

**STATE BOARD OF COMMUNITY COLLEGES**  
**State Board – Staff Communications Research**

**Background:** An agenda item at the May 19, 2022, meeting of the State Board Policy and Governance Committee (SBPG) proposed establishing a board policy or amendment to the board by-laws to address staff and board member communications. Previously, Chairman Sullivan provided draft language for review by the System Office Senior Team. The same language was provided via email to members of this committee. The Senior Team drafted a response with their feedback to the proposed language that was reviewed at the May committee meeting (SPBG 04, May 19, 2022). After discussion of this issue, Chairman Sullivan asked to have specific resources brought back from the list of proposed resources to the SPBG Committee. After review, the Senior Team brings the following details on the resources proposed.

**Research Findings:**

- The NC Association of Community College Trustees Repository of Sample Board Policies
  - The records contained in the repository showed most community college board of trustees had a general provision or policy within their by-laws permitting the board make or amend such policies, rules, and regulations as may be authorized by the law and as may be required in its judgment for the effective discharge of its responsibilities and for the effective operation of the College.
  - Several college boards of trustees provided more detailed steps on how policy changes or new policies would be considered. Examples are included in this item from Mayland Community College and Davidson Community College.
  
- Resources and/or training available through the [Association of Governing Boards of Universities and Colleges \(AGB\)](#).
  - This organization published a book, offers a podcast, and provides training titled, “Principles of Trusteeship.” This training includes topics such as, understanding governance, leading by example, and thinking strategically.
  - There are a number of other events and trainings offered including the following:
    - Foundation Leadership Forum, January 29–31, 2023, San Antonio, TX
    - Board Professionals Conference, March 31–April 2, 2023, San Diego, CA
    - National Conference on Trusteeship, April 2–4, 2023, San Diego, CA
    - Various Institutes & Retreats
    - Various Webinars and Workshops are included in AGB membership, such as, Understand Board Fundamentals; Board Member Orientation; Strategy Fundamentals.
    - There is also a Board Professional Certificate Program offered.

- Resources and/or training available through the [State Higher Education Executive Officers Association \(SHEEO\)](#).
  - This organization provides research, strategies, and policy implications in higher education reports and data resources. Topics covered include Higher Education Finance; State Postsecondary Attainment Academy; Capacity Building Grants; Strong Foundations; Government Relations; Equity Work and Resources; Postsecondary Data Partnership Assistance to Community Colleges. In reviewing recent SHEEO publications from 2019 to the present, none related to board governance and policy generation were found.
  - SHEEO also offers a Higher Education Policy Conference to be held this year in Indianapolis, Indiana, August 8-11, 2022.
- Resources and/or training available through the [Southern Association of Colleges and Schools Commission on Colleges \(SACSCOC\)](#).
  - A review of this website produced resources such as guides, policies, and handbooks focused on accreditation standards and the accreditation process. While this organization may also offer policy and board related training, no current relevant training opportunities or resources were identified.

**Conclusion:** The majority of the findings from these sources are focused on training opportunities and reference resources, such as books, podcasts, etc. Given the lack of direct information on communication best practices, the leadership requested assistance from Mr. Kennon D. Briggs in compiling helpful information for the Committee and State Board on best practices related to board and staff communications. Mr. Briggs brings over 25 years' experience in state agencies and the community college system, as well as experience working as a higher education consultant for ten years. Based on his knowledge, education, and experience Mr. Briggs drafted the following attachment for submission and review to this body.

# THE STATE BOARD OF COMMUNITY COLLEGES

## State Board, System President, and Institutional Communication

### Introduction

The following is a compendium of information for consideration and use in establishing communication protocols between and among the State Board of Community Colleges (State Board), System President Thomas Stith (President), and Senior Team within the North Carolina Community College System Office (System Office). The information includes a synopsis of recent conversations within the State Board's *Policy and Governance Committee* which are the genesis of this piece; a brief review of Chapter 115D of the North Carolina General Statutes which informs this work; and applicable best practices among leading higher education authorities across the country as they relate to both communication and the segregation of duties.

### Conversations in the Policy and Governance Committee

A review of the minutes and agendum of recent State Board *Policy and Governance Committee*<sup>1</sup> discussions indicate that the topic of State Board and Staff Communication has been a recurring theme within the committee. The conversations have included Board Chair Mr. Sullivan, Committee Chair Mr. Vaughan, and Committee members, and has focused on the following topics:

- State Board/ Staff communications, including access to information.
- State Board members approaching individual staff for conversations and requests.
- Staff sharing concerns with Board members.
- "Training" for staff to enable them to "routinely engage" with State Board members.
- A lack of communication protocols between Board members and staff.

There is no mention of the President's involvement in these discussions. The Committee Chair and Committee members expressed concerns about the lack of protocols. At the April State Board Policy and Governance Committee meeting, Chair Sullivan directed General Counsel Tawanda Artis to solicit feedback from Senior Team about the draft language.

System Office Senior Team provided feedback to General Counsel Artis, who reduced it to writing, and it was placed on the meeting agenda as SBPG 04, May 19, 2022. This document included references to state and national higher education entities<sup>2</sup> that provide training opportunities, best practices, and regulatory standards for governing boards. In addition, the

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<sup>1</sup> Minutes from the April 21, 2022, Meeting (Revised 5/18/2022); and Agenda Item SBPG 04 "State Board and Staff Communications"

<sup>2</sup> North Carolina Association of Community College Trustees (NCACCT); The Association of Governing Boards (AGB); The State Higher Education Executive Officers Association (SHEEO); and The Southern Association of College and Schools Commission on Colleges (SACSCOC)

Association of Community College Trustees (ACCT), the national membership organization of Community Colleges in the United States, Western Europe, and the Pacific Rim, provides expert guidance and training to governing boards on matters such as leadership and appropriate communication. The Senior Team’s response also expressed concerns about managing staff grievances; the concept of Board members’ “unfettered access” to information and staff; staff “initiating conversations” with Board members, and similar activities. At the conclusion of the discussion of this document at the May meeting, Chairman Sullivan directed that more resources be brought to the Committee by the Committee’s July 2022 meeting.

## Review of North Carolina General Statutes

In its wisdom, the North Carolina General Assembly (General Assembly) established leadership protocol within both the System Office and at local institutions within the NCCCS. The following highlights two relevant General Statutes within Chapter 115D that not only speaks to college governance, but also to institutional leadership, management, and communications.

### A. G.S. 115D-3 Community College System Office; Staff; Reorganization Authority

G.S. 115D-3(a) empowers the State Board to “*elect a President of the North Carolina System of Community Colleges, **who shall serve as chief administrative officer** (emphasis added) of the Community College System Office.*” This power delegated by the General Assembly clearly establishes the State Board as the governing authority of the System and declares that the President is the Chief Executive of the System Office. These two distinctive roles – governance and administration – meet in the practice known in higher education as “Shared Governance.”

The statute further declares that “*The President shall be assisted by such professional staff members as may be deemed necessary to carry out the provisions of this Chapter, who shall be elected by the State Board upon nomination of the President. These staff members shall include such officers as may be deemed desirable by the President and State Board.*” The statute then goes to great length to identify “*persons of high competence and strong professional experience*” in subject matter areas (academics, public service, business, and finance, etc.) that closely align with the education, training, and administrative functions of all 58 institutions across the System. Further, the statute declares that the President **shall be assisted** by other employees needed to carry out the provisions of G.S. 115D-3. In effect, the General Assembly devised a hierarchy of administrative and support personnel to assist the President in their role as CAO. Finally, the General Assembly went so far as to note in G.S. 115D-3 that the complement of staff personnel should have “*professional competence and experience to carry out the duties assigned and to ensure that there are persons on the staff who are familiar with the problems and capabilities of all the of the principal types of institutions represented in the System.*”

In effect, legislative intent expressed in G.S. 115D-3(a) is focused upon a process whereby the State Board elects a President (CAO) to carry out policies established by the Board, and implement and administer the powers, duties and responsibilities delegated to the State Board.

The President can only fulfill their role as CAO if assisted by persons with particular knowledge, skills, and abilities, and who are familiar with the challenges and opportunities of each of the 58 institutions. This “Chain of Command” – Board, President, Staff –ensures that there are unique roles and responsibilities, and that the State Board has one employee (the President), the President has one employer (the State Board), and the Staff has one person to whom they report all matters of System operations (the President). This hierarchy insures clear channels of transparent, continuous, and consistent flow of information.

## **B. G.S. 115D-20 Powers and Duties of Trustees**

The first power and duty delegated to each Board of Trustees of each of the 58 institutions of the System is “[t]o elect a president or chief administrative officer of the institution...”<sup>3</sup> The second power and duty delegated to the local Boards of Trustees is “To elect or employ all other personnel of the institution upon nomination by the president or chief administrative officer... Trustees may delegate the authority of employing such other personnel to the president or chief administrative officer.”<sup>4</sup> It is noteworthy that a Board of Trustees, similar to the initial authority delegated to the State Board, has as its first duty and responsibility the election of a CAO, who shall be accompanied by a staff complement that enables them to carry out the duties and responsibilities of the Board, once directed to do so.

## **Best Practices Identified by Leading Higher Education Authorities**

### **Across the Country**

No higher education institution, whether it is a statewide governing body or a local educational entity, can successfully accomplish their mission, vision, values, successfully adopt and implement a Strategic Plan, or serve the best interest of students without clear and consistent communication protocols between the governing board, the chief administrative officer and the team of professionals that staff the System-level Offices and the local colleges within the System. The flow of information – communication protocol - between the President and governing Board, and between the President and the professional Staff within the System Office and Colleges, is essential to successful student outcomes. As such, the following have been identified by higher education authorities across the country as best practices.

#### **A. Association of Governing Boards (AGB)<sup>5</sup>**

The Association of Governing Boards has taken a leadership position in fostering an understanding of the principle of “shared governance.” What is shared governance? As it relates to the area of communication and effective governance and leadership, shared governance

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<sup>3</sup> G.S. 115D-20(1).

<sup>4</sup> G.S. 115D-20(2)

<sup>5</sup> The Association of Governing Boards. “AGB Board of Directors Statement on Shared Governance.” 2017.

adheres to the notion that while a Board is unquestionably the governing authority of an educational institution, the President, Faculty and Staff share in the work of carrying out the mission, vision, values, and Strategic Plan. This work can be mutually accomplished with the Board when there are clear definitions of roles and responsibilities. The key is found in an established process of frequent engagement, discussion, debate, and decision-making that protects the best interests of the institution and its students. In other words, channels of communication are essential, especially between the Board and the President, and between the President and their Team. If such communication is random, unstructured, ill-informed, or inconsistent with established protocols, there are breakdowns in the administration and operation of both System-level and individual College operations.

It is also true that shared governance includes a belief that through a practice of collaborative thought, frequent and transparent communication, and mutual support as partners can a Board and President fulfill their duties and responsibilities to the institution(s) which they govern and administer, respectively.

#### B. Southern Association of Colleges and Schools Commission on Colleges (SACSCOC)

The SACSCOC “Principles of Accreditation” requires that *“The institution has a chief executive officer whose primary responsibility is to the institution.”*<sup>6</sup> In this role, the President bears responsibility for leading and managing the administrative, academic, and operational functions of the institution. This includes informing the Board about fiscal issues, potential risks, public policy issues, and progress made in implementing the Strategic Plan. As noted earlier, the President is statutorily assisted by a cadre of professionals and subject matter experts in accomplishing this work. As such, there must be clear channels of communication and segregation of duties between the Board, President, and Staff.

It is generally understood that the Board has one employee, and the staff have one President. SACSCOC Principles readily acknowledge the President bears responsibility *“for leading and managing the administrative functions, academic program, student support, economic development effort, fiscal management, resource development, etc.”*<sup>7</sup> Again, as noted, the President is assisted in this work by professionals familiar with the problems and capabilities of all the of the principal types of institutions represented in the System. Therefore, while **neither the State Board nor the System President** are subject to the SACSCOC Principles of Accreditation, they are however statutorily responsible for providing governance and policy guidance and administrative and operational counsel to the 58 institutions of the System. As such, the Board must speak clearly and with one voice, and the President and their team must be able to communicate both with the Board and each other unfettered by interference. Clear, consistent messaging is essential to a highly functioning and successful System Office operation.

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<sup>6</sup> SACSCOC Principles Section 5.1

<sup>7</sup> SACSCOC Principles Section 5.2

### C. Association of Community College Trustees (ACCT)

The Association of Community College Trustees (ACCT), the national membership organization for institutions governed by Boards of Trustees at the local level and the State Board at the macro level, has examined common problem areas for Boards. One of those areas germane to this paper is “Communication Protocols.”<sup>8</sup> Again, while the State Board is not a local Board of Trustees, the State Board has fiduciary responsibilities to the System of Community Colleges that they are statutorily charged with governing. As such, they are effectually “trustees” of the System, entrusted with their governance and care.

ACCT calls for the establishment of communication protocols, similar to the conversations being shared within the State Board’s Policy and Governance Committee. ACCT suggests that “Boards should discuss and clarify what the guidelines and procedures are for the following:

- *Communication with the CEO*
- *Communication with College (e.g., System Office) Staff*
- *Handling of employee complaints brought to individual trustees (e.g., Board members)*<sup>9</sup>

It is noted that while there are several best practices related to all of these situations, the most important factor is that the full Board discuss and agree how they will govern themselves and their behavior related to communications. Further, as has been discussed at the Policy Committee level, perhaps these protocols should be codified, either in the Board Bylaws or Board policies.

### D. Best Practice Considerations<sup>10</sup>

The following provides some best practice points to consider with Board/ President and Board / Staff communication protocols:

#### 1. Board Communication Protocol with the CEO / System President

- a. Constructively challenge and publicly and privately support the President.
- b. Express your concerns diplomatically at an appropriate time to the President.
- c. Pose the right questions, rather than prescribe answers.
- d. Bring genuine curiosity and an open mind to the Board and President.
- e. Speak up on important governance and policy issues, even if they are uncomfortable.

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<sup>8</sup> The Association of Community College Trustees. “Trusteeship in Community Colleges – A Guide for Effective Governance.” Washington, D.C. 2020. P. 151.

<sup>9</sup> Ibid.

<sup>10</sup> These items are reflected in literature from higher education agencies across the country.

- f. Act in the System’s best interests, and in shared governance with the President
- g. Recognize that communication takes many forms: Face-to-face, email, in Committee and before the Board. They should each be used judiciously.
- h. Respect the Presidents’ position as CEO and Chief Administrative Officer, as noted in statute, and their position as the leader of staff within the organization.
- i. When there are substantive policy or governance, or administrative or operational concerns, they should be addressed between the Board Chair and President. The Chair is the voice for the Board, and the President is the voice of the System Office.
- j. The Board and President should jointly explore – in communications, discussions, debates, and decision-making – governance and policy matters.
- k. Essential to a strong partnership between the State Board and President is a two-way, frequent, transparent, and informative communication process. “The partnership thrives on open communication, confidence and trust.”<sup>11</sup>
- l. Optimal communication practice and protocol includes the President sharing both positive and negative issues and concerns, including risks, threats and challenges facing the System. This builds trust and partnership and facilitates healthy discussion and discernment.

## **2. Board Communication with System Office Staff**

- a. System Office Staff report to the President, following a generally accepted chain of command. Staff are governed by State Human Resource policies and procedures.
- b. In State law, staff serve in a subordinate relationship to the President, and provide knowledge and experience in subject matter areas that serve the best interests of the 58 institutions.
- c. In their executive or senior leadership capacities, the Vice Presidents and Senior Staff are assigned by the President to the Standing and Ad Hoc Committees created by the Board Chair and Board. As such, Vice Presidents and Senior Staff members provide information and guidance on matters specified in statute, on policy matters at the national, state, and local levels, and act consistent with General Statutes and State Board Code.
- d. Communications between State Board members, Vice Presidents, and Senior Staff should also include the President and Chief of Staff. There is a breakdown in shared governance when one-on-one conversations transpire

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<sup>11</sup> ACCT. “Trusteeship in Community Colleges.” P. 30

between an individual State Board member and Vice President and/or Senior Staff without consistent information being shared with the President and Chief of Staff. The exception to this rule is where communications involve the General Counsel in her role as counsel to the State Board, System Office, and System President and confidentiality is required in the attorney-client communications.

- e. Communication protocols should include linear lines of communication between State Board Members, President and Chief of Staff, and Vice Presidents and Senior Staff.
- f. The work of the Board is conducted through Committees. If there are governance or policy issues or concerns that arise in Committee, which are healthy in the conduct of the Board's business, they should be elevated both to the Board Chair and the President or President's designee by the Committee Chair.
- g. "One-Off" conversations with non-Vice President or non-Senior Staff should not take place unless they are accompanied by a Vice President or Senior Staff member. The content of the conversation should then be reported to the President or Chief of Staff.
- h. The Board must be cautious about soliciting information that is subject to FERPA, EEO, Title IX, State Human Resource Policy, and other regulatory guidelines. Therefore, communications with individual staff outside of normal protocols, once established, should be discouraged.

### **3. Handling of Employee Complaints Brought to Individual Board Members**

As expressed previously, there is preference that State Board members take any employee concerns to the Board Chair, and the Board Chair or Personnel Committee of the Board take their concerns to the President. It is strongly encouraged however that the System Office Human Resources Office and President be informed initially of any employee concerns, in order that appropriate State Human Resource policy is followed.

**July 11, 2022**

**Kennon D. Briggs**

**SBCC**

**07/15/2022**