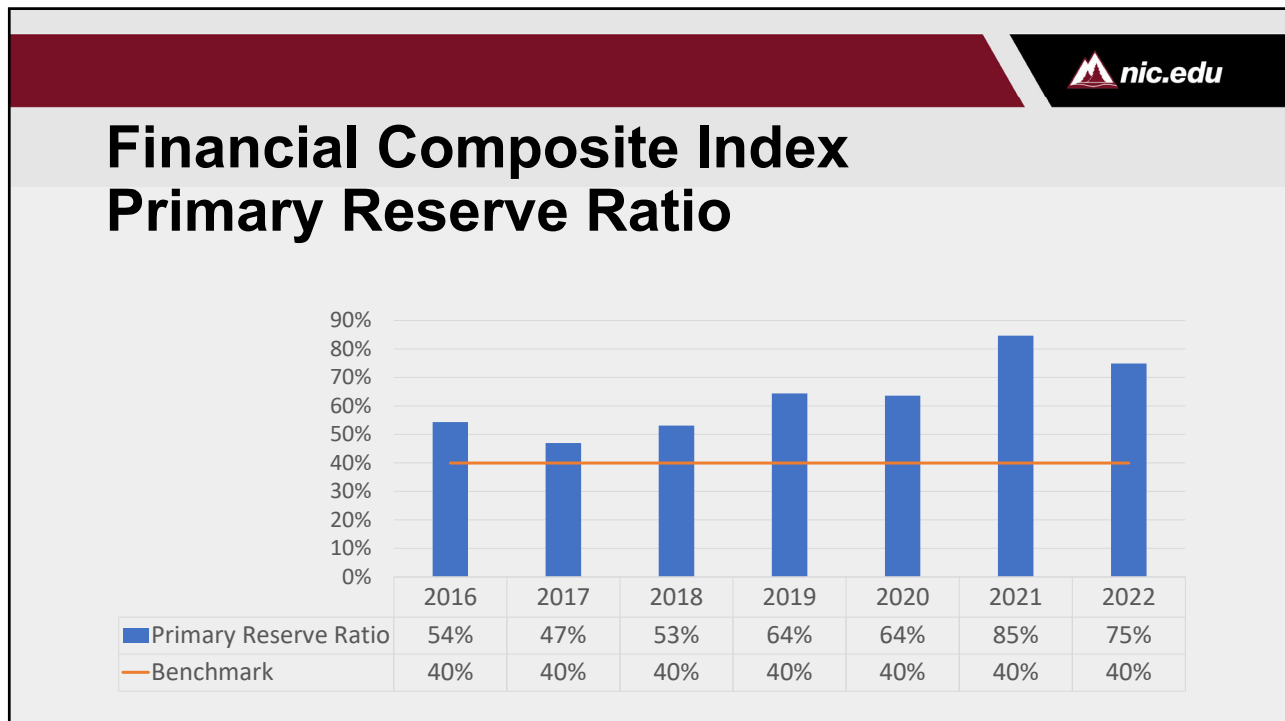
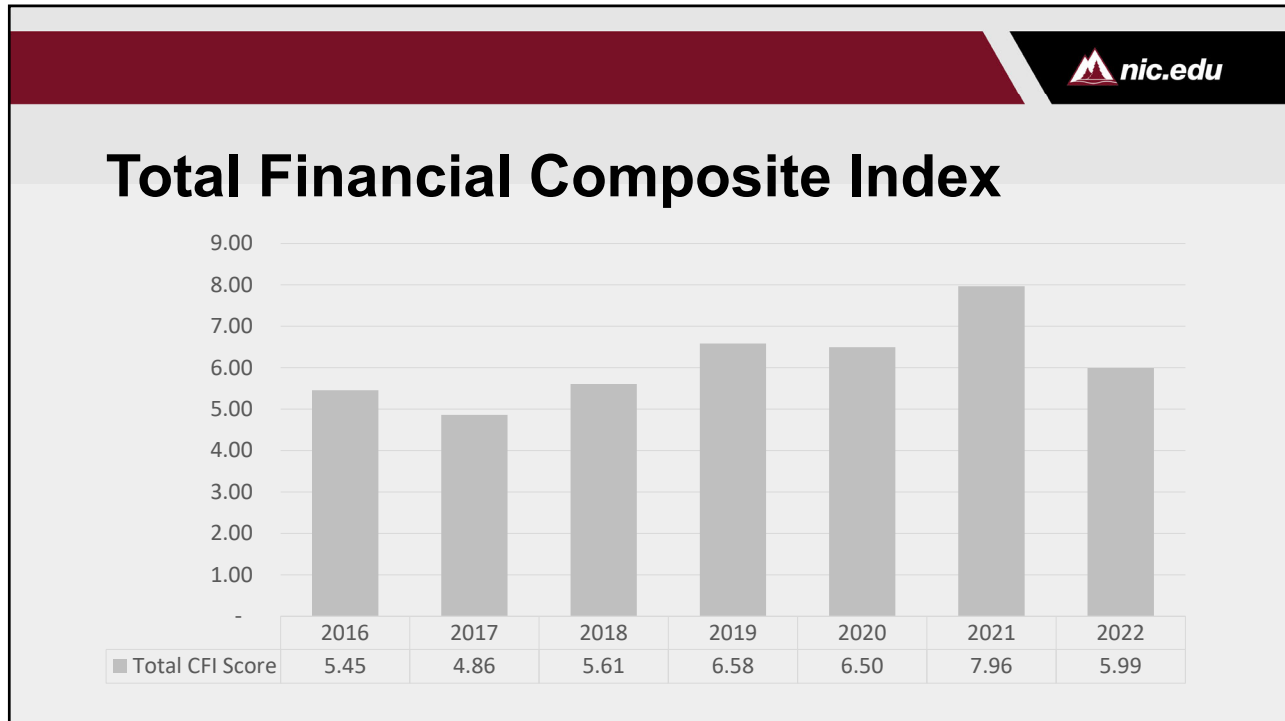
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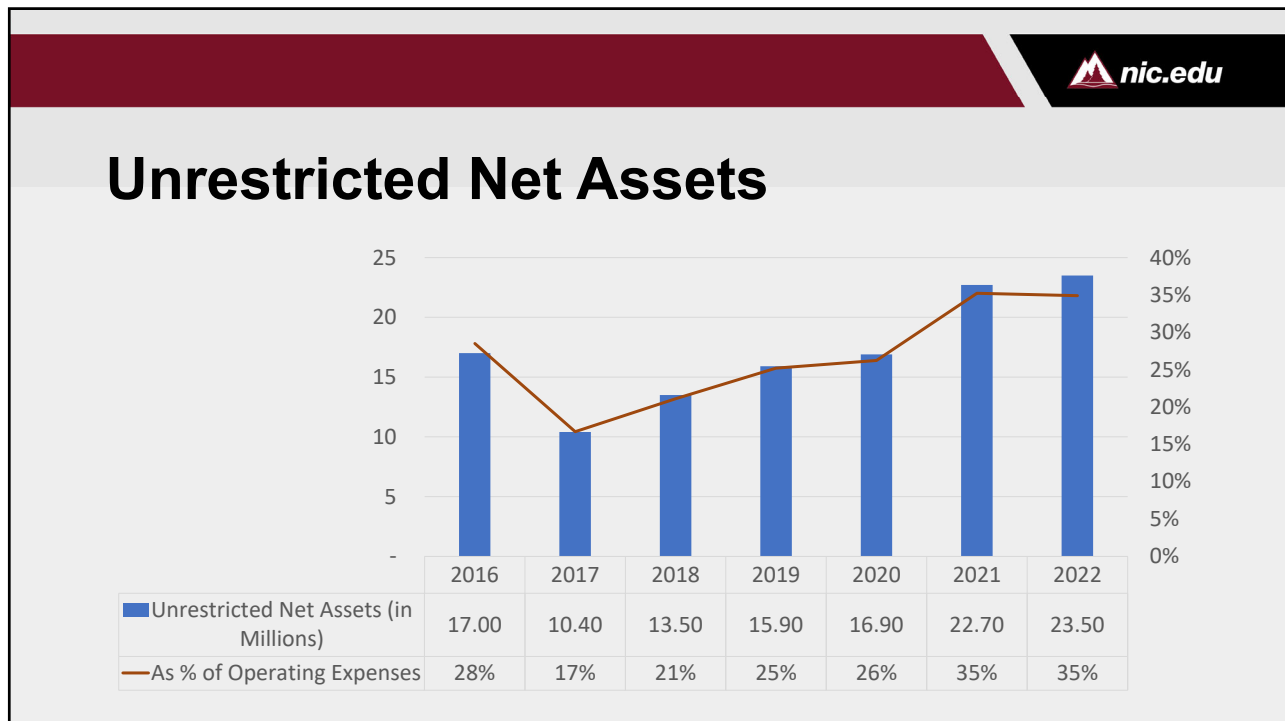
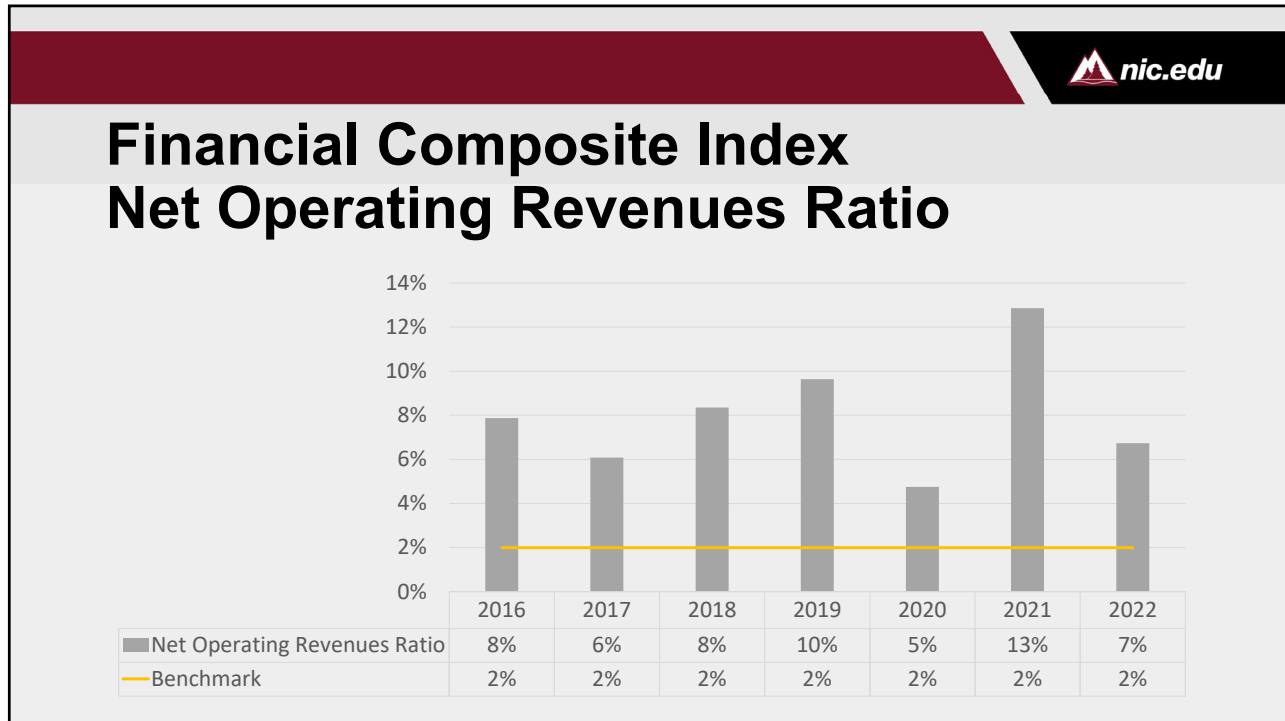
Finance and Facilities

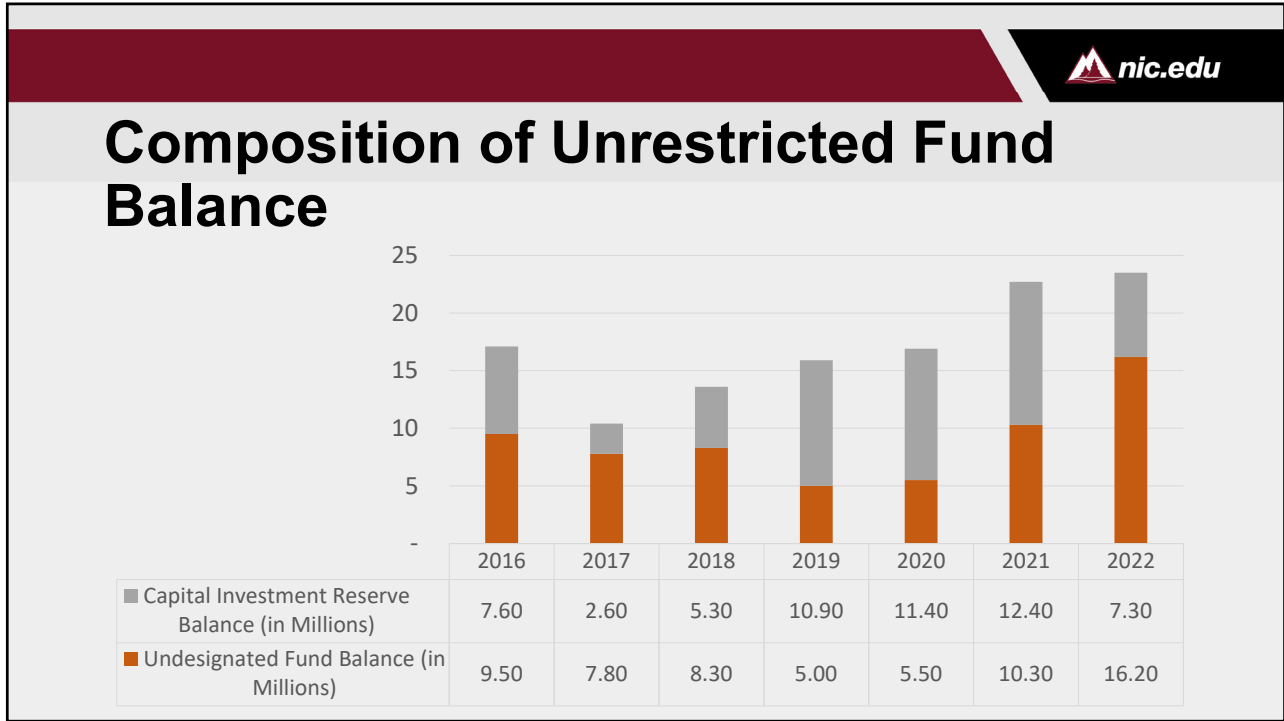
Recurring Report
October 2023

North Idaho College
► nic.edu









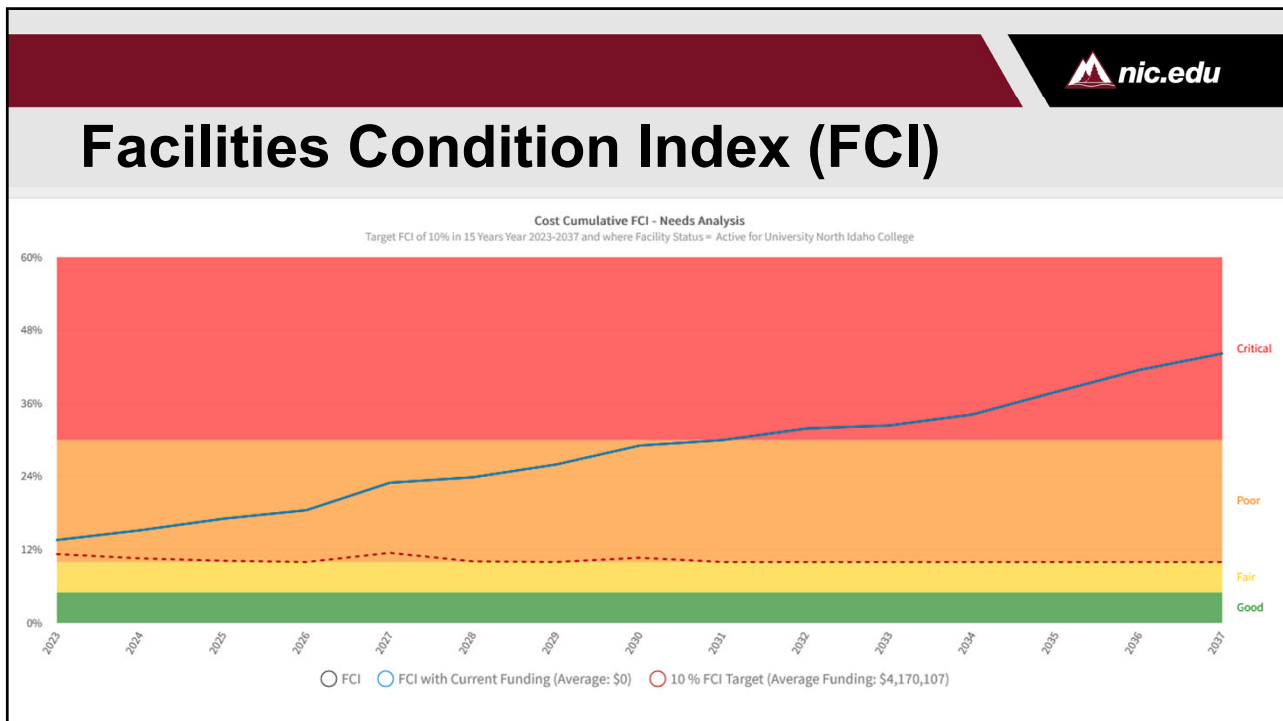
NIC Land and Buildings


	Acres	Building Square Feet
Main Campus	53.7	602,327
Ed Corridor Subdivision	18.7	29,000
Additional Adjacent Owned Properties	5.5	29,148
Owned Property Off Campus		
Parker Technical Education - Rathdrum	37.4	110,900
Riverbend/Workforce Training - Post Falls	14.5	31,610
Other	5.2	60,230
Affiliate Properties	0.91	5,518
Total	136.0	868,733

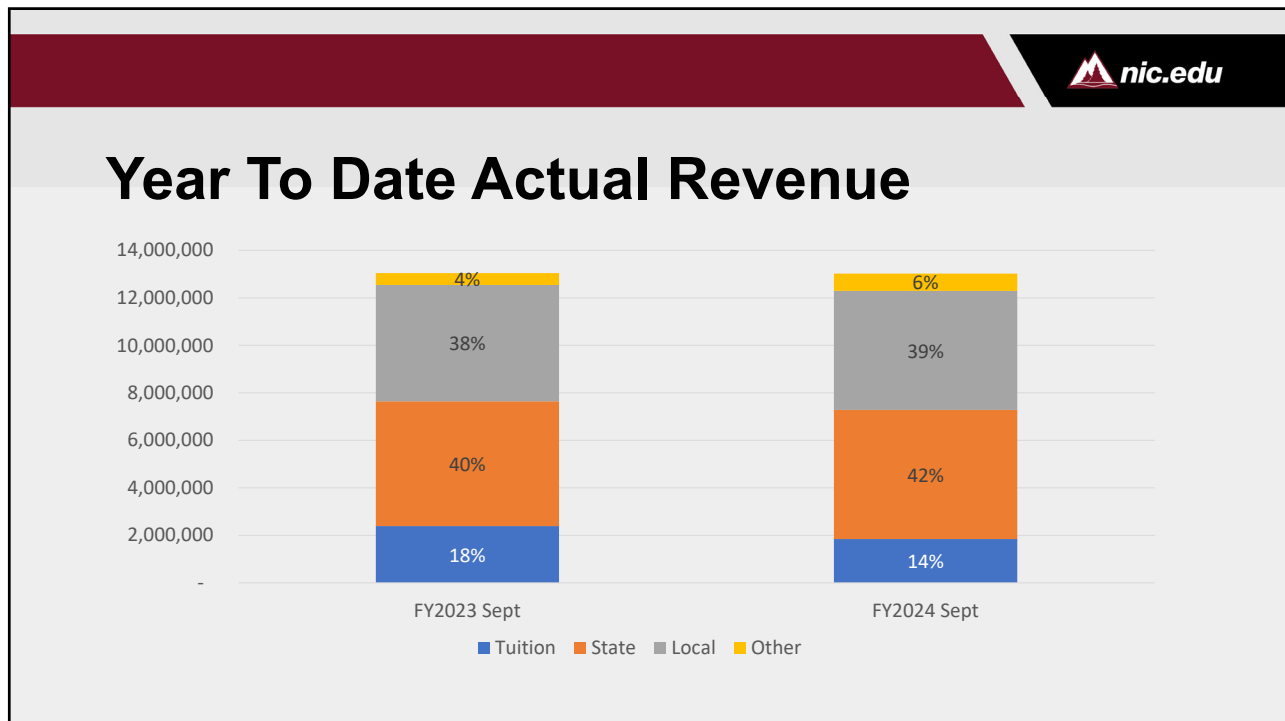
Leased Properties Sandpoint Center - Pine Street Annex Post Academy - Riverbend Area Agency on Aging Head Start

Funding for Deferred Maintenance

- NIC is working through phase 1 of funding (\$3.8M) from the state for deferred maintenance.
 - Goal of funding is to address the deferred maintenance liability statewide.
 - Statewide Facility Condition Index (FCI) reduced to 5% in ten years
 - Projects include HVAC Systems, Roof repair/replacement, elevator upgrades, window replacements and generators
 - Division of Public Works has contracted with a third party to manage and execute the projects

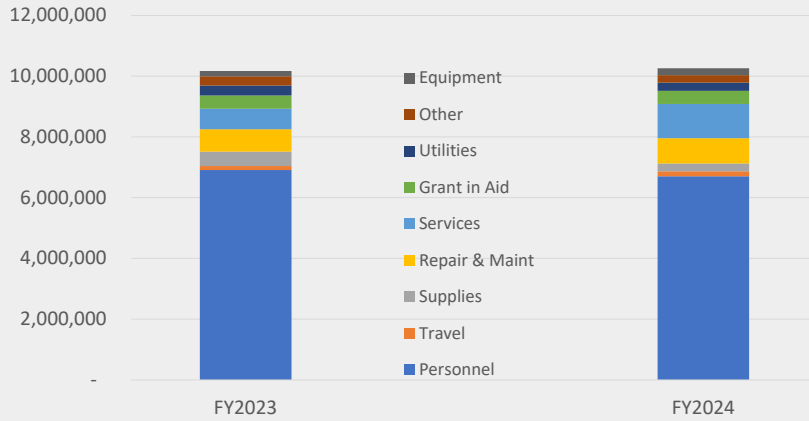


						
<h1>Annual Budget Cycle</h1>						
	July	August	September	October	November	December
State		Final FY25 DPW request due Final FY25 Line Items due to State Board	Final State Budget Request Due	Presentation of FY25 Capital Request to Permanent Building Fund	Division of Financial Management and Governor review of FY25 budget request	
	January	February	March	April	May	June
State	JFAC Hearing for FY25 Budget Request	JFAC FY25 Budget Recommendation to Legislature	FY25 Appropriation Finalized	FY26 Line item guidance		Preliminary FY26 Division of Public Works Request Due
NIC	FY25 Budget Guidelines Established	Guidelines and Templates shared with budget managers	Roll Up of Budget Requests Prioritization	Finalize FY25 Request First Reading with BOT	Adjust Request if needed Second Reading with BOT	Line items detail and balancing Upload to Accounting Program





September Year To Date Expenses



BOARD OF TRUSTEES MEETING
November 20, 2023

TAB 2

SUBJECT: Board Officer Elections

BACKGROUND: Per Idaho Code 33-2106 and NIC Board policy 2.01.02 (attached for reference), the NIC Board has a responsibility 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."

COMMITTEE ACTION: None.

FINANCIAL IMPACT: None.

SUGGESTED MOTION FOR BOARD ACTION: [Board Member] make the motion to nominate Board members for each of these positions, ask for a second, and following any discussion, vote.

Prepared by: Suzy Scura
Board Clerk

Tab 2 Attachment

Policy Title: Responsibilities, Duties, and Standards of Good Practice**Impact:** Board of Trustees**Responsibility:** Administration**Effective Date:** 1/30/2002**Last Update:** 6/7/2023**Relates to Procedure(s):** n/a**Legal Citation(s):** Idaho Code 33-2106, 33-2107, 33-2109

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.
- (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 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:

- (1) Make determination as to which documents routinely become part of the Board archives and verify that they are maintained.
- (2) Receive the annual audit on behalf of the Board of Trustees and answer Board members' questions about the audit.

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
November 20, 2023

TAB 3

SUBJECT: External Financial Audit for FY2023

BACKGROUND: An annual financial audit report for North Idaho College is prepared by an external audit firm. The college has engaged the Boise firm of Eide Bailly, LLP to perform the audit.

DISCUSSION: Barry Webber, CPA, Senior Audit Manager with Eide Bailly, LLP will present the audit. A detailed audit exit conference will be conducted prior to the meeting by Mr. Webber, Senior Audit Manager, with planned attendance by North Idaho College Board Chair Greg McKenzie and Board Member Brad Corkill as well as, President Dr. Nick Swayne, and Vice President for Finance and Business Sarah Garcia and her staff.

COMMITTEE ACTION: None.

FINANCIAL IMPACT: None.

REQUESTED BOARD ACTION: The board's action in connection to the audit is to receive and accept the auditor's independent report. The findings in the report are not subject to change by the board and therefore the board's action is not to approve, but to accept the report.

It is requested that the board consider a motion to accept the FY2022 Audit.

Prepared by: Sarah Garcia
Vice President for Finance and Business Affairs

BOARD OF TRUSTEES MEETING
November 20, 2023

TAB 4

SUBJECT: Board Policy Subcommittee

BACKGROUND: The Board Policy Subcommittee met on 25 October 2023 and recommends the following two policies to the full NIC Board of Trustees for a first reading and action.

- Policy 2.01.09 (Trustee Emeritus Status; included as Tab 4 Attachment A) was reviewed and the subcommittee recommends it be reaffirmed without revisions.
- Policy 2.01.14 (Creation, Revision, or Elimination of Internal Board Governance Policy and Procedure; included as Tab 4 Attachment B) was drafted from the existing policy 2.01.04 with the goal of separating Board internal governance from College internal governance. The subcommittee recommends that the Board approve the new policy as presented, and secondly recommends that the Board suggest to the College Senate that 2.01.04 should be revised to reference only College internal governance.
- Subcommittee Recommendation to Board Regarding Suggestion for Policy on College Memberships: Following discussion at the 25 October 2023 subcommittee meeting, the recommendation to the full Board was to address College Memberships through other channels than creating a Board internal governance policy. The Board Policy Subcommittee will meet in an open session on 20 November 2023 for additional discussion.

SUGGESTED MOTION FOR BOARD ACTION

[Board Member] make the motion to approve the policies as presented.

Prepared by: Kristin Howard
Interim Executive Assistant to the President

Tab 4 Attachment A

Policy Title: Trustee Emeritus Status

Impact: Board of Trustees

Responsibility: Administration

Effective Date: 12/17/2018

Last Update: (11/20/2023 if approved; no changes recommended by Board Policy Subcommittee)

Relates to Procedure(s):

Legal Citation(s):

I. Purpose

To confer Trustee Emeritus status and privileges therein to exemplary former North Idaho College (NIC) Trustees in recognition of their contributions to the institution.

II. Criteria

Consideration will be based on the following criteria:

- The candidate no longer serves North Idaho College in an official capacity and has no plans to return to active service.
- The candidate must have served on the board for a minimum of 12 consecutive years (three elected terms).
- The candidate must have established a record of outstanding and notable service to both North Idaho College and the local community.

III. Process

The NIC Board of Trustees bears responsibility for conferral of Trustee Emeritus status on an individual basis. The designation will be proposed in the form of a board resolution that articulates the basis for the award.

- A current trustee must nominate a candidate within three years of the candidate's departure from the board.
- The nomination must be submitted to or by the board chair through the President's Office and will be considered at the next regularly scheduled meeting of the NIC Board of Trustees.
- A majority of the current board of trustees must approve the nomination.

At the board's discretion, in special circumstances and for truly exceptional cases of exemplary service to North Idaho College, the board may waive any of the criteria set forth herein. The board may confer emeritus status posthumously.

IV. Trustee Emeritus Privileges

- Recognition of Trustee Emeritus status at public board meeting and presentation of framed board resolution.
- An NIC identification card that indicates Trustee Emeritus status.
- Listing in NIC publications.
- Invitation to participate in NIC ceremonies, including commencement.
- Lifetime NIC events pass.
- Lifetime NIC parking permit.

Tab 4 Attachment B

Policy Title: Creation, Revision, or Elimination of Internal Board Governance Policy and Procedure

Impact: Board of Trustees

Responsibility: Board of Trustees

Effective Date: 11/20/2023 (if approved)

Revised Date: n/a

Reviewed Date: n/a

Relates to Procedure(s): n/a

Legal Citation(s): Title 33, Chapter 2, Idaho Code

I. Policy Narrative

The North Idaho College Board of Trustees recognizes the importance of correct and complete policies in the operation of North Idaho College

II. Definitions of Policy and Procedure

- A. Policy: A policy is a statement of principles and/or values that mandate or constrain the performance of activities used in achieving institutional goals.
- B. Procedure: When needed, a procedure is developed to describe the methods of implementing policy.
- C. Policies and procedures will include the following: policy number, policies superseded (if any), related procedures, effective date, general and specific subject areas, legal citations (if any), and impact.

III. Policies/Procedures

Policies are created and adopted by the Board of Trustees and are intended to address the internal governance of the Board.

The adoption, deletion, or revision of policies and procedures affecting the internal administration of the Board of Trustees and/or its relationship with the Office of the President is not subject to comment by the College Senate. The adoption, deletion, and revision of these policies and procedures is reserved exclusively to the Board of Trustees.

Proposals to create, revise, or eliminate internal Board governance policy and/or procedure will

be initiated by the Board of Trustees.

IV. Review of Policy and Procedure

The NIC Board of Trustees recognizes the importance of creating, maintaining, and following policies and procedures that set the Board on the best course to honor its role and advance the core values and missions of the College.

As such, a standing committee will facilitate the Board's review of internal Board governance policies and procedures on a staggered three-year schedule, or as needed. Upon completion of review, the subcommittee will bring recommendations to a meeting of the Board of Trustees for discussion/action.

Review schedule:

Year 1: 2.01.01; 2.01.02; 2.01.03; 2.01.05

Year 2: 2.01.08; 2.01.09; 2.01.10; 2.01.11

Year 3: 2.01.12; 2.01.14; 2.02.01; 2.02.02

BOARD OF TRUSTEES MEETING
November 20, 2023

TAB 5

SUBJECT: Policy 7.01.04 (Continuous Professional Service Contracts)

BACKGROUND:

At the 07 June 2023 Board meeting, the Board voted unanimously to direct the President to refer policy revision suggestions to the College Senate, and return to the Board with constituent and stakeholder feedback.

- Included as Tab 5 Attachment A are the suggested revisions provided to Senate.
- Included as Tab 5 Attachment B is the Senate's response to the Board.

Prepared by: Suzy Scura
Board Clerk

Tab 5 Attachment A

Policy

Policy # 7.01.04

Effective Date 12/20/90

<i>(Impact Area - Dept Name)</i> Business Procedures	<i>(General Subject Area)</i> Budgeting	<i>(Specific Subject Area)</i> Continuous Professional Service Contracts
	Author:	Supersedes Policy # (see p. 2.189)
Relates to Procedure #	Impact:	
Legal Citation (if any): Idaho Code section 33-2107(2): To employ legal counsel and other professional and nonprofessional persons, and to prescribe their qualifications.		
North Idaho College		

Policy Narrative

[Page 1 of 2]

POLICY FOR AWARDING CONTINUOUS PROFESSIONAL SERVICE CONTRACTS

The North Idaho College Board of Trustees has determined that it is in the best interest of the college to contract for some professional services for a period of longer than one fiscal year, if circumstances allow. Examples of such services are: (a) banking, (b) attorney, (c) architect, (d) auditor, (e) insurance and grant consultants or directors. However, it is also believed that different vendors for these services should periodically have opportunities to present proposals for providing such services to insure the efficient and wise use of college funds and to prevent conflicts of interest arising from longer term contracts. It is further understood that if it is determined that services are unsatisfactory, that a request for proposals can be initiated at any time. Any service may be terminated by the trustees with a ninety (90) day written notice.

In the case of a vacancy by any occurrence, the Administration will establish an ad hoc committee consisting of no less than three college employees in the field(s) covered by the desired service. The committee will prepare a Request For Proposals for legal counsel's review and edits prior to that committee causing the RFP to be circulated in a geographic area large enough to insure responses from several qualified professionals. The Board Chair shall have the final decision-making power as to the final contents of the

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RFP. During the open window for submission of proposals, the Board of Trustees may engage professional services of their choice for the interim prior to hiring the permanent professional services provider, and it is expected that those professionals shall work together to transition between professional services providers. A party submitting a proposal under the RFP may also be the interim professional services provider. When the window for submissions closes, the committee will gather the proposals received and distribute them promptly to the Board of Trustees, and thereafter make written recommendations to the board of trustees. The Board may hire one of the applicants, or may hire other or previous applicants in the best interests of the College.

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During the contract term of the hired professional services provider, the full Board may upon request receive unredacted copies of such professional services invoices. At no time during the contract term of a professional services provider shall the President or Administration impede the Board, or an individual Board member from contacting the professional services provider.

Policy # 7.01.04

[Page 2 of 2]

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Definitions to be used in the interpretation of this policy:

- a. PROFESSIONAL will mean those services conforming to the standards of a professional determined through practice, special skills, licensure or uniqueness of the service.
- b. CONTINUOUS will mean a period of more than one year during which services are provided.
- c. SERVICE will mean actions, words or benefits accrued to North Idaho College as the result of an individual's or firm's efforts.

Tab 5 Attachment B

To: North Idaho College Board of Trustees

From: College Senate

Date: October 24, 2023

CC: President Nick Swayne, PhD.

RE: 7.01.04 Policy on Professional Service Contracts as of 6-7-23_REDLINE

The College Senate appreciates the opportunity to review the proposed revisions to Policy 7.01.04 from the Board of Trustees and has voted to reject it. Per Procedure 2.01.04 II.E. Senate is returning the Policy to the proposing party (e.g. Board of Trustees) with all comments.

Here are the key concerns:

- 1) Granting the Board Chair "final decision-making power" contradicts Board Policy 2.01.02 and Idaho Code 33-2107, which specify the authority in selecting professionals and setting qualifications as belonging only to the "Board of Trustees".
- 2) The policy changes regarding RFP authority, removal of the President's Cabinet, and limiting the President's operational control conflict with Board policy 2.02.01 assigning operational control to the college President.
- 3) The policy changes eliminate the ad hoc committee's ability to review proposals and make recommendations, exclude the President's Cabinet, and allow the Board to select "interim professional services providers" without an employee ad hoc committee or input from Administration, violating Participatory Governance standards (NWCCU 2020 Standard 2.A.4).
- 4) The provision allowing for individual board members to contact and communicate with the service provider seems to violate Policy 2.01.10 prohibiting individual trustees from making direct requests to college employees (2.01.10 V.1).
- 5) The policy was sent directly to Senate bypassing the President and the Administration, violating Procedure 2.01.04, which delineates a collaborative process involving the College Senate, the President, and the Board of Trustees. We urge the Board to collaborate with the President and Administration to identify and address any substantive issues with the current form of the policy.