



MEMORANDUM

Date: **November 13, 2019**

Date Last Updated: **November 14, 2018**

To: Chair and Board of Governors
From: President
Subject: MONITORING REPORT – EL-1 Global Executive Constraint

I hereby present the monitoring report on our Executive Limitations policy “Global Executive Constraint” according to the schedule set out. I certify that the information contained in this report is true and represents compliance with all aspects of the policy unless specifically stated otherwise.

This Global Executive Constraint is an over-arching EL to all subsequent EL policies. This report only addresses evidence not necessarily captured elsewhere. It is not intended to be redundant to the EL2 Monitoring Reports.

Enterprise Risk Management assessment is also built into existing EL2 Monitoring as directed by the Governance Committee.

The President shall not:

Cause or allow any organizational practice, activity, decision or circumstance which is:

- **unlawful,**
- **imprudent, or**
- **in violation of commonly accepted business and professional ethics.**

I believe that the Board has comprehensively interpreted “imprudent” and “in violation of commonly accepted business and professional ethics” in the EL policies # 2(a) through 2(i). Those monitoring reports adequately deal with these issues.

I do not believe that the Board has fully interpreted “unlawful” since I interpret “unlawful” to mean contrary to any municipal, provincial or federal law and/or regulation that applies to the College.

Compliance will be demonstrated when:

- a) External auditors do not question the prudence, ethics or lawfulness of financial practices

- b) There are no substantiated claims of human rights abuses, unethical actions or activities, or refusal to comply with orders issued by regulatory agencies (e.g.: Ministry of Labour, Electrical Safety Authority, Transport Canada).
- c) There have been no fines or successful lawsuits for illegal activities as evidenced by our legal counsel.

Evidence:

- a) The external financial auditor provided an unqualified opinion on the College financial statements for the year ended March 31, 2019, with no material questions related to any business practices or unrecorded liabilities. The Audit Committee and the Board of Governors approved this report on June 3, 2019, and June 10, 2019 respectively. Included in their review of College files, the auditors had asked the College's lawyers to identify any significant or potential liabilities and to estimate the related liability with the result noted above.
- b) There have been no substantiated complaints of unethical actions or activities, or of human rights violations. The College is in compliance with any orders issued by various regulatory agencies. The College has not been successfully sued nor fined for any illegal activities in the past year.
- c) There have been no fines or lawsuits for illegal activities as evidenced by our legal counsel.

I therefore report compliance.

Respectfully submitted,

Kathleen Lynch,
President