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.

4:00 p.m.
EXECUTIVE SESSION - Idaho Code Section 74-206*

5:00 p.m.
CONVENE BOARD MEETING/CALL TO ORDER
Pledge of Allegiance Ken Howard
Verification of Quorum/Introduction of Guests Ken Howard
Review Minutes Ken Howard
Public Comment** Sarah Garcia/Heather Erikson
Celebrating Success: Student Wellness and Recreation Center

CONSTITUENT REPORTS
ASNIC Colin Colquhoun
Staff Assembly Jessica Grantham
Faculty Assembly Erin Davis
Senate John Trombold

PRESIDENT’S REPORT Joe Dunlap

KTEC BOARD REPORT Judy Meyer/Ron Nilson

OLD BUSINESS
Tab 2: Review and Discuss Policy #3.02.XX Reduction in Force Joe Dunlap

NEW BUSINESS
Tab 3: FIRST READING: Revised Policy 3.02.19 Payroll Deductions Chris Martin
Discuss Elements for Financial Reporting to the Board Joe Dunlap/Chris Martin

INFORMATION ITEMS
Tab 4: Military Drive Alleyway Update Marc Lyons
Career Technical Education Facility Update Chris Martin
**REMARKS FOR THE GOOD OF THE ORDER**

**ADJOURN**

Executive sessions may be called for the purposes of considering personnel matters, deliberating regarding an acquisition of an interest in real property, considering records that are exempt from public disclosure, considering preliminary negotiations involving matters of trade or commerce in which this governing body is in competition with another governing body, communicating with legal counsel regarding pending/imminently-likely litigation, communicating with risk manager/insurer regarding pending/imminently-likely claims or to consider labor contract matters.

Remarks are subject to NIC Policy and Procedure 2.01.03. Copies are available from the President’s Office.

<table>
<thead>
<tr>
<th>Upcoming Events</th>
<th>Date/Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>NIC Board Meeting</td>
<td>December 16 - SUB</td>
</tr>
<tr>
<td>NIC Board Meeting</td>
<td>January 20 – SUB</td>
</tr>
<tr>
<td>JFAC Hearing - Boise</td>
<td>January 26 (NIC’s hearing) 8:30 a.m. - 9:15 a.m.</td>
</tr>
<tr>
<td>JazzNIC Concert</td>
<td>February 2 at 7:30 p.m. Schuler PAC</td>
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<tr>
<td>NIC Board Meeting</td>
<td>February 24 – SUB</td>
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<tr>
<td>Peace and Hopefulness Concert</td>
<td>March 8 7:30 p.m. – Schuler PAC</td>
</tr>
<tr>
<td>“Postcards” Wind Symphony Concert</td>
<td>March 23 7:30 p.m. – Schuler PAC</td>
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<tr>
<td>NIC Board Meeting</td>
<td>March 23 – SUB</td>
</tr>
<tr>
<td>Musical Roots Concert</td>
<td>April 19 7:30 p.m. – CDA First Presbyterian Church</td>
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<tr>
<td>NIC Jazz Music Concert</td>
<td>April 26 7:30 p.m. – Schuler PAC</td>
</tr>
<tr>
<td>NIC Board Meeting</td>
<td>April 27 – SUB</td>
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<tr>
<td>NIC Orchestra Concert</td>
<td>April 28 – Schuler PAC</td>
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<tr>
<td>NIC Mother’s Day Music Concert</td>
<td>May 8 2 p.m. City Park Bandshell</td>
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<tr>
<td>NIC Commencement Breakfast &amp; Ceremony</td>
<td>May 13 – SUB &amp; Gymnasium</td>
</tr>
<tr>
<td>NIC Board Meeting</td>
<td>May 25 – SUB</td>
</tr>
<tr>
<td>NIC Board Meeting</td>
<td>June 22 - SUB</td>
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</table>
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:

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 personnel matters [Idaho Code § 74—206(1)(a) & (b)]
____ Deliberate regarding an acquisition of an interest in real property [Idaho Code § 74-206(1)(c)]
____ Consider records that are exempt from public disclosure [Idaho Code § 74-206(1)(d)]
____ Consider 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)(e)]
____ Communicate with legal counsel regarding pending/imminently-likely litigation [Idaho Code § 74-206(1)(f)]
____ Communicate with risk manager/insurer regarding pending/imminently-likely claims [Idaho Code § 74-206(1)(i)]
____ To consider labor contract matters authorized under section 67-2345A [74-206A(1)(a) and (b), Idaho Code.

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
___________ Howard
___________ Meyer
___________ Nilson
___________ Wood

CONVENE AT: ____________ ADJOURN AT: ____________
CALL TO ORDER AND VERIFICATION OF QUORUM
Chair Christie Wood called the meeting to order at 4:00 p.m. and verified that a quorum was present.

ATTENDANCE
Trustees:  Judy Meyer  
           Christie Wood  
           Ron Nilson  
           Todd Banducci  
           Ken Howard  

EXECUTIVE SESSION
Motion was made by Trustee Nilson, seconded by Trustee Meyer, to go into executive session under Idaho Code § 74--206 (a), (b) to consider personnel matters. Roll call vote was taken as follows:

Judy Meyer  aye  
Christie Wood  aye  
Ron Nilson  aye  
Todd Banducci  aye  
Ken Howard  aye  

At 4:30 p.m., a motion was made by Trustee Meyer to return to open session. The motion, seconded by Trustee Nilson, carried unanimously. The meeting was recessed to reconvene in the Lake Coeur d’Alene Room.

BOARD WORKSHOP
Reduction in Force Policy
At 4:40 p.m., Chair Wood called the workshop to order, stating that Dr. Dunlap would review information regarding the Reduction in Force policy proposal. Dr. Dunlap began by explaining elements necessary in determining and requirements for implementing a RIF. He went on to review selection criteria that may be used once a RIF is decided upon and commented that in response to previous comments made by Trustee Howard regarding the consideration of employee merit, the board should discuss these various criteria.

Trustee Nilson commented that the board should have more time to consider and develop a proposal and should not treat this as a first reading.

Trustee Howard expressed concern about the language in the policy requiring the board to declare a financial emergency before adopting a RIF plan. He stated that this language may limit the board’s ability to adopt a RIF should other matters arise aside from financial emergency. Dr. Dunlap recommended inserting the word “also” into the policy sentence regarding the reason for adopting a RIF. Howard responded that adding “also” would work. Chair Wood expressed concern that this option would leave reasons for adopting a RIF open ended and employees may feel this would allow
the board to adopt a RIF for any reason that may not be related to financial emergency. Dr. Dunlap commented that the circumstances listed in the policy such as reduction in funding and enrollment are inextricably related to budget, but to what degree those reductions are impacting the college financially, is what will drive the determination to adopt a RIF Plan. He went on to explain his previous experiences with reductions in force at other institutions, which were related to financial emergency, adding that there are a number of steps an institution will follow before deciding to implement a RIF.

Trustee Howard continued by expressing concern that though it is the board’s responsibility to approve a RIF plan presented by the administration, they can only approve it based on the confines of the policy. He went on to say that currently, all of the detail related to development of a RIF Plan is contained in the procedure and he recommended combining the policy and procedure, so that any RIF Plan developed, must be based on that detail and everyone involved will understand the ground rules because they are fully set out in the policy. Howard went on to express concern about the language in the policy that states the provisions of the policy will not be used for the termination of an employee if the sole cause is substandard performance, incompetence, or misconduct. He stated that though he fully agrees with due process for employees, he feels that including this language in the policy takes away the institution’s ability to use this type of criteria in the evaluation of employees during the implementation of a RIF. He further recommended adding “employee history and merit evaluations” to the list of criteria for layoff as shown in the proposed procedure. He continued by expressing concern about the inclusion of bumping rights, stating that an employee’s ability to bump another employee during a RIF, eliminates due process and disqualifies all the other criteria in the selection of employees for layoff. He added that if bumping rights remain in the proposal then the concept needs to be well-defined. Dr. Dunlap stated that the National Labor Relations Board does not require bumping rights be included as part of the layoff procedure and most institutions that utilize this concept, have union contracts into which bumping rights are built. He added that this can be eliminated from NIC’s proposal, and merit added as criteria for layoff.

Trustee Wood commented that seniority and tenure matter and she feels that without bumping rights, senior or tenured employees may be fearful that their positions may go to younger employees working at a lower pay grade. She added that she would be willing to consider adding merit to the criteria considerations or more fully defined language for bumping rights and that she would like to hear from faculty and staff about it.

Faculty Assembly Chair Erin Davis stated that faculty would be open to more clearly defining bumping rights and she would take the recommendation to the subcommittee that worked on the proposal, and request their feedback. Trustee Howard offered for members of the board to attend a faculty assembly meeting to describe the board’s concerns with them and try to work something out that provides the protections faculty would be comfortable with. Senate Chair John Trombold expressed that tenure is what attracts and commits faculty to the college that the procedure has been well received by those he has spoken with in that it offers protections in the sense of tenure.

Trustee Howard asked that the constituent groups, through their leadership, provide feedback to the board about combining the policy and procedure. Faculty Assembly Chair Erin Davis commented that faculty were pleased with the procedure and she feels that combining it with the policy further solidifies it. She added that she expects to have feedback next month.

Dr. Dunlap recommended that when this item comes up on the agenda, that the board direct him to work with faculty and staff to incorporate the concepts that were presented at this workshop and allow Constituent Leaders have the opportunity to put a new draft before their groups and solicit feedback.
Trustee Howard commented that this item does not have to be on the December agenda as a first reading, but it would be good for the board to receive feedback from the constituent groups in December, if discussions have taken place and there is feedback. He added that there may be successive meetings during which discussions take place before a first reading occurs. Trustee Meyer asked that feedback be provided in writing.

The board recessed at 5:45 p.m.

CALL TO ORDER AND VERIFICATION OF QUORUM
Chair Christie Wood called the meeting to order at 6:05 p.m. and verified that a quorum was present.

ATTENDANCE
Trustees: Todd Banducci
Judy Meyer
Christie Wood
Ron Nilson
Ken Howard

Also present: Joe Dunlap, President
Marc Lyons, Attorney for North Idaho College
Mark Browning, Vice President for Communications and Governmental Relations
Lita Burns, Vice President for Instruction
Chris Martin, Vice President for Finance and Business Affairs
Graydon Stanley, Vice President for Student Services

Chair Wood led the board and meeting attendees in the Pledge of Allegiance. She then read, aloud, the college’s mission statement and she then welcomed attendees and guests to the meeting.

APPROVAL OF MINUTES
Chair Wood called for any changes to the minutes from the meeting held on October 28, 2015. There being none, the minutes were accepted, as presented.

At this time Trustee Nilson made a motion for the board to consider the Reduction in Force policy proposal as an information item rather than first reading. The motion, seconded by Trustee Meyer, carried unanimously.

PUBLIC COMMENT
None.

CELEBRATING SUCCESS
NIC Philosophy Instructors Ed Kaitz and John Jensen reviewed outcomes of the annual Northwest Philosophy Conference they organized at the college in October.

INFORMATION ITEM
Board Member Conduct Policy
Trustee Howard introduced a draft policy regarding conduct of board members and their interactions and communication with college personnel, legislators, the press and others in the community. He stated that as the college has been reviewing and updating the policy manual over the course of the last year and a half, he realized that there was no board policy covering this topic. He asked the board to review the draft and provide him with feedback, adding that it may be modified and introduced for a first reading at some point in the future.
Trustee Nilson commented that there are certain elements in the draft that may restrict the debate and discussion that occurs amongst board members. He went on to say that board members should be respectful of one another at these times or otherwise deal with those situations within the board.

Chair Wood commented that she feels this policy deals with how the trustees behave with the faculty, staff, students and the public and that it’s important for board members to have a higher standard and a policy that holds them to a higher standard.

Trustee Meyer commented that she feels having a policy provides an expectation for the community and she feels the drafts defines the parameters in which board members should conduct themselves. She added that the board should identify some sort of protocol that the college and administration can count on. She expressed appreciation for the inclusion of trustee usage of facilities.

Trustee Howard invited employees and the administration to comment on the proposal.

Trustee Banducci commented that the board is accountable to the electorate and should be cautious in defining punitive measures. He added that that board should not limit the electorate’s accessibility to board members.

Trustee Howard commented that a policy will help both the public and the board understand there is a process through which information is properly received and handled.

At this time, Chair Wood stated that the Financial Audit Report would be given following the election of officers rather than during new business.

**SPECIAL BUSINESS**

*Election of Officers*

Chair Wood expressed that she enjoyed her time as board chair, but she is not interested in another term. She then requested a nomination for board chair. Trustee Meyer moved to nominate Trustee Howard. The nomination was seconded by Chair Wood. Trustee Banducci moved to nominate Trustee Nilson. Trustee Nilson seconded the motion, expressing his wish to serve as chair. The question was called with three votes in favor of Trustee Howard and two votes in favor of Trustee Nilson.

Chair Wood requested a nomination for vice chair. Trustee Howard moved to nominate Trustee Nilson. The nomination, seconded by Trustee Meyer carried unanimously.

Chair Wood requested a nomination for secretary/treasurer. Trustee Howard moved to nominate Trustee Meyer. The nomination, seconded by Trustee Wood, carried.

At this time, Chair-Elect Howard took over the meeting proceedings.

**NEW BUSINESS**

*NIC Financial Audit for Year Ending June 30, 2015*

VP Chris Martin introduced Jodi Daugherty and Kristin Diggs from the auditing firm of Eide Bailly, commenting that they are a new firm to the college, selected through RFP process earlier in the year. Trustee Banducci asked about the frequency of the rotation of the contract for auditing services. VP Martin commented that as a part of the RFP, firms were notified that the length of the engagement would be for three years with optional two year extensions.
Ms. Daugherty provided a background of Eide Bailly and Ms. Diggs provided the scope of the audit and areas of higher risk on which they focused their review. Ms. Daugherty reported on areas that impacted the college’s net position including the college’s implementation of new accounting standards regarding PERSI and the closeout of the Perkins Loan Program.

During review of the Statement of Net Position, Daugherty commented that accounting standards no longer allow for the listing of internally designated funds such as the capital improvement fund that the board has set aside and funds with property taxes collected each year. She added that this can be disclosed in the footnotes to clarify the amount specifically set aside for capital projects. Following this explanation, the board requested that this board-designated fund somehow be identified in the financial report.

Daugherty went on to report that the newly adopted accounting standards impacting PERSI require the college to show its portion of the state’s unfunded liability for PERSI on its financial statement.

Ms. Diggs reviewed findings including a material weakness in internal control resulting from the college’s lack of procedures ensuring management is able to prepare their own financial statements, an incorrect student withdrawal date reported for financial aid, the lack of a control process that verify a student’s status is correctly reflected, and a weak review process to verify that grant costs are allowable.

Ms. Daugherty closed by reviewing a letter provided to the board communicating information related to their audit and showed several comparisons between NIC’s financial position and those of other institutions.

VP Martin commented that though there were findings, the auditors have provided an unqualified opinion of the college’s financial standing. He reviewed process undertaken to respond to each of the findings. He stated that the business office will improve financial reporting and communication to the board throughout the year. Trustee Meyer recommended the board discuss, soon, the types of reporting it wants to see from the college. Martin reported that they had Eide Bailly audit the financial aid process including the flow of scholarship funds from the Foundation and how those funds are managed. He added that Eide Bailly provided some recommendations which are now being implemented. He provided a timeline for the budgeting process for FY17 and requested direction from the board regarding revenue and expenses. Martin closed by thanking the business office staff for their work and he requested the board consider a motion accepting the audit with condition that a footnote be added designating the capital that the board has set aside. The motion made by Trustee Nilson and seconded by Trustee Wood, carried unanimously.

**CONSTITUENT REPORTS**

**ASNIC**

ASNIC President Maria Paluzzi reported on student work on the upcoming Thanksgiving meal ASNIC is hosting for the community, student attendance at the recent Idaho Student Association Summit in Boise, and other upcoming student events.

**Staff Assembly**

Chair Jessica Grantham reported on activities from the November Staff Assembly meeting including a spotlight on campus security, a presentation on the Common Read program, an update on the Career Technical Education facility, a review of the policy proposals that are currently before Senate and she discussed staff assistance for the upcoming St. ASNIC student event.
Faculty Assembly
Chair Erin Davis reported on activities from their November meeting including preliminary recommendations from a faculty ad hoc committee on the faculty compensation and structure policy, and a presentation on the Common Read program.

Senate
Chair John Trombold reported that during their upcoming November meeting, Senate will be reviewing several policies and procedures on various types of employee leave.

PRESIDENT’S REPORT
Dr. Dunlap did not have a report, but instead complimented members of President’s Cabinet and others in the administration for their response during the wind storm earlier in the week.

KTEC REPORT
Trustee Nilson stated that there was no meeting held in November and there was no report.

OLD BUSINESS
Policy #3.02.29 Alternate Work Schedules
VP Chris Martin presented, for a second reading, revisions to the policy covering Alternative Work Schedules, stating that language regarding the use of college facilities and resources had been added as a consideration in developing alternative work schedules. Trustee Wood made a motion to adopt revisions to Policy #3.02.29. The motion, seconded by Trustee Nilson, carried unanimously.

Policy #2.01.07 Inspection of Records
VP Mark Browning presented, for a second reading, revisions to the policy covering records inspection, adding that a change to the statute reference had been made since the first reading. Trustee Wood made a motion to adopt revisions to Inspection of Records Policy #2.01.07. The motion, seconded by Trustee Nilson, carried unanimously.

NEW BUSINESS
Head Start Report
Head Start Director Beth Ann Fuller presented revisions to the Policy Council Bylaws and Criteria for Prioritization of Families Policy, both of which were previously reviewed and approved by Policy Council. Following a question by Trustee Nilson, she stated that they currently have a wait list of approximately 200 children and explained the criteria related to the point system. Trustee Wood commented that the college and board should look at some sort of a line item that supports Head Start. Fuller closed by stating that the Program Information Report would be provided for their review prior to the December meeting.

Reduction in Force Policy
Chair Howard commented that the board had held a workshop prior to the evening’s meeting for the purpose of discussing the RIF proposal and the resolution was that the information would be considered and addressed at future meetings. He added that once questions raised had been answered, the proposal would be brought up for a first reading.

INFORMATION ITEMS
Career Technical Education Facility Update
VP Chris Martin reported that slab pours would begin before Thanksgiving and steel would be delivered after that. He went to report that areas one and two would be erected and enclosed before the end of the calendar year. He added that the project was still on budget and making progress as expected.
BOARD CHAIR REPORT
Chair Howard stated that he had no report.

REMARKS FOR THE GOOD OF THE ORDER
Trustee Meyer discussed the conference of the Idaho Business for Education organization held recently on campus and she commented that the board should save dates in late January to attend hearings of the Joint Finance Appropriations Committee.

Trustee Banducci commented on recent events held at or hosted by the college, including the Veterans luncheon, the IBE conference and the Scholarship Celebration.

The meeting was adjourned at 8:40 p.m.
CALL TO ORDER AND VERIFICATION OF QUORUM
Chair Ken Howard called the meeting to order at 8:35 a.m. and verified that a quorum was present.

ATTENDANCE
Trustees: Judy Meyer
Christie Wood
Ron Nilson
Todd Banducci
Ken Howard

EXECUTIVE SESSION
Motion was made by Trustee Banducci, seconded by Trustee Meyer, to go into executive session under Idaho Code § 74–206 (a), (b) to consider personnel matters. Roll call vote was taken as follows:

   Judy Meyer    aye
   Christie Wood aye
   Ron Nilson    aye
   Todd Banducci aye
   Ken Howard    aye

At 10:01 a.m., a motion was made by Trustee Banducci to return to open session. The motion, seconded by Trustee Nilson, carried unanimously. The meeting was adjourned.

________________________________  ______________________________________
Board of Trustees Chair            Board of Trustees Secretary
SUBJECT
North Idaho College Head Start Policy Council Bylaws
North Idaho College Head Start Criteria for Prioritization of Families Policy
North Idaho College Head Start Program Information Report

BACKGROUND
North Idaho College has served as the grantee for the North Idaho College Head Start since August 1, 1974. NIC Head Start is a school readiness program that provides education and support for young children and their families. NICHS has nine sites in all five northern counties, currently serving 293 children.

DISCUSSION
In accordance with the Head Start Performance Standards, North Idaho College Head Start Policy Council met and approved the NICHS Policy Council Bylaws on September 18, 2015. The Policy Council added language about a Board liaison, the Vice President of Finance and Business Affairs. They changed the name of the committee to ERSEA Committee and added a Nutrition Committee as a standing committee for Policy Council. They also added a section on Grievance procedure to delineate the grievance steps of each governing board, and the governing board liaison. The PC Bylaws must be reviewed and approved by the NICHS Governing Body, which is the North Idaho College Board of Trustees.

The NICHS Criteria for Prioritization of Families Policy was reviewed by the Policy Council Criteria subcommittee in March and September, and approved by Policy Council in September 2015. One adjustment in the formula of criteria points given to enrollees for family stressors was added. Expanded definitions were added for foster children and family members seeking further education. Verbiage about NIC Children’s Center families’ eligibility for enrollment was also added. This criteria for selecting families that can benefit the most from Head Start services must be reviewed annually and approved by both the Policy Council and the NIC Board of Trustees.

North Idaho College Head Start Program Information Report is attached for review for grant year 2014/2015. These statistics will be included in our Annual Report and will be published along with other important benchmarks for our previous year services in January 2016.

FINANCIAL IMPACT
The Head Start grant is federal funded from The Department of Health and Human Services/Office of Head Start.

REQUESTED BOARD ACTION
Request the board consider a motion to approve the NIC Head Start Policy Council Bylaws and North Idaho College Head Start Criteria for Prioritization of Families Policy. Though no action is required for the NICHS Program Information Report, request the board review it at this time.

Prepared by
Beth Ann Fuller, North Idaho College Head Start Director
Policy Council Bylaws

ARTICLE I Name
The name of this organization shall be the North Idaho College Head Start Policy Council, hereafter in these Bylaws called Policy Council.

ARTICLE II Purposes and Functions
Section I Purpose
The purpose shall be to comply with the requirements of Improving Head Start for School Readiness Act of 2007, Section 642 and to implement Head Start Performance Standards, 45 CFR Subpart D Program Design and Management, 1304.50 Program Governance “(1) Grantee and delegate agencies must establish and maintain a formal structure of shared governance through which parents can participate in policy making or in other decisions about the program”.

Policy Council is responsible to work with the governing body and staff to be involved in the decision-making process, prior to the point of seeking approval, for planning and coordinating for the Head Start program, and establish and maintain procedures for hearing and resolving community complaints about the program. This Policy Council serves the counties of Kootenai, Shoshone, Boundary, Bonner, and Benewah in the State of Idaho.

Section II Functions
The functions of the Policy Council:
1. Develop and approve the goals and objectives for Head Start within the agency, and establish ways to meet them within the Administration for Children and Families (ACF) guidelines.
2. Review the Community Assessment, approve the Target Service Areas, and assure that these meet the required standards.
3. Develop a plan for recruitment and selection of eligible children using the current ACF guidelines.
4. Establish the composition of Policy Council and determine committees for dealing with individual program procedures.
5. Serve as a link to the Center Parent Committees, Center Staff, North Idaho College Board Liaison as designated by the Board of Trustees, North Idaho College Board of Trustees, public and private organizations, and the communities they serve.
6. Assist and develop a plan to help Center Parent Committees in communicating with parents enrolled in all program options to insure that they understand their rights, responsibilities, and opportunities in Head Start, and to encourage their participation in the program.
7. Assist and develop a plan to help Center Parent Committees in planning, coordinating, and organizing program activities for parents with the assistance of staff, and insuring that funds set aside from program budgets are used to support parent activities.
8. Establish and maintain procedures for hearing and resolving complaints about the program.
9. Collaboratively develop Personnel Policies with the Staff Development Committee and the Director. Approve Personnel Policies.
10. With the Director, establish criteria, procedure, and approval for the selection and release of all staff personnel.
11. Approve or disapprove request for funds and proposed work programs, based upon the recommendations of the Director.
12. Approve or disapprove major changes in the operating budget and operations and monitoring system while the program is in operation.
13. Participate with program staff to identify needs to provide assistance for recruitment for volunteers and community resources. Participate in a yearly self-evaluation of the program.
14. Be a link between the community resources and Head Start parents.
15. To follow Mediation Procedures, Article VII.

ARTICLE III  Membership and Meetings

Section I Composition
The Policy Council shall be composed of no less than 51% parents currently enrolled in Head Start and no more than 49% representatives from the community. Representatives are elected before the October Policy Council Meeting. Each Head Start Center Parent Committee elects voting representatives as follows:

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<tr>
<th>Centers / Parent Committees</th>
<th>Center Enrollment Slots</th>
<th>Number of Parent Representatives</th>
</tr>
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<tbody>
<tr>
<td>Center A</td>
<td>61-90</td>
<td>4</td>
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<tr>
<td>Center B</td>
<td>41-60</td>
<td>3</td>
</tr>
<tr>
<td>Center C</td>
<td>21-40</td>
<td>2</td>
</tr>
<tr>
<td>Center D</td>
<td>0-20</td>
<td>1</td>
</tr>
</tbody>
</table>

Section II Selection Policy Council Parent Representatives
1. Each Head Start Center Parent Committee elects Policy Council Representatives by the first Friday in October. Center Policy Council Representatives are comprised exclusively of the parents of children currently enrolled at the center. This allows for their attendance and training at the October meeting.
2. Their term of office will be October through October.
   a. This allows for the October meeting to have experienced members from the previous program year present to run the meeting.
   b. Policy Council Representatives, elected during the year will be seated at the first possible meeting after their election at the Center Parent Committee with their term going through the following October meeting.
3. No Grantee staff or members of their immediate families may serve on Policy Council.

Section III Selection Policy Council Community Representatives
1. Representatives from the community may include individuals selected from the following community groups by the Policy Council: Community representation will be considered from all our communities when positions are available.
   a. State service agencies
   b. Private service agencies
   c. Community organizations
   d. Public and private school personnel
   e. Parents of former Head Start children, including those holding an office with any of the following agencies: Idaho Head Start Association, Region X Head Start Association, or National Head Start Association
   f. A representative from Grantee Board of Trustees
   g. Health Care Professionals
   h. Recommended interested community citizens.
2. Prior to the October Policy Council meeting, permission is obtained from proposed representatives from the community to submit their names for nomination to the Policy Council. Policy Council members, Head Start staff, and Grantee Board may submit nominations to the Policy Council. Nominations for community representative will be submitted throughout the program year as needed.

Section IV Term of Office
Policy Council representatives shall serve for a term of thirteen (13) months beginning with the October meeting and ending with the October meeting. No representative shall serve on the Policy Council for more than three (3) terms, subject to any changes in Head Start Performance Standards and/or regulations.

Section V Meetings
1. Regular meetings of this Policy Council will be held monthly, usually the third Friday of the month. Meeting dates are subject to change as decided by the Policy Council.
2. The Chair may call special meetings of the Policy Council as needed. Advance notice of at least forty-eight (48) hours must be given.
3. The North Idaho College Head Start Staff Recorder will maintain Policy Council minutes for all regular and special meetings. The Staff Recorder shall see that a record of minutes is kept on file at the Head Start Central Office and sends out copies of minutes to each member, the North Idaho College Board Liaison as designated by the Board of Trustees, and the North Idaho College Board of Trustees Chair. The staff recorder has no membership privileges.
4. Notice of regular meeting - written notices are mailed or emailed to each Policy Council representative at least five (5) days prior to the date of each regular meeting. An agenda for forthcoming meeting is enclosed. Minutes of the past meeting are mailed or e-mailed within two weeks of the meeting. Notice of special meetings shall be by personal or electronic contact.
5. Quorum - 1/3 of the seated representatives of Policy Council must be present to constitute a quorum for regular meetings or special meetings to transact business, no less than 51% must be parents.
7. Voting Rights - Each Policy Council representative shall have one (1) vote.
8. Policy Council parent members, in order to participate fully, may receive, when necessary, reimbursement/payment for reasonable expenses incurred by the members.

Section VI Duties of Representatives
1. Due to the progressive nature of the work and responsibilities of Policy Council and to support informed decision-making, representatives shall maintain good standing. Representatives in good standing attend and arrive on time for all regularly scheduled monthly meetings.
2. Representatives attend selected and/or required committee meetings.
3. Notify Policy Council Vice-Chair, or Policy Council Advisor when unable to attend. In the case of an emergency, contact your respective center.
4. Actively participate in meetings by reading the previous meeting minutes and agenda for the upcoming meeting prior to the meeting and discussing matters to be considered with the group he/she represents.
5. Notify the Policy Council Advisor if they can no longer serve as a Policy Council Representative.
   a. The Policy Council Advisor notifies the Area Supervisor when a vacancy occurs.
7. Community representatives shall provide verbal reports to Policy Council at each Policy Council meeting.
8. Parent representatives shall meet with Area Supervisor or Center Assistant and prepare a center report for Policy Council prior to each Policy Council meeting.
9. Parent representatives report back to their Center Parent Committees any actions taken by the Policy Council that have not been declared confidential.
10. Submit agenda items to the chairperson at least eleven (11) days prior to the forthcoming meeting.
11. Serve on committees as established by Policy Council.

Section VII Attendance
1. Roll is taken at each meeting anyone not in attendance is marked absent.
   i. Late arrivals will be indicated on the meeting attendance, voting privileges will be suspended for the meeting.
   ii. Extenuating circumstances for late arrivals being counted present and voting privileges will be considered by the Policy Council Chair.
2. Representatives should be present at all regular monthly meetings and assigned sub-committee meetings.
3. Policy Council minutes will reflect all absences.
4. A representative in good standing will miss no more than three (3) meetings.
   a. When one of the representatives has three (3) absences, Policy Council will determine by a 2/3 vote of members in attendance at the Policy Council meeting whether or not the representative should be retained.
   b. The Policy Council retains the right to consider extenuating circumstances.
   c. The Policy Council Advisor notifies the respective Area Supervisor of Policy Council’s action to unseat a representative from a position.
      i. If it is the decision of the Policy Council to replace the non-participating representative, a new representative will be elected through the respective Center Parent Committee.

ARTICLE IV Officers and Delegates
Section I Officers
1. Chair
2. Vice-Chair
3. Secretary
4. Treasurer

Section II Election and Term of Office
All officers shall be elected for a one (1) year term at the October meeting. Term of office begins at the November meeting. Officers can only serve in one officer position. Officers demonstrate commitment to leadership duties and attendance at all meetings.

Section III Duties of Officers
1. Chair
   a. Presides at all regular and special Policy Council meetings.
   b. Demonstrates a clear understanding of the Policy Council By-Laws.
   c. Explains each motion before it is voted upon.
   d. Calls the meeting to order and formally closes it.
   e. Calls special meetings when necessary.
   f. Appoints committee chairperson and supervises committee appointments if needed.
g. Reviews and approves the agenda for each regular meeting and sees that it is
distributed to representatives.

h. Receives Staff Development Committee report for general business and serves on
the Scholarship and Award Committee.

i. Receives and handles all mail addressed to the Policy Council and is responsible for
all official correspondence.

j. May delegate duties as needed to Vice Chair.

k. Communicates with the North Idaho College Board Liaison as designated by the
Board of Trustees for any issues that require Board of Trustees attention.

l. Votes only in the case of a tie vote of the Policy Council representatives.

m. A Chair who fails to perform his/her duties may be removed from office by a 2/3 vote
of members in attendance at the Policy Council meeting.

2. Vice-Chair
   a. Presides over the Policy Council meeting and all duties associated with that meeting
   in the absence of the Chair.
   b. Assists with the secretary duties in the absence of the Secretary.
   c. In the case of resignation of the Chair, assumes the office of Chair until the Policy
      Council elects a permanent Chair.
   d. Chairs the Bylaws Committee.
   e. Notes whether a quorum is present.
   f. Receives notice from Policy Council Representatives when a member will be absent
      from a meeting.
   g. Maintains records of Policy Council member attendance and reports to the Policy
      Council Chair when a representative has three (3) absences.
   h. A Vice-Chair who fails to perform his/her duties may be removed from office by a 2/3
      vote of members in attendance at the Policy Council meeting.

3. Secretary
   a. Keeps a Policy Council notebook that includes: A copy of the Bylaws, a copy of the
      current Policy Council member list, , and the agenda and minutes for the last twelve
      (12) months.
   b. Ensures that the Policy Council notebook is available at all Policy Council meetings.
      a. The Policy Council notebook is stored in the Policy Council's locked cabinet.
   c. Assist chair as Time keeper.
   d. A Secretary who fails to perform his/her duties may be removed from office by a 2/3
      vote of members in attendance at the Policy Council meeting.

4. Treasurer
   a. Reviews and signs all travel and childcare reports.
   b. Keeps an accurate record of the Policy Council's expenditures.
   c. Distributes an itemized budget report covering all Policy Council expenditures.
   d. Chairs the Policy Council Budget Committee.
   e. A Treasurer who fails to perform his/her duties may be removed from office by a 2/3
      vote of members in attendance at the Policy Council meeting.

Section IV – Delegates
1. State Representative to the Idaho Head Start Association (IHSA)
   a. One Delegate is elected for a one-year term.
b. The Delegate must be a current or past Head Start parent or legal guardian and Policy Council Representative at the time they are elected.

c. Delegates may serve up to two, one-year terms.

d. One State Representative Alternate shall be elected who is a current or past Head Start parent or legal guardian with voting rights in the absence of the Delegate.

i. The State Representative Alternate will automatically fill the Delegate’s vacancy if needed for the remainder of the elected term. A new State Representative Alternate will be elected to finish the current term.

e. Election of the State Representative Delegate and the State Representative Alternate occurs prior to the annual IHSA membership meeting.

f. Term of office shall be one year.

g. Duties of the Delegate include, but are not limited to:

i. Attend all Policy Council meetings.

ii. Attend all funded State meetings.

iii. Provide a written and oral report to the Policy Council following each State meeting.

iv. Attend other meetings as needed with administration, staff, and Policy Council representatives.

h. A State Representative Delegate or State Representative Alternate who fails to perform his/her duties may be removed from position by a 2/3 vote of members in attendance at the Policy Council meeting.

ARTICLE V Committees

Representatives select committees to serve on at the Committee Meeting Session prior to the October Policy Council meeting. When representatives/officers change, the committee roster is updated by the Staff Recorder.

Section I Personnel Committees

1. Center Personnel Committee: Policy Council Representatives and/or Center Parent Representatives are involved in the interview and selection process for hiring staff. (Refer to Personnel Policies Section 3.03)

2. Executive Personnel Committee: This committee shall consist of at least three (3) Policy Council representatives including the Chair and is called by the Head Start Director as needed.

Section II ERSEA (Eligibility, Recruitment, Selection, Enrollment, Attendance) Committee

1. Committee shall consist of at least three (3) Policy Council representatives.

2. The committee shall design the recruitment and enrollment criteria, that includes the criteria for selection of families, to be used for enrolling families in the Head Start program.

Section III Program Self Assessment Committee

1. Committee consists of at least two (2) Policy Council Representatives.

2. Members will attend Self-Assessment training prior to conducting the program self-assessment.

Section IV Grant Planning Committee

1. Consists of the Administration Team, (1) one staff representative from each center, at least (3) Policy Council representatives, (1) one of, which must represent a rural program serving less than twenty-three (23) families, as voting representatives.
2. This committee meets up to three (3) times a year to plan the grant for the next program year.
3. Grant Planning reports are presented to Policy Council.

Section V Bylaws Committee
1. Consist of Policy Council Vice-Chair and at least three (3) Policy Council Representatives.
2. Meets at least once during the program year and when needed to review all By-Laws and make recommendations for revision.

Section VI Program Policies Committee
1. Consist of all administrative team, designated staff from each component, and at least three (3) Policy Council representatives.
2. This committee meets semi-annually to review changes and make recommendations for the following year.

Section VII Policy Council Budget Committee
1. Consists of Policy Council Treasurer as chair and two current parent representatives. The Fiscal Coordinator serves as an advisor.
2. Complete an inclusive Policy Council budget with categories covering all areas of expenditures and present to the Council.
3. Meet to update budget at the beginning of each fiscal year.
4. Review and update, as needed, the Policy Council Childcare and Transportation Policy.

Section VI Nutrition Committee
1. Consist of at least three (3) Policy Council representatives.
2. This committee meets semi-annually to review changes and make recommendations for the following year.

Section VIII Scholarships and Awards Committee
1. Consists of Policy Council Chair, Staff Development Committee Chair and Staff Development Committee Scholarships and Awards sub-committee members.
2. Reviews all applications for Scholarships and Awards.
3. Selects all finalist applications.
   a. The program submits the selected finalists to the National Head Start Association complying with the defined timelines.
4. Plans for recognition and celebrations for all applicants.

Section IX Special Committees
1. The chairperson or Policy Council appoints special Committees as the need arises. Membership of Special Committees may include Center Parent Representatives.

ARTICLE VI Conflict of Interest
The purpose of the following policy and procedures is to prevent the personal interest of staff members, board members, and volunteers from interfering with the performance of their duties to North Idaho College Head Start (NICHS), or result in personal financial, professional, or political gain on the part of such persons at the expense of or its members, supporters, and other stakeholders.

Definitions:
a. **Conflict of Interest** (also Conflict) means a conflict, or the appearance of a conflict, between the private interests and official responsibilities of a Policy Council Representative.

**Procedures:**

Full disclosure, by notice in writing, shall be made by the interested parties to the full Policy Council in all conflicts of interest, including but not limited to the following:

a. A Policy Council Representative is related to a staff member by blood, marriage or domestic partnership.

b. A Policy Council Representative stands to benefit from an NICHS transaction receives payment from NICHS for any subcontract, goods, or services other than reimbursement for reasonable expenses incurred as provided in the bylaws and NICHS policy.

c. A Policy Council Representative who is formally considering employment with NICHS must notify the Policy Council Chair (or Vice-chair if it is the Chair) and will not participate on the hiring committee nor as a voting member during the specific Policy Council meeting when hiring for said position. If hired this will terminate their membership as a Policy Council Representative.

Following full disclosure of a possible conflict of interest or any condition listed above, the Policy Council shall determine whether a conflict of interest exists and, if so the Policy Council shall vote to authorize or reject the transaction or take any other action deemed necessary to address the conflict and protect NICHS’s best interests.

This **Conflict of Interest** policy, as part of the Policy Council By-laws, is given to all Policy Council Representatives, through the Policy Council notebooks. The Policy Council By-laws are also available through the Program’s Operation and Monitoring System (OMS).

**ARTICLE VII  Grievance Procedure**

If a grievance is brought to Policy Council, the Policy Council will work to resolve the grievance.

Should no resolution be met for the grievance, then the Policy Council Chair will present the grievance to the North Idaho College Board Liaison as designated by the Board of Trustees.

The North Idaho College Board Liaison will present the grievance to the North Idaho College Board of Trustees for action.

**ARTICLE VIII  Mediation Procedures**

Head Start Grantees must inform the responsible ACF Regional Office as soon as possible after becoming aware that there is a conflict between the Grantee agency and the Policy Council, especially those which, if not resolved, could lead to termination, or denial of refunding, of the Head Start grant. This notification must be made within ten days of the Grantee becoming aware of the conflict and in the case of a Policy Council proposing not to approve the Grantee’s refunding application; such notification must be made at least 90 days prior to the Grantee’s refunding date. If the situation leading to the Policy Council’s decision to withhold its approval occurs within 90 days of the Grantee’s refunding date, the Grantee must notify its responsible Regional Office immediately.

The Regional Administrator, or a Regional staff member designated by the Regional Administrator, will hold one or more meetings, as appropriate, which the Grantee’s Executive Director, the Grantee’s Head Start Director, and the Policy Council Chair are required to attend.
The attendance of Grantee Board members at any or all of these meetings is encouraged. The purpose of these meetings is to attempt to resolve the issues between the Grantee and the Policy Council to the mutual satisfaction of both parties and thus avoid the possibility of an adverse action against the Grantee.

If the meetings are not successful in resolving the issues between the Grantee and the Policy Council, the Grantee should, within 10 days of the meeting, submit the dispute to the offices of a professional mediator. The Regional Office will provide assistance to the Grantee in selecting a mediator. The Grantee is requested to advise the Regional Office of the time and location of the first scheduled meeting. The Grantee and the Policy Council are expected to attend any meetings requested by the mediator.

If the conflict relates to the Grantee’s refunding, the mediation process must be completed 15 days prior to the Grantee’s refunding date unless the mediator has indicated to the Regional Office, in writing, that additional time for mediation will likely result in a successful resolution of the conflict, in which case the Regional Administrator may extend the current Head Start grant. The refusal of either party to engage in a mediation process shall be taken into consideration by the ACF Regional Office in determining what course of action is warranted.

ARTICLE VIII Amendments

These By-laws will be reviewed annually by the By-laws Committee and presented to Policy Council and the Grantee Board of Trustees for approval.

These By-laws may be amended by sending a copy of the proposed amendment to each Policy Council member at least one (1) week before the meeting in which the amendments are considered. Amendments must be approved by a quorum of the Policy Council.

Policy Council Approval ___September 18, 2015__________

North Idaho College Board of Trustees Approval__________________
**Criteria for Prioritization – Selection of Children for Enrollment**

*Reviewed: recommended changes*

Criteria for Prioritization of Families Policy: North Idaho College Head Start serves families who have the greatest opportunity to benefit the most from our services. The point system provides a method of determining eligibility based on: family income or categorical eligibility, formal referral, child’s age, and/or disabilities and other family stressors.

### Criteria for Prioritization

<table>
<thead>
<tr>
<th>Points Allowable</th>
<th>Criteria for Prioritization</th>
</tr>
</thead>
<tbody>
<tr>
<td>0, 21, 28</td>
<td>1. Verified Income (Percent below Federal Poverty Guidelines**)</td>
</tr>
<tr>
<td>20</td>
<td>2. Age* (Four years old on or before September 1st of program year)</td>
</tr>
<tr>
<td>20</td>
<td>3. Diagnosed Disability</td>
</tr>
<tr>
<td>15</td>
<td>4. Suspected Disability</td>
</tr>
<tr>
<td>10</td>
<td>5. Formal Referral from Agency/Professional (including Early Head Start/Head Start) * (Written documentation is required)</td>
</tr>
<tr>
<td>5</td>
<td>6. Transition from Early Head Start / Head Start program</td>
</tr>
<tr>
<td>10</td>
<td>7. Foster Child (meets definition for State placement) or Child in Custody/Care of Someone other than the Biological Parent(s) (removal by full body)</td>
</tr>
<tr>
<td>10</td>
<td>8. Homelessness (as determined by the McKinney-Vento Homeless Assistance Act of 1987)</td>
</tr>
<tr>
<td>10</td>
<td>9. Family Violence (includes physical, verbal or emotional abuse/violence, child abuse, neglect, or abandonment)</td>
</tr>
<tr>
<td>10</td>
<td>11. Substance Abuse or other addictions</td>
</tr>
<tr>
<td>5</td>
<td>12. Single Parent/Guardian Household</td>
</tr>
<tr>
<td>5</td>
<td>13. Parent/Guardian in Incarceration and/or Returning from Incarceration</td>
</tr>
<tr>
<td>5</td>
<td>14. Parent/Guardian Active Military Service, Returning from Military Service, or Veteran</td>
</tr>
<tr>
<td>5</td>
<td>15. Mental Health Issue – Child and/or Family</td>
</tr>
</tbody>
</table>
| 5 or 10          | 16. Additional Household Stressors: (one or two = 5 points; three or more = 10 points)  
  Chronic Health Issue and/or Disability within the Family  
  Death of a Family Member in the Household(s)  
  Families in Crisis (emergency relocation, natural and/or family disaster)  
  Family Legal Issues  
  **Limited Opportunities for Socialization (child/family)**  
  **Parent Working Out of the Area**  
  Parent Working Multiple Jobs or Working and Going to School (moved to stand-alone item) |
Points are determined through the application process. Children whose families have completed an Application prior to the enrollment selection date are placed on the Waiting List.

Area Supervisors select the children/families from the prioritization list generated by the program’s child data collection system. Area Supervisors then fill enrollment slots to correspond with the Enrollment Policy (FCP/201).

When an opening occurs, the family selected from the prioritization list is immediately notified and an enrollment appointment is scheduled. Notification can be by phone. (If no phone is available notification can be by mail.) At time of notification, a family is considered selected. After the enrollment appointment, the child’s status changes to “accepted”. North Idaho College Head Start strives to have all enrollment vacancies filled within three working days.

(Added and reviewed and approved by Policy Council – September 18, 2015.)

All efforts are made to provide continuous enrollment when:

1. A family relocates to another community within the North Idaho College Head Start Service Area.
2. A family no longer meets criteria for enrollment at the North Idaho College Children’s Center by being a staff member or student.

Their acceptance for continued enrollment is based upon the families’ desire to remain enrolled in the program and the receiving Center having a concurrent open enrollment slot. If the receiving Center does not have an open enrollment slot, the family is put on the Center’s waitlist.

*Child must be three-years old according to NICHS criteria

**Percent of Poverty Guideline is:

<table>
<thead>
<tr>
<th>Income Ratio</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between 0% and 50%</td>
<td>28</td>
</tr>
<tr>
<td>Between 51% and 100%</td>
<td>21</td>
</tr>
<tr>
<td>Over-income</td>
<td>0</td>
</tr>
</tbody>
</table>

*If needed to maintain full enrollment, the income ratio between 101% and 130% may be considered. This income status would not count towards the allotted 10% over-income standard.*
Office of Head Start - Program Information Report (PIR)

PIR Indicator Report - 2015 - Program Level

Program - Head Start has 1 Program(s)

- The PIR Performance Indicators highlight annual program PIR data in areas of frequent interest and are not intended to serve as a full summary of programs' performance.
- The PIR Performance Indicator Formulas document provides the question numbers used for indicator calculations and is available at http://eclkc.ohs.acf.hhs.gov/pir.
- Numerators and denominators are included in the report to supply context for percentages.

### Enrollment - PIR Performance Indicators

<table>
<thead>
<tr>
<th>Context</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cumulative Enrolled Children</td>
<td>338</td>
</tr>
<tr>
<td>2015 # PIR Performance Indicator</td>
<td>Number</td>
</tr>
<tr>
<td>101 Percentage (%) of children enrolled for multiple years</td>
<td>63</td>
</tr>
<tr>
<td>102 Percentage (%) of children enrolled less than 45 days</td>
<td>15</td>
</tr>
<tr>
<td>103 Percentage (%) of children and pregnant women (if EHS) who left the program and did not re-enroll</td>
<td>51</td>
</tr>
</tbody>
</table>

### Services to All Children at Beginning of Enrollment Year Compared to End of Enrollment Year (based on Cumulative Enrollment) - PIR Performance Indicators

<table>
<thead>
<tr>
<th>Context</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cumulative Enrolled Children</td>
<td>338</td>
<td></td>
</tr>
<tr>
<td>Children Enrolled less than 45 Days</td>
<td>15</td>
<td>4.44%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2015 # PIR Performance Indicator</th>
<th>Number at Beginning of Enrollment Year</th>
<th>Percentage at Beginning of Enrollment Year</th>
<th>Number at End of Enrollment Year</th>
<th>Percentage at End of Enrollment Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>111.1 Percentage (%) of children with health insurance</td>
<td>333</td>
<td>98.52%</td>
<td>334</td>
<td>98.82%</td>
</tr>
<tr>
<td>112.1 Percentage (%) of children with a medical home</td>
<td>331</td>
<td>97.93%</td>
<td>337</td>
<td>99.70%</td>
</tr>
<tr>
<td>113.1 Percentage (%) of children with up-to-date immunizations, all possible immunizations to date, or exempt</td>
<td>308</td>
<td>91.12%</td>
<td>327</td>
<td>96.75%</td>
</tr>
<tr>
<td>114.1 Percentage (%) of children with a dental home</td>
<td>252</td>
<td>74.56%</td>
<td>326</td>
<td>96.45%</td>
</tr>
</tbody>
</table>

### Services to All Children (based on Cumulative Enrollment) - PIR Performance Indicators

<table>
<thead>
<tr>
<th>Context</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cumulative Enrolled Children</td>
<td>338</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2015 # PIR Performance Indicator</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>121 Percentage (%) of children with an IFSP or IEP</td>
<td>80</td>
<td>23.67%</td>
</tr>
<tr>
<td>122 Percentage (%) of children up-to-date on a schedule of preventive and primary health care per the state's EPSDT schedule at the end of enrollment year</td>
<td>273</td>
<td>80.77%</td>
</tr>
<tr>
<td>123 Of the children up-to-date on health screenings, the percentage (%) of children diagnosed with a chronic condition needing medical treatment</td>
<td>20</td>
<td>7.33%</td>
</tr>
<tr>
<td>124 Of the children diagnosed with a chronic condition needing medical treatment, the percentage (%) of children who received medical treatment</td>
<td>11</td>
<td>55.00%</td>
</tr>
</tbody>
</table>
### Services to Preschool Children (based on Cumulative Enrollment) - PIR Performance Indicators

<table>
<thead>
<tr>
<th>Context</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cumulative Enrolled Preschool Children</td>
<td>338</td>
</tr>
<tr>
<td>Cumulative Enrolled Preschool Children with an IEP for one of the Primary Disabilities Reported in the PIR</td>
<td>80</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2015 #</th>
<th>PIR Performance Indicator</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>131</td>
<td>Percentage (%) of preschool children that received special education or related services for one of the primary disabilities reported in the PIR</td>
<td>80</td>
<td>100.00%</td>
</tr>
<tr>
<td>132</td>
<td>Percentage (%) of preschool children completing professional dental exams</td>
<td>324</td>
<td>95.86%</td>
</tr>
<tr>
<td>133</td>
<td>Of the preschool children receiving professional dental exams, the percentage (%) of preschool children needing professional dental treatment</td>
<td>54</td>
<td>16.67%</td>
</tr>
<tr>
<td>134</td>
<td>Of the preschool children needing dental treatment, the percentage (%) of preschool children who received dental treatment</td>
<td>25</td>
<td>46.30%</td>
</tr>
</tbody>
</table>

### Family Services - PIR Performance Indicators

<table>
<thead>
<tr>
<th>Context</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Head Start Families</td>
<td>312</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2015 #</th>
<th>PIR Performance Indicator</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>141</td>
<td>Percentage (%) of families who received at least one of the family services reported in the PIR</td>
<td>310</td>
<td>99.36%</td>
</tr>
</tbody>
</table>

### Preschool Staff and Classes (Head Start and Migrant/Seasonal preschool staff only) - PIR Performance Indicators

<table>
<thead>
<tr>
<th>Context</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preschool Classroom Teachers</td>
<td>17</td>
</tr>
<tr>
<td>Preschool Classes</td>
<td>13</td>
</tr>
<tr>
<td>Preschool Classroom Assistant Teachers</td>
<td>13</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2015 #</th>
<th>PIR Performance Indicator</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>151</td>
<td>Percentage (%) of preschool classroom teachers that meet the degree/credential requirements of Section 648A.(2)(A) (BA or higher - ECE/related) that will become effective September, 2013</td>
<td>13</td>
<td>76.47%</td>
</tr>
<tr>
<td>152</td>
<td>Percentage (%) of preschool classes in which at least one teacher meets the teacher degree/credential requirements of Section 648A.(3)(B) (AA or higher - ECE/related) that became effective October, 2011</td>
<td>4</td>
<td>30.77%</td>
</tr>
<tr>
<td>153</td>
<td>Percentage (%) of preschool classroom assistant teachers with a CDA/equivalent or higher, or are enrolled in a CDA or ECE degree program</td>
<td>12</td>
<td>92.31%</td>
</tr>
</tbody>
</table>
## Report Filters

<table>
<thead>
<tr>
<th>Filter Name</th>
<th>Filter Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Year</td>
<td>2015</td>
</tr>
<tr>
<td>Program Types</td>
<td>HS, EHS, Migrant HS, Migrant EHS, AIAN HS, AIAN EHS</td>
</tr>
<tr>
<td>Programs</td>
<td>10CH0056 - 000 - North Idaho College Head Start</td>
</tr>
</tbody>
</table>
SUBJECT
Reduction in Force (RIF) Policy

BACKGROUND
In the past two years, the staff, faculty and administration of North Idaho College have engaged in the review of all institutional policies. However, policy 3.02.26, Staff Reduction Due to Financial Exigency, was initially evaluated and revisions were proposed in the spring of 2011. The proposed revisions were debated by the College Senate with counter proposals offered over the course of the past four years.

DISCUSSION
During a board workshop held November 18, 2015, the board reviewed and discussed the RIF policy and procedure that were developed by the president, members of Faculty Assembly and the College Senate over the course of the summer and fall of 2015. During those discussions at the workshop, a recommendation was made to combine the proposed policy and procedure and to make several other adjustments for future board review and consideration. The resulting policy draft is included here as Attachment A. Also included in this tab:

Attachment B: Proposed Reduction in Force Policy 3.02.XX, dated July 8, 2015
Attachment C: Proposed Reduction in Force Procedure 3.02.XX, dated August 2015
Attachment D: White paper discussion of considerations for development and implementation of a RIF policy
Attachment E: An approximate chronology of RIF implementation
Attachment F: The previous revision, policy 3.02.XX undated
Attachment G: The previous revision, procedure 3.02.XX [Both Attachments F and G were prepared in 2013 by College Attorney Marc Lyons]
Attachments H & I: Reduction in Force due to Financial Exigency Policy and Procedure #3.02.26, which are currently in effect.

FINANCIAL IMPACT
None

REQUESTED BOARD ACTION
This item is under review and discussion and no action is requested at this time.

Prepared by
Joe Dunlap, President
REDUCTION IN FORCE

Applicability: All Employees

Purpose and Scope:

North Idaho College highly values the contribution of all employees and recognizes the significant personal consequences related to a reduction in force. The board does recognize that any reduction in force will have an impact on the individual employees affected. Therefore, the North Idaho College Board of Trustees (the “Board”) seeks, by this policy and the associated procedure, to ensure that an equitable process will be followed to implement changes associated with a reduction in force plan. The plan will be administered without prejudice and will seek to sustain collegiality, respect, and professionalism among employees and to minimize disruptions to students. The focus of the plan will be to continue to maintain and achieve the college’s mission and goals.

The North Idaho College Board of Trustees (the Board) acting in its governing capacity and in its sole discretion, may adopt a Reduction in Force Plan to more efficiently dedicate resources to achieve the primary purposes and goals of North Idaho College (NIC). As part of its evaluation of whether reduction in force is appropriate, the Board will direct the President to prepare a Reduction in Force Plan for Board consideration. A Reduction in Force Plan will utilize institutional data from a variety of sources as a basis for decision making. A Reduction in Force Plan may also be adopted when the Board, in the exercise of its governing responsibilities, declares a financial emergency. A financial emergency means a demonstrable condition of significant financial stress that adversely affects the institution as a whole. This emergency may be caused by circumstances that may include, but are not limited to, the following:

1. Inadequate or significant reduction in funding for a period projected to be more than one year;
2. Reduction in overall institutional enrollment and industry demand compared to the previous ten years;
3. Sudden degradation of program or college facilities due to natural disasters;
4. Organizational changes that prompt an across-the-college adjustment to staffing needs.

The Board’s adoption of a Reduction in Force Plan is discretionary and is not subject to appeal or contest by any employee in any grievance or appeal procedure; however, employees specifically identified for layoff under this policy may appeal the decision to the President who will evaluate whether the Reduction in Force procedures were followed and appropriate criteria were applied in arriving at the decision to lay off the employee. The provisions of this policy are not to be used for the sole purpose of terminating employees for substandard performance, incompetence, or misconduct.
This policy’s procedure prescribes the manner in which NIC employees may be released should a reduction in force be announced by the Board. Alternatives to layoffs will be evaluated before a reduction in force occurs. A reduction in force may involve the elimination of courses, majors, degree tracks, programs and/or departments, resulting in the layoff of tenured faculty, non-tenured faculty, contract employees before the end of their contract term, and other employees. A reduction in force may also result in the non-renewal of annual contracts.

It is understood that this policy and its corresponding procedures shall not apply in termination for cause and/or resignations, layoffs and dismissals unrelated to the Board’s direction to implement a RIF.

This Reduction in Force Policy is not superseded by any NIC employment termination policies or procedures. Any employee remedies for termination of employment due to RIF are limited to the due process rights contained in the associated procedure herein.

Developing the Board of Trustees Directed Reduction in Force Plan:

Once a decision is made by the Board of Trustees to implement a Reduction in Force [RIF], the President shall formally inform the college campus that the college administration will be formulating a RIF plan. Institutional data from a variety of sources, such as Institutional Optimization and program reviews, will provide the foundation for that plan. Once the draft plan is developed, the President shall submit the plan to the College Senate for distribution to constituent groups affected and allow a minimum of four (4) weeks for review by the College Senate, during which time the College Senate will prepare and deliver a written response to the President articulating recommendations for the President to consider. Thereafter, the President shall provide a written Reduction in Force Plan to the Board for approval. Recommendations from the College Senate that are not incorporated into the final plan by the President will be provided to the Board, together with the final written plan proposed by the President.

When developing the plan, the primary focus will be on maintaining and achieving the college’s mission and goals, including student success, instructional and educational excellence, and community engagement.

RIF Principles:

1. A RIF will not be used to target specific employee groups. The entire college community and all employee groups will be considered in RIF implementation.
2. College financial reserves may be used for a duration of not more than the current fiscal year to mitigate or offset temporary effects of the proposed RIF in order to provide the college time to determine if contributing conditions leading to a RIF stabilize prior to implementation.
3. Institutional data, including Institutional Optimization and program review data, will provide the foundation for evaluating programs and service areas. Other data sources may also be used as necessary to support the decision-making process.
4. The RIF will only extend to the degree that is necessary to accomplish the goal.
5. The RIF plan will include consideration of employees who have decided to depart or retire from the institution by the end of the fiscal year.
6. Consideration will be given to employees’ performance, tenure, seniority, specialty, and or qualifications.
   - Affected employees may have bumping rights throughout the college based on seniority and qualifications for other positions within the college.
7. Non-tenured faculty will be impacted prior to tenured faculty.
8. Low enrolled courses will not automatically be considered for elimination depending on whether there is a documented need to offer these courses that are required for graduation. Examples may include General Education, Transfer and CTE courses.
9. Since any layoff is a severe economic and personal loss, options for reduction of overtime/overloads, offering furloughs, reassignment within the college to vacant positions for which employees are qualified, and other alternatives will be considered.
10. Deans and divisional chairs will provide recommendations to their respective VPs to be considered in development of the RIF plan.

Final Reduction in Force Plan submitted to the Board of Trustees for Approval will include but not be limited to the following:

1. Rationale for the Reduction in Force decision.
2. The financial goal in implementing the RIF.
3. How enrollment and labor data trends are considered in the process.
4. What departments, programs, service areas, courses, majors, or degree tracks may be directly impacted and the degree to which that area may be affected, what employee positions may be directly affected, and the basis for these considerations.
5. How departments, service areas, programs, courses, majors or degree tracks may be impacted, including the number of positions that will be directly affected, how students will be impacted, and the expected duration of the RIF to include time to teach-out existing students enrolled in an affected program.
6. What categories of employees within the framework of the plan may be directly affected
7. The fiscal impact of the plan on the college.
   - A bumping plan which will articulate consideration and opportunity for employees to bump other employees based on seniority and qualifications.
8. Relevant Institutional Optimization data supporting decisions.
9. Any other data deemed pertinent.

Criteria for Layoff:

The President may consider factors including, but not limited to, the following, when identifying employees for a reduction in force:
1. The impact on the college’s mission.
2. Most recent institutional data, including Institutional Optimization and program reviews.
3. The need to maintain necessary programs or services
4. The need to provide students with the ability to complete a program.
5. The position(s) and/or classification(s) affected.
6. An employee’s contributions to the mission of the college.
7. An employee’s length of service and/or tenure at NIC.
8. An employee’s specialized training, skills, licenses or special certification for a particular function.
9. An employee’s total work experience in the field, including applicable non-NIC college experience.
10. An employee’s history and performance evaluations.

Notice Requirements:

Upon approval of a Reduction in Force Plan by the Board, the President shall communicate the following information, in writing, not less than thirty (30) days in advance of the effective date of the reduction in force plan, to each affected employee. The college will make an effort to ensure that affected faculty members are able to complete instruction of their respective course(s) for the semester. The written notice will include the following:

1. The reason(s) for the reduction in force.
2. The effective date.
3. A description of the basis and criteria for the decision to terminate the affected employee.
4. The benefits to which the employee is entitled.
5. The opportunity and process for the affected employee to appeal and respond in writing to the President.

Notice of Openings:

The College will make a reasonable effort to retain contact information of employees laid off for two years following the effective date of the RIF, but the employees will have the primary responsibility for updating their contact information with the human resources office. The College will make a reasonable effort during that time to notify such employees of an opening at the College pertaining to their prior position with the College and inviting them to apply for the opening.

Appeal:

Employees who are identified for layoff by the President, may appeal the decision to the President within fifteen (15) days of receipt of notice of layoff, by submitting a written request for appeal to the President setting forth the grounds for the appeal and an explanation of the facts supporting the employee’s appeal. The President will evaluate whether the established and approved procedures were followed and whether appropriate criteria were
accurately applied in arriving at the decision within 60 days of the receipt of the appeal. The decision of the President is final.

**Benefits:**

Employees laid off pursuant to this policy are entitled to the benefits to which any laid off employee would be entitled under law and Board Policy.

**Procedure:**

There are no accompanying procedures for this policy. Any changes made to this policy will require input from the College Senate, as per NIC Governance-Initiation of Policies, 2.01.04.
Draft Policy

REDUCTION IN FORCE

Applicability: All Employees

Purpose and Scope:

North Idaho College highly values the contribution of all employees and recognizes the significant personal consequences related to a reduction in force. The board does recognize that any reduction in force will have an impact on the individual employees affected. Therefore, the North Idaho College Board of Trustees (the “Board”) seeks, by this policy and the associated procedure, to ensure that an equitable process will be followed to implement changes associated with a reduction in force plan. The plan will be administered without prejudice and will seek to sustain collegiality, respect, and professionalism among employees and to minimize disruptions to students. The focus of the plan will be to continue to maintain and achieve the college’s mission and goals.

The North Idaho College Board of Trustees (the Board) acting in its governing capacity and in its sole discretion, may adopt a Reduction in Force Plan to more efficiently dedicate resources to achieve the primary purposes and goals of North Idaho College (NIC). As part of its evaluation of whether reduction in force is appropriate, the Board will direct the President to prepare a Reduction in Force Plan for Board consideration. A Reduction in Force Plan will utilize institutional data from a variety of sources as a basis for decision making. A Reduction in Force Plan may be adopted when the Board, in the exercise of its governing responsibilities, declares a financial emergency. A financial emergency means a demonstrable condition of significant financial stress that adversely affects the institution as a whole. This emergency may be caused by circumstances that may include, but are not limited to, the following:

1. Inadequate or significant reduction in funding for a period projected to be more than one year;
2. Reduction in overall institutional enrollment and industry demand compared to the previous ten years;
3. Sudden degradation of program or college facilities due to natural disasters;
4. Organizational changes that prompt an across-the-college adjustment to staffing needs.

The Board’s adoption of a Reduction in Force Plan is discretionary and is not subject to appeal or contest by any employee in any grievance or appeal procedure; however, employees specifically identified for layoff under this policy may appeal the decision to the President who will evaluate whether the Reduction in Force procedures were followed and appropriate criteria were applied in arriving at the decision to lay off the employee. The provisions of this policy are not to be used for the termination of an employee if the sole cause is substandard performance, incompetence, or misconduct.
This policy’s procedure prescribes the manner in which NIC employees may be released should a reduction in force be announced by the Board. Alternatives to layoffs will be evaluated before a reduction in force occurs. A reduction in force may involve the elimination of courses, majors, degree tracks, programs and/or departments, resulting in the layoff of tenured faculty, non-tenured faculty, contract employees before the end of their contract term, and other employees. A reduction in force may also result in the non-renewal of annual contracts.

It is understood that this policy and its corresponding procedures shall not apply in termination for cause and/or resignations, layoffs and dismissals unrelated to the Board’s direction to implement a RIF.

This Reduction in Force Policy is not superseded by any NIC employment termination policies or procedures. Any employee remedies for termination of employment due to RIF are limited to the due process rights contained in the associated procedure.
Procedure 3.02.xx

REDUCTION IN FORCE Effective date:

Applicability: All Employees Revised:

Developing the Board of Trustees Directed Reduction in Force Plan:

Once a decision is made by the Board of Trustees to implement a Reduction in Force [RIF] the President shall formally inform the college campus that the college administration will be formulating a RIF plan. Institutional data from a variety of sources, such as Institutional Optimization and program reviews, will provide the foundation for that plan. Once the draft plan is developed, the President shall submit the plan to the College Senate for distribution to constituent groups affected and allow a minimum of four (4) weeks for review by the College Senate, during which time the College Senate will prepare and deliver a written response to the President articulating recommendations for the President to consider. Thereafter, the President shall provide a written Reduction in Force Plan to the Board for approval. Recommendations from the College Senate that are not incorporated into the final plan by the President will be provided to the Board, together with the final written plan proposed by the President.

When developing the plan, the primary focus will be on maintaining and achieving the college’s mission and goals, including student success, instructional and educational excellence, and community engagement.

RIF Principles:

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2. College financial reserves may be used for a duration of not more than the current fiscal year to mitigate or offset temporary effects of the proposed RIF in order to provide the college time to determine if contributing conditions leading to a RIF stabilize prior to implementation.
3. Institutional data, including Institutional Optimization and program review data, will provide the foundation for evaluating programs and service areas. Other data sources may also be used as necessary to support the decision-making process.
4. The RIF will only extend to the degree that is necessary to accomplish the goal.
5. The RIF plan will include consideration of employees who have decided to depart or retire from the institution by the end of the fiscal year.
6. Consideration will be given to employees’ tenure, seniority, specialty, and or qualifications.
7. Affected employees may have bumping rights throughout the college based on seniority and qualifications for other positions within the college.
8. Non-tenured faculty will be impacted prior to tenured faculty.
9. Low enrolled courses will not automatically be considered for elimination depending on whether there is a documented need to offer these courses that are required for graduation. Examples may include General Education, Transfer and CTE courses.
10. Since any layoff is a severe economic and personal loss, options for reduction of overtime/overloads, offering furloughs, reassignment within the college to vacant positions for which employees are qualified, and other alternatives will be considered.
11. Deans and divisional chairs will provide recommendations to their respective VPs to be considered in development of the RIF plan.

Final Reduction in Force Plan submitted to the Board of Trustees for Approval will include but not be limited to the following:

1. Rationale for the Reduction in Force decision.
2. The financial goal in implementing the RIF.
3. How enrollment and labor data trends are considered in the process.
4. What departments, programs, service areas, courses, majors, or degree tracks may be directly impacted and the degree to which that area may be affected, what employee positions may be directly affected, and the basis for these considerations.
5. How departments, service areas, programs, courses, majors or degree tracks may be impacted, including the number of positions that will be directly affected, how students will be impacted, and the expected duration of the RIF to include time to teach-out existing students enrolled in an affected program.
6. What categories of employees within the framework of the plan may be directly affected
7. The fiscal impact of the plan on the college.
8. A bumping plan which will articulate consideration and opportunity for employees to bump other employees based on seniority and qualifications.
9. Relevant Institutional Optimization data supporting decisions.
10. Any other data deemed pertinent.

Criteria for Layoff:

The President may consider factors including, but not limited to, the following, when identifying employees for a reduction in force:

1. The impact on the college’s mission.
2. Most recent institutional data, including Institutional Optimization and program reviews.
3. The need to maintain necessary programs or services.
4. The need to provide students with the ability to complete a program.
5. The position(s) and/or classification(s) affected.
6. An employee’s contributions to the mission of the college.
7. An employee’s length of service and/or tenure at NIC.
8. An employee’s specialized training, skills, licenses or special certification for a particular function.
9. An employee’s total work experience in the field, including applicable non-NIC college experience.

**Notice Requirements:**

Upon approval of a Reduction in Force Plan by the Board, the President shall communicate the following information, in writing, not less than thirty (30) days in advance of the effective date of the reduction in force plan, to each affected employee. The college will make an effort to ensure that affected faculty members are able to complete instruction of their respective course(s) for the semester. The written notice will include the following:

1. The reason(s) for the reduction in force.
2. The effective date.
3. A description of the basis and criteria for the decision to terminate the affected employee.
4. The benefits to which the employee is entitled.
5. The opportunity and process for the affected employee to appeal and respond in writing to the President.

**Notice of Openings:**

The College will make a reasonable effort to retain contact information of employees laid off for two years following the effective date of the RIF, but the employees will have the primary responsibility for updating their contact information with the human resources office. The College will make a reasonable effort during that time to notify such employees of an opening at the College pertaining to their prior position with the College and inviting them to apply for the opening.

**Appeal:**

Employees who are identified for layoff by the President, may appeal the decision to the President within fifteen (15) days of receipt of notice of layoff, by submitting a written request for appeal to the President setting forth the grounds for the appeal and an explanation of the facts supporting the employee’s appeal. The President will evaluate whether the established and approved procedures were followed and whether appropriate criteria were accurately applied in arriving at the decision within 60 days of the receipt of the appeal. The decision of the President is final.

**Benefits:**

Employees laid off pursuant to this policy are entitled to the benefits to which any laid off employee would be entitled under law and Board Policy.
Madam Chair and Trustees

I am presenting the first reading of a proposed Reduction in Force Policy noted in your board book as Policy 3.02.XX, dated July 8, 2015. A copy of the associated procedure is also included. I have also included the last proposed policy the trustees provided to the college approximately three years ago noted in your board book as 3.02.XX, undated. An approximate chronology of RIF actions is included with this white paper.

Background
A Reduction in Force is a complex personnel action that is often misunderstood. A misguided implementation of a RIF can result in significant litigation for an organization, wasted time and effort and ill will throughout a community and campus. Although it is virtually impossible for any employer to ever truly obtain risk-free status in implementing workforce reductions, carefully planned and executed downsizing plans used in conjunction with good documentation and termination policies can mitigate exposure to allegations of discrimination and future litigation.

I therefore suggest an examination of the purpose of a RIF, considerations for a RIF, timeline for a RIF and suggested criteria and steps for implementation of a RIF.

First of all, a RIF is an involuntary termination of full-time permanent positions, as opposed to a temporary layoff with an expectation that those positions may return in the near future, and would suggest that before a decision is made to implement a RIF, alternatives are examined that may include: reductions of budgets, reduction of hours worked, elimination of part-time and adjunct positions, job sharing, pay freezes or pay reductions, to name a few.

The purpose of the proposed Reduction in Force (RIF) policy and procedures document is to provide equitable, compassionate and consistent guidelines and procedures in the event that economic or operational factors require NIC to reallocate its workforce.

Considerations for a RIF Implementation Should Include:
1. Careful documentation of business related reasons behind the RIF--Identify in writing, the reasons for the workforce reduction, including economic savings and increases in efficiency.
2. Establishment of a firm timeline for planning and conducting the RIF.
3. Careful development and documentation of objective criteria for selecting employees for the RIF.
4. Provision of a written internal statement of well-defined selection criteria.
5. Identification of a Selection Procedure and Decision-Makers--Determine the decision sequence and persons responsible (e.g., particular supervisors or a layoff committee) for selecting employees to be included in the reduction in force.
6. Assurance that RIF policies are followed and development of a communications plan--Assure that all relevant policies are known and followed by decision-makers responsible for administering the reduction in force.

7. Identification of unneeded functions--When consolidating operations, identify unneeded functions on a reasoned basis and, where possible, without reference to individuals currently occupying the affected positions.

8. Base selection criteria on ability to perform remaining functions--Performance-based selection criteria should be related to functions remaining after the reduction in force is completed.

9. Evaluation process is critical--Where fewer than all incumbents in a particular organization or classification are laid off, each employee should be evaluated before making the retention decision.

Timeline for RIF
When presented last month as an information item, there was concern expressed by Trustee Banducci regarding the timeline for implementation of a RIF. There are several considerations that contribute to a perceived lengthy timeline that include:

1. Development of a RIF plan and appropriate selection criteria.
2. Worker Adjustment and Retraining Notification Act requirements.
3. Due process afforded public employees.
4. Accreditation criteria that states: “Federal regulations implementing the Higher Education Opportunity Act require that accrediting agencies require a teach-out plan from an institution in the event the institution notifies the Commission that it will cease instruction in one or more degree programs before all students have a reasonable opportunity to graduate.”

I have included a sample timeline that addresses these considerations.

Selection Criteria
Criteria for determining which employees will be affected by a RIF is arguably the most important issue in implementation. There are several options that may include:

1. Seniority-Based Selection--With seniority-based selection, the “last hired/first fired” concept is used. Because seniority-based systems reward employees for their tenure, there is a lower risk that older workers will sue employers for age discrimination under the ADEA. However, using seniority does not protect the employer from further risks for potential discrimination against other protected groups.

2. Employee Status-Based Selection--Employers who have part-time or contingent workers on their payrolls may want to lay off those workers first to ensure greater job security for remaining core workers. Unless an employer’s workforce is made up largely of contingent workers, this method alone may not be sufficient to meet downsizing needs, and it may need to be used in conjunction with other selection criteria.

3. Merit-Based Selection--Although this method of selection is often a preferred choice among many managers because of its added flexibility for weeding out marginal or poorly performing employees, it should be scrutinized carefully. Because merit selection criteria are based either in part or in whole on performance evaluation information
(which is not always objective and may contain rater biases), this method has not been proven to provide an accurate qualitative means for ranking the differences among individual employees’ performance in selecting employees for layoff. Courts have sustained performance-based Reductions in Force where there is evidence that the employer made thorough and conscientious performance evaluations of affected employees, based on expressly determined skill categories which were utilized in past performance appraisals. NIC has a comprehensive performance appraisal system that includes both qualitative and quantitative elements.

4. Skills-Based Selection--With this type of system, it is sometimes possible for employers to retain those workers who have the most sought-after skills. However, be aware that this method may cause a company to retain younger workers with needed and versatile skill sets, and to lay off older workers who may not have the necessary skills. The older workers are protected from discrimination by the Age Discrimination in Employment Act.

5. Multiple Criteria Ranking--Although all of the above methods can be equally effective when planned carefully, it has been argued that perhaps the most effective method of selection is using a combination of all the criteria previously discussed. Below is a sample of the ranking criteria used by some organizations that have implemented selection policies that are based on multiple criteria such as seniority, skill, and performance considerations.
   a. Employee’s promotability and attitude
   b. Employee’s skills, abilities, knowledge, and versatility
   c. Employee’s education and experience levels
   d. Employee’s quantity and quality of work
   e. Employee’s attendance history
   f. Employee’s tenure within the company

Summary
Proposed policy and procedure 3.02.XX incorporates these aforementioned considerations. Trustees, Staff, Faculty and Administrators have spent considerable time trying to develop an equitable and efficient policy that addresses complexities, considerations and concerns associated with eliminating permanent positions while minimizing institutional risk and liability.

I would urge you to approve the proposed policy with minimal alteration.
Approximate RIF Chronology

Day 1--After consideration of the circumstances related to financial emergency or institutional efficiency outlined in the RIF policy, the board determines that a reduction in force may be appropriate and directs the president to prepare a Reduction in Force Plan for their consideration.

~Day 6--Once the President receives the board’s directive to prepare a RIF Plan, the President will formally inform the college campus that the administration will be formulating a RIF plan.

~Day 36--Once the plan is developed, utilizing the principles and elements outlined in the RIF Procedure, the President shall submit the plan to College Senate for distribution to the affected constituent groups and allow a minimum of four weeks for review by College Senate, during which time the College Senate will prepare and deliver a written response to the President articulating recommendations for the President to consider.

~Day 51--Following receipt of College Senate’s response, the president will provide a written RIF Plan to the Board for its approval. Recommendations from College Senate that are not incorporated into the final plan by the President will be provided to the Board, together with the final written plan proposed by the President.

~Day 61-71--Upon approval of a RIF Plan by the board, the President shall communicate specifics of the approved plan, in writing, and as outlined in the RIF Procedure, not less than 30 days in advance of the effective date of the RIF Plan to each affected employee. The college will make an effort to ensure that affected faculty members are able to complete instruction of their respective course(s) for the semester.

~Day 76-86--Employees who are identified for layoff by the President, may appeal the decision to the President with 15 days of receipt of notice of layoff, by submitting a written request for appeal to the President in accordance with the RIF procedure.

~Day 136-146--Within 60 days of receipt of an appeal, the President will evaluate whether the established and approved procedures were followed and whether the appropriate criteria were accurately applied in arriving at the decision. The President’s decision is final.

~The College will make a reasonable effort during the two years following the effective date of a RIF to notify laid off employees of an opening at the College pertaining to their prior position with the College and invite them to apply for the opening.
Policy

REDUCTION IN FORCE

Effective date:

Applicability: All Employees

Revised:

Purpose and Scope:

North Idaho College highly values the contribution of all employees and recognizes the significant personal consequences related to a reduction in force. The board does recognize that any reduction in force will have an impact on the individual employees affected.

The North Idaho College Board of Trustees (the Board) acting in its governing capacity and in its sole discretion, may adopt a Reduction in Force Plan to more efficiently dedicate resources to achieve the primary purposes and goals of North Idaho College (NIC). As part of its evaluation of whether reduction in force is appropriate, the Board will direct the President to prepare a Reduction in Force Plan for Board consideration. A Reduction in Force Plan may be adopted when the Board, in the exercise of its governing responsibilities, declares a condition affecting an academic or other unit of the college, caused by circumstances that may include, but are not limited to, the following:

1. Reduction in funding;
2. Reduction in overall institutional enrollment;
3. Insufficient enrollment in a particular program;
4. Need for reorganization or personnel reclassification;
5. Reduction in enrollment projections;
6. Sudden degradation of program or college facilities due to natural disasters;
7. Changes in technology;
8. Reduction in demand for a program, course or service.
9. Other organizational changes that might prompt an adjustment to staffing needs.

As used in this policy and procedure, the term “unit” means any identifiable component of the NIC college community as defined by Departmental Budget Codes. The Board’s adoption of a Reduction in Force Plan is discretionary and is not subject to appeal or contest by any employee in any grievance or appeal procedure; however, employees specifically identified for layoff under this policy may appeal the decision to the President who will evaluate whether the Reduction in Force procedures were followed and appropriate criteria were applied in arriving at the decision to lay off the employee. The provisions of this policy are not to be used for the termination of an employee if the sole cause is substandard performance, incompetence or misconduct.

This policy and related procedure also prescribe the manner in which NIC employees may be released should a reduction in force be announced by the Board. A reduction in force may
involve the elimination of courses, majors, degree tracks, programs and/or departments resulting in the layoff of tenured faculty, non-tenured faculty, contract employees before the end of their contract term, and other employees. A Reduction in Force may also result in the non-renewal of annual contracts and the revocation of tenure-track status positions.

This Reduction in Force Policy is not superseded by any NIC employment termination policies or procedures. Any employees remedies for termination of employment due to RIF are limited to the due process rights contained in the associated procedure.
Procedure 3.02.xx

REDUCTION IN FORCE  Effective date:

Applicability: All Employees  Revised:

Writing the Reduction in Force Plan:

The President shall inform appropriate vice presidents, directors, and division chairs of the Reduction in Force, and may direct the Vice President for Instruction to order relevant program evaluations prior to developing the Reduction in Force Plan. The President shall submit the plan to the College Senate for distribution to constituent groups affected and allow a minimum of four (4) weeks for review by the College Senate, during which time the College Senate will prepare and deliver a response to the President articulating recommendations for the President to consider. Thereafter, the President shall provide a written Reduction in Force Plan to the Board for approval. Recommendations from the College Senate that are not incorporated into the final plan by the President will be provided to the Board, together with the final written plan proposed by the President.

Composition of the Written Reduction in Force Plan:

The plan may outline relevant issues including, but not limited to, the following:

1. The reason for the Reduction in Force;
2. What departments, programs, courses, majors, or degree tracks may be directly impacted and the basis for this decision;
3. How the departments, programs, courses, majors or degree tracks may be impacted, including the number of positions that will be directly affected;
4. What categories of employees within the framework of the plan may be directly affected;
5. The employee positions that may be directly affected;
6. The fiscal impact of the plan;
7. And other pertinent information.

Criteria for Layoff:

The President may consider factors including, but not limited to, the following, when identifying employees for a reduction in force:

1. The position(s) and/or classification(s) affected;
2. The impact on the college’s mission;
3. An employee’s contributions to the mission of the college;
4. The need to maintain necessary programs or services;

Comment [m1]: Once the Board has made the decision for RIF, input from constituent groups potentially representing affected areas should be made through the Senate.

Comment [m2]: The merit of this listing of criteria is to be outstanding.
5. An employee’s specialized training, skills, licenses or special certification for a particular function;
6. An employee’s total work experience in the field, including applicable non-NIC college experience;
7. Relevant Academic Program Evaluations.

Notice Requirements:

Upon approval of a Reduction in Force Plan by the Board, the President shall communicate the following information, in writing, not less than thirty (30) days in advance of the effective date of the reduction in force plan, to each affected employee as follows:

1. The reason(s) for the reduction in force;
2. The effective date;
3. A description of the basis and criteria for the decision to terminate the affected employee;
4. The opportunity for the affected employee to respond in writing or orally before the ______;
5. The benefits to which the employee is entitled and the manner in which the reduction in force will affect the employee’s benefits;

Appeal:

Employees who are identified for layoff by the President, may appeal the decision to the President within fifteen (15) days of receipt of notice of layoff, by submitting a written request for appeal to the President setting forth the grounds for the appeal and an explanation of the facts supporting the employee’s appeal. The President will evaluate whether the established and approved procedures were followed and whether appropriate criteria were applied in arriving at the decision. The decision of the President is final.

Benefits:

Employees laid off pursuant to this policy are entitled to the benefits to which any laid off employee would be entitled under law and Board Policy.

Comment [m3]: It is recommended that the Board not be the appeal body because this function would be quasi-judicial and the Board would have already made the RIF decision as part of its legislative function. Appeal of an individual layoff decision to the president or a vice president may provide a more objective review.

Comment [m4]: In some earlier versions of previous procedures, there was an effort made to list each of the benefits to which an employee would be entitled; however, it makes more sense to simply state that the employees are entitled to what they would normally be entitled to under law and Board policy. That way, we avoid the problem of having to amend this procedure when and if the law changes or benefits are changed.
When economic conditions adversely affect the college to such a degree that severe curtailments must be made to the existing college budget, the college board of trustees may formally declare that the College is in financial exigency. After such a declaration, the administration will be directed by the board to curtail, modify or eliminate programs and services and/or reduce staff to ensure the financial solvency of the institution. It is understood that such decisions will be made with the idea of preserving a balance of programs, services and staff that relate directly to the stated instructional mission of the college. Any reductions in programs, services and staff will be made according to established written procedures printed in the board policy manual.
PROGRAM/SERVICES REDUCTION:

Once a college-wide plan has been determined by the president and President’s Cabinet to reduce funds, any recommendation to reduce programs and or services will be made by the vice president responsible for that which is being reduced. The vice president will consult with appropriate assistant vice presidents, directors and division chairs and constituent groups before making recommendations to the president. Criteria used for making such decisions such as low enrollments, programs with high costs and relatively low enrollments or programs or services not essential to maintaining the mission and objectives of the college shall be included in the recommendation. After reviewing the vice president’s recommendation, the president will consult with the College Senate before a recommendation is made to the board of trustees for a final decision.

Before a reduction in force occurs, alternatives, including, but not limited to the following will be considered:

1. Voluntary action including retirement, early retirement, resignation, extended sabbatical leave or leave without pay, severance pay, or voluntary movement from full-time to part-time status.
2. Across-the-board pay cuts.
3. Not filling existing faculty and staff vacancies or vacancies resulting from resignation, retirement or death.
4. Reduction of benefits
5. Restrictions in student enrollment

**STAFF REDUCTIONS:**

A reduction in staff may occur across the institution, by sub-unit within the college, by employee, or by any combination thereof. It is recognized that any layoff may be a severe economic and personal loss to an employee. Therefore, the college will give notice in writing to employees who are affected at least 30 days prior to the time of layoff. The notice will include: the effective date of the layoff, the reason for the layoff, the opportunity for appeal and the employee's reinstatement rights. Recommendations for layoff will be made by vice presidents to the president after consultation with appropriate assistant vice presidents, directors and division chairs, and constituent groups. Criteria that may be considered when making recommendations for layoff are tenure, length of service, special talents necessary for continued maintenance of programs and services, assurance of affirmative action, and quality of work. The president will consult with the College Senate before a recommendation for layoffs is made to the board of trustees for a final decision. Employees affected by the layoff will be given written notice that will be sent by certified mail with return receipt requested. The date of the hand-delivery or the posting of the registered letter will constitute the beginning of the notice period.

**REASSIGNMENT:**

The college will make a good faith effort to reassign any employee recommended for layoff to an existing vacant position within the college for which the employee is qualified.

**APPEALS:**

All full-time employees who are recommended for layoff are entitled to a prompt appeals hearing if they request it in writing to the director of human resources within 15 calendar days of the receipt of the notice of layoff. A hearing body composed of no more than eight people determined by the College Senate and a designee from the president's office will be established to hear the appeal and make a recommendation to the president. The following timeline shall be followed to process the appeal:

1. The appeal should be written and filed with the director of human resources within 15 calendar days of receipt of the notice of layoff.
2. The director of human resources will arrange a meeting between the person filing the appeal and the appointed hearing body in not less than 30 calendar days after receipt of the notice of appeal.
3. The person filing the appeal shall submit in writing to the hearing body any documentation, data or other information which is thought necessary to support the appeal.

4. Within 30 calendar days of the hearing, a written decision of the hearing body shall be sent to the president for a final decision.

Unless otherwise required by law or state regulation, the appeal procedure continued herein shall not delay the effective date of the layoff.

**REINSTATEMENT RIGHTS:**

In cases of layoff of an employee occupying a general fund (including vocational technology) full-time position, the position concerned may not be filled by replacement within a period of two years from the effective date of the layoff unless the employee has been offered a return to employment in that position and has not accepted the offer within 15 calendar days after the offer has been extended. (The date of the offer shall be established by the date of a certified letter containing the offer.) If an offer of reinstatement is not accepted, the employee's name may be deleted from the reinstatement list, and if so deleted, the board has no further obligation to the laid off employee. An employee who is reinstated will resume the status held at the time of layoff, be credited with any sick leave accrued as of the date of layoff and be paid a salary commensurate with the salary progression on the salary schedule at the time such employee is reinstated.
SUBJECT
Revised Policy #3.02.19: Payroll and Payroll Deductions

BACKGROUND
Payroll and Payroll Deductions Policy #3.02.19 has been reviewed by appropriate staff as part of the college’s comprehensive policy review process.

DISCUSSION
This policy was revised to bring it in alignment with current practice and provide direction on the administration of payroll and requirements for new employees and hiring managers. In addition, the revisions address electronic reporting of W-2 statements. The most significant change to this policy is the provision for direct deposit of all payrolls electronically. The transition to direct deposit puts the college in alignment with the state of Idaho and industry best practice, ensures faster access to paychecks for employees and is a significant reduction in expense and staff-time compared to the issuance of paper checks.

COMMITTEE ACTION
This policy has been reviewed and approved by President’s Cabinet and the College Senate.

FINANCIAL IMPACT
None.

REQUESTED BOARD ACTION
This is a first reading, no action is requested at this time.

Prepared by:
Chris Martin, VP for Finance and Business Affairs
Policy Narrative

All new full-time employees will report to the human resources office to complete the required payroll paperwork on or before their first day of employment. This will include, at minimum, an employee withholding allowance certificate (Form W-4), employee employment eligibility verification form (Form I-9), public retirement system forms withholding form (as applicable), and any medical, dental, and life insurance withholding forms (as applicable).

Employees who have previously worked for the College but who have separated from the College, or been inactivated in the payroll system for any period of time, must complete at least a new employee withholding allowance certificate (Form W-4). Additional paperwork may be required, depending on the length of time the re-hired employee was inactive. Any re-hired employee who has been in-active for more than 1 year, is considered a new-employee. Hiring managers must complete and submit the proper hire authorization forms to human resources before an employee’s start date.

PAYCHECKS

1. Salaries are generally paid over a twelve month period.

2. Paychecks are issued as listed on the publicized schedule, which is usually the last working day of each month. During the regular academic year, unless other arrangements are made through the payroll clerk, paychecks will be distributed through campus mail. During the summer months,
paychecks not routed through the campus mail may be picked up in the office of administrative services.

3. By filling out the appropriate form(s) with the payroll office, employees may have their paychecks deposited directly to their account(s) in any designated bank(s).

4. Payroll advances may be arranged through the controller in the office of administrative services in emergency situations.

North Idaho College processes payroll as indicated on the payroll schedule published prior to the start of each fiscal year.

The College requires that all employees receiving payroll related payments utilize Direct Deposit.

- All new employees hired to a position on or after January 1, 2016, shall be required to participate in Direct Deposit. These requirements must be met within 30 days of the hire date and are as follows: 1) identify an eligible financial institution that will serve as a personal depository for the employee or 2) be granted an exemption by the Vice President for Finance and Business Affairs for reasons stated below.

- All employees employed prior to January 1, 2016, and paid by the College, who are receiving his/her pay by Direct Deposit shall continue to participate in Direct Deposit.

- All employees employed prior to January 1, 2016, and paid by the college who are receiving his/her pay by paper check, shall be required to participate in direct deposit. These requirements must be met by January 15, 2016 and are as follows: 1) identify an eligible financial institution that will serve as a personal depository for the employee or 2) be granted an exemption by the Vice President for Finance and Business Affairs for reasons stated below.

An employee may be exempted from participating in Direct Deposit if he/she does not have an account at an eligible financial institution, and further provides evidence that he/she cannot obtain an account at an eligible institution.

For those employees who are granted an exemption, the Vice President of Finance and Business Affairs may secure other payment methods as options, other than paper check, when such options may become available.

**WAGE AND TAX STATEMENTS (W-2)**

Wage and Tax Statements (W-2) will be distributed to all employees on or before the 31st of January each year. Employees have the option to receive W-2s electronically via the NIC portal. Employees who have opted in to receive W-2s electronically, will not receive W-2 statements distributed via US Postal Service.
Employees are responsible to ensure their address information, as maintained by the human resources department, is accurate. When leaving the employment of NIC, it is the employee’s responsibility to confirm that their address is accurate to ensure that the W-2 is mailed to the proper location the following January.

**FEDERAL AND STATE MANDATORY DEDUCTIONS**

In accordance with federal and state laws, the following will be withheld from the salaries and wages of NIC employees: federal income tax, social security tax, state income tax, public employee retirement system.

A. Federal income tax  
B. Social security tax  
C. State income tax  
D. Retirement (as applicable)  
E. Any legally mandated payroll garnishments (as applicable)

**OTHER PAYROLL DEDUCTIONS**

Upon appropriate authorization from the employee, NIC shall deduct from the salary or wages of the employee, those items which the office of administrative services Payroll department is authorized to make. These deductions may include, but are not limited to the following:

A. Medical and Life Insurance  
B. Retirement or Tax Sheltered Annuities  
C. United Way  
D. Campus-Generated Accounts  
E. NIC Foundation  
F. Teachers Credit Union  
G. Medical, Dental, and Life Insurance  
H. Short and Long Term Disability Insurance  
I. Flexible Spending Account contributions  
J. Retirement or Tax Sheltered Annuities  
K. Charitable donations facilitated by the College (NIC Foundation, NIC Booster Club, United Way)
SUBJECT
Military Drive/Robin Hood Property Easement issue

BACKGROUND
The college was previously approached by the City to review and look at the issue of access for the homeowners on Military Drive (in the Taylor’s Park development) whose property backs up against NIC property. At issue is the concern that Military Drive property owners have no vehicle access from Military Drive to the back of their property. There is an alleyway located behind their property as located on the plat, but it is 7.5 feet in width. The alley runs parallel with Military Drive and has no current access to W. River Avenue due to the construction of the Centennial Trail. Currently the alley is accessed from the north end of Military Drive and has a turnaround that is located on NIC-owned property at the south end of the alley. The access route across NIC property allows both vehicle access and access for trash pickup. Neighbors have requested that NIC dedicate an additional 7.5 feet of College property bordering the alley for additional right-of-way to expand the alley to 15 feet. The Board of Trustees has asked for a report and presentation on the history of the plat, the alley and whether NIC has a legal obligation to dedicate right-of-way.

DISCUSSION
A more detailed discussion is in the attached report. In summary, the original plat only created a 7 ½ foot alleyway and does not reference any planned expansion of the alley. Furthermore, individuals owning property that adjoins NIC property cannot gain prescriptive rights with respect to the College’s property. Although NIC can give permission for access use of its property, the College will not be further prejudiced by the ongoing use or encroachment.

Future placement of the Centennial Trail and removal of a fence will allow the alley to potentially be opened up with access off of River Avenue.

A primary issue should be ensuring the college maintains maximum flexibility for the future development of the Robin Hood Campground property and the southern portion of the former mill site property. The recommended course is to provide Military Drive homeowners permission for continued access to the alleyway and turnaround area.

FINANCIAL IMPACT
None.

REQUESTED BOARD ACTION
This is an information item. However, this matter has been addressed earlier and if the board wishes to, it may consider a motion to authorize the administration to grant revocable licenses for access to certain homeowners on the west side of N. Military Drive.

Prepared by Marc Lyons
College Attorney
Memorandum
To: NIC Trustees
From: Lyons O'Dowd, PLLC
Date: December 7, 2015
Re: Military Drive Alley

INTRODUCTION

certain residents of property in a subdivision on the East side of Military Drive have requested that NIC review and recognize these property owners’ access to eastern portion of their property across NIC property. These residents have expressed interest in having NIC recognize a permanent access right, such as an easement, rather than a revocable license. The subject property owners have access rights to their lots via Military Drive. There is also a 7.5 foot wide alley running North to South on the East of the subdivision and West of NIC property.

FACTS

The residents’ properties are located in the Taylor’s Park Subdivision. Taylor’s Park Subdivision is located north of River Avenue, East of Hubbard Avenue and southwest of Northwest Boulevard in Coeur d’Alene. Taylor’s Park was platted in 1906. The plat identifies a dedication of all streets and alleys as shown on the plat for the purposes of public thoroughfares. Among those streets is “Lawrence Ave” which runs north-south between Block 1 and Block 2 and terminates at the northern end of the subdivision. Lawrence Avenue is now known as Military Drive. Additionally, to the east of Block 1, there is a 7½ foot alleyway (the “Alley”). The plat does not include a road or alleyway running east-west along the northern boundary of Block 1 and 2. The Alley is demonstrated as being accessed from Government Way (now River Avenue). Per the dedication noted in the plat, Military Drive and the Alley would both be public thoroughfares.

A public sidewalk currently blocks access to the Alley from River Avenue; however, this appears to be a matter for the City of Coeur d’Alene. The historical plat and related documents do not contemplate or otherwise reference a dedication of any street, alley or other right-of-way connecting the northern end of the subdivision to the Alley.

NIC owns the property bordering Taylor’s Park to the north (Parcel C-K462-005-001-A) (the “North Property”) and to the east (C 3735-000-014-B (the “East Property #1”) and C-3735400-014-C (the “East Property #1”)). The properties to the east are commonly referred to as the Robin Hood Campground, which NIC purchased years ago.
The North Property is part of the former Millsite, owned previously by the NIC Foundation (briefly), Stimpson Lumber, Idaho Forest Industries and earlier entities in the wood produce industry. This parcel was part of an annexation agreement executed by the NIC Foundation, NIC and the City of Coeur d’Alene. The agreement contemplated the development of the Education Corridor. The annexation agreement required, among other items, that there be an extension of Hubbard Avenue between Northwest Boulevard and River Street and required construction of a Class 1 bike path between Hubbard Avenue and River. Such a bike path has been constructed, a portion of which encroaches onto the southern portion of the alleyway.

It has been reported that certain residents living on the eastern side of Military Drive are accessing the eastern (rear) portions of their lots by driving north along Military Drive until its termination, then entering upon the North Property and heading in an easterly direction, then turning south across the East Property #1 and then across the East Property #2.

A title commitment was ordered on the North Property and East Property #1 and #2. This report indicates that there is no recorded easement or dedicated right of way permitting the Taylor’s Park owners to enter NIC properties in order to access the rear portions of their properties.

ISSUES

The question has been raised regarding whether certain property owners of land adjoining NIC property have a legal access right to drive on land that is currently owned by NIC or whether any physical encroachments have prescriptive effect.

SUMMARY

Residents on the East portion of Taylor’s Park Subdivision have documented access to their lots from Military Drive. There is also a 7.5 foot wide alley on the east side of the subdivision, which was originally accessible from Government Way, now River Avenue to the South. These residents do not have documented access to the North of the subdivision or outside of the alley. Individuals owning property that adjoins NIC property cannot gain prescriptive rights with respect to the College’s property. NIC acquired the property in question from private individuals or entities, and even if arguably a prescriptive right was created during the ownership prior to NIC, the College cannot be further prejudiced by the ongoing use or encroachment.

ANALYSIS

By the terms of the Taylor’s Park plat, there is at best a 7.5 foot wide alley dedicated for use by the public as a thoroughfare. This width is not sufficient for the ingress and egress of vehicles. According to the title information obtained, there are no of-record easements or dedications expanding the width of this alley, or providing additional access rights across the property owned by NIC.
Furthermore, a private party cannot acquire any prescriptive rights\(^1\) against a public entity such as NIC. See *West v. Smith*, 95 Idaho 550, 556 (1973). “A private person cannot obtain a prescriptive right against the state [or state entities] . . . , nor can a private person acquire a prescriptive right to encroach upon a county road.” *Id.* Unless a statute makes public agencies subject to the statute of limitations for prescriptive easement rights, “no title by adverse possession can be acquired against the state no matter how long the adverse occupancy. There are no cases suggesting the same reasoning does not apply to municipalities . . . .” *In re SRBA*, 237 P.3d 1, 9-10 (Idaho 2010).

In this case, there is no known statute subjecting community colleges of the State of Idaho to the statute of limitations for ownership rights accrued either by adverse possession and/or prescriptive easements. Accordingly, despite the use being alleged by owners within Taylor’s Park, no prescriptive easement rights and or ownership interests have been acquired against the College. Current usage of this alley has been with the permission of NIC. Such permission can be revoked at any time. Based on the information obtained, the adjoining property owners do not have a legal right of access to use any portion of the land in excess of the 7.5’ of the alley. To the extent that NIC has permitted such use, this has been pursuant to a revocable license.

**RECOMMENDATION**

No action is needed at this time. Although NIC could enter into more formal revocable license agreements with individual neighbors, the current use should not be impairing NIC’s right to the property in the future. On the question of whether there are current encroachments into NIC owned property, the College could survey the property to see whether and to the extent of any encroachments; however, this is unnecessary because any encroachments could not be gaining further legitimacy as against the College. If and when the College decides to make use of the property, the College can explore its right to have such encroachments removed at that time.

\(^1\) The elements for a prescriptive easement include clear and convincing evidence by the claimant of use of the subject property that is (1) open and notorious, (2) continuous and uninterrupted, (3) adverse and under a claim of right, (4) with the actual or imputed knowledge of the owner of the servient tenement (5) for the statutory period.... *Machado v. Ryan*, 280 P.3d 715, 725 (Idaho 2012).