



MEMORANDUM

Date: March 11, 2020

Date Last Updated: March 13, 2019

To: Chair and Board of Governors

From: President

Subject: MONITORING REPORT – EL-2g Communication and Support to the Board

The President shall not permit the Board to be uninformed or unsupported in its work.

I believe that the Board has comprehensively interpreted this policy in its subsequent policy provisions. My interpretations and evidence are below, attached to those provisions.

The President shall not:

- 1. Neglect to submit monitoring data required by the Board according to its policy “Monitoring President Performance” in a timely, accurate and understandable fashion, directly addressing provisions of the Board policies being monitored, and including the President’s interpretations consistent with the “Delegation to the President” policy, as well as relevant data.**

I interpret “timely” to mean that the President will ensure that all monitoring reports are submitted by the dates articulated in the Board’s policy BMD #2d, Monitoring Executive Performance and “accurate” is interpreted to mean that the Board’s policy language is represented word for word in its entirety for each policy.

I interpret “understandable” to mean that the reader does not need a technical knowledge of our business to be able to understand the report.

Furthermore, all of the interpretations submitted will be consistent with the Board’s policy BMD-2c - Delegation to the President and all monitoring reports will have relevant data that is directly related to each policy clause.

Compliance will be demonstrated when the Board’s monitoring worksheet indicates that:

- all monitoring reports were submitted by their due date on the Board’s annual calendar.
- all monitoring reports submitted included the Board’s policy words restated, and have both an interpretation and rationale clearly articulated.
- the Board approves receipt of each monitoring report at its meetings throughout the year and indicates that the interpretations are reasonable, and if not, then the resubmission meets these criteria.

Evidence:

MONITORING REPORTS	DATE	DECISION	COMMENTS
2019			
EL2b – Treatment of Staff EL2f – Asset Protection EL2g – Communications & Support to the Board EL2d – Financial Condition & Activities	March 13	EL2b – Approved EL2f – Approved EL2g – Approved EL2d – Approved	
EL2h – Emergency President Succession	April 10	EL2h – Deferred	
EL2h – Emergency President Succession	May 8	EL-2h – Approved	
EL2e – Financial Planning and Budgeting EL2c – Compensation and Benefits	June 17	EL2e – Approved EL2c – Approved	
No Reports	September 11		
EL1 – Global Executive Constraint EL2d – Financial Condition & Activities (Budget & Enrolment Updates) EL2i – Public Image	November 13	EL1 – Approved EL2d – Approved EL2i – Approved	
2020			
EL2a – Treatment of Learners	January 9	EL2a – Deferred	To be re-presented at the March 11, 2020 Board of Governors' meeting

All metrics required by the Board were provided to the Board in May of 2019.

I report compliance.

2. Let the Board be unaware of any significant incidental information including anticipated adverse media coverage, threatened or pending lawsuits, and material external and internal changes.

“Anticipated adverse media coverage” is interpreted to include media coverage (news stories and opinion pieces) that could be reasonably expected to cast the College in a negative light and is interpreted to not include content or opinions that are published on the web only (e.g., on an individual’s website, “blog”, social media platform or discussion forum) or via other similar individually, non-commercially produced means, for which it is simply not feasible or practical to monitor or to anticipate.

“Threatened or pending lawsuits” requires no further interpretation, and will be reported at each Board meeting, unless it can be reasonably expected that the media or the organization’s staff may hear about it more quickly, in which case the Board shall be advised by email as soon as possible.

“Material internal changes” are interpreted to mean changes to the major programs and services of the College and personnel changes in the senior management team. “Material external changes” are interpreted to include social, economic, political or environmental events that can be reasonably expected to have an impact on the Ends of the College, or on the operations, such that future Ends decisions may be affected.

Compliance will be demonstrated when:

- An external evaluation of College media coverage shows that our negative media is less than 2% of total media coverage.
- There are no instances where the Board was not informed of pending lawsuits within one month of the College becoming aware of same.
- There are no instances where the Board heard of material internal or external changes from other than the President, notwithstanding a Board member may have missed a Board meeting or a communication from the President between Board meetings.

Evidence:

Vocus/Cision, an independent media monitoring service, indicates that over the period April 1, 2019 to February 29, 2020, 99.56% of media reports were positive or neutral with 0.44% negative. The negative coverage is well under the 2% threshold and fully compliant.

The number one news medium continues to be online with 91.52% and newspaper second with 6%.

The College has not initiated any lawsuits and none have been initiated against the College since the last monitoring report for this policy. No Board members were advised of material internal or external changes from someone other than the President since the last monitoring report for this policy.

As reported last year, a former student has made a complaint to the Human Rights Tribunal of Ontario (HTRO) with respect to a classroom experience during the previous academic year. The matter follows a College investigation into a complaint where it was determined that

the actions of a part time college professor did not breach College policy, procedure or practice. The College has responded to the complaint and are awaiting next steps to be determined by the HRT0.

I report compliance.

- 3. Allow the Board to be unaware that, in the President's opinion, the Board is not in compliance with its own policies on Governance Process and Board-Management Delegation, particularly in the case of Board behavior, which is detrimental to the work relationship between the Board and President.**

Compliance will be demonstrated when the President advises the Board, through the Chair, of any concerns detrimental to the Board/President relationship. The Board is responsible to manage its own behaviour.

Evidence:

I have brought concerns, if any, to the Chair of the Board as the chief interpreter of Governance Process and Board-Management Relationship Policies.

I report compliance.

- 4. Allow the Board to be without decision information required periodically by the Board or let the Board be unaware of relevant trends.**

Compliance will be demonstrated when the President provides information to the Board (in addition to monitoring information) that the Board needs in order to be able to make or reconsider policy decisions. This information will usually be at the Board's request, but may be as a result of the President's initiative as well. The Board's education plan will be executed in a satisfactory manner as evaluated by the Board.

Evidence:

The Board received presentations throughout the year according to the Board's education plan [see table below] and the Board has determined (at the June 2019 meeting) that all education topics presented by the President(s) were complete.

DATE OF MEETING	ENDS/STRATEGIC ISSUES/BOARD EDUCATION
2019	
March 13	<ul style="list-style-type: none">• Aviation Update
April 10	<ul style="list-style-type: none">• International Education Public Private Partnership• Corridor Funding Model• TEC Hub Campaign• Consultation with College Stakeholder Groups - Unions
May 8	<ul style="list-style-type: none">• Contract Training and Regional/Distant Education Programming

DATE OF MEETING	ENDS/STRATEGIC ISSUES/BOARD EDUCATION
	<ul style="list-style-type: none"> • President’s Ends Monitoring and Strategic Report 2018-2019
<p style="text-align: center;">June 17</p>	<ul style="list-style-type: none"> • 2019/2020 Business Plan • President’s Evaluation • Consultation with College Stakeholder Groups – Negahneewin Council
<p style="text-align: center;">September 11</p>	<ul style="list-style-type: none"> • Strategic Mandate Agreement 3 (SMA3) Update
<p style="text-align: center;">October</p>	<ul style="list-style-type: none"> • Negahneewin Vision – 10 Year Vision (2020=2030) • Review of Ends Policies
<p style="text-align: center;">November 14</p>	<ul style="list-style-type: none"> • Program Mix • Systemic Racism Review Update
2020	
<p style="text-align: center;">January 8</p>	<ul style="list-style-type: none"> • Strategic Planning Update • Workforce Development • Systemic Racism Review Update • Health of Students

I report compliance.

5. Present information in unnecessarily complex or lengthy form or in a form that fails to differentiate among information of three types: monitoring, decision preparation, and other.

Compliance will be demonstrated when all information submitted by the President to the Board is organized as being in one of the following three categories: monitoring, decision preparation or other.

Evidence:

All information submitted to the Board has been labeled clearly for every Board meeting, and for every communication with the Board. The agenda format is set by the Board and monitored by the Coordinating Committee for clarity. The purpose of agenda items is clear on the agenda and cover memos are provided to give context where necessary.

I report compliance.

6. Allow the Board to be without a workable mechanism for official Board, officer or committee communications.

Compliance will be demonstrated when:

- there is consistent, dedicated administrative support for the Board and all of its committees (as established in policy on Board Committees), such that meetings are arranged and supported, and minutes are recorded and distributed as per each committee, or the Board’s, expectations.
- the Board and committees report that they are satisfied with their support service.

Evidence:

The Board and its committees have reported, via their minutes, that the support services they received met all of their requirements and that they are satisfied.

I report compliance.

- 7. Favour or privilege certain Board members over others, except when (a) fulfilling individual requests for information or (b) responding to officers or committees duly charged by the Board.**

Compliance will be demonstrated when the President presents all information (monitoring, decision preparation and other) to the entire Board at the same time (not to the Board chair, secretary or treasurer, or a committee chair, in advance or separately) by way of a Board meeting package, or other communication when necessary for expediency.

Evidence:

All monitoring, decision preparation/background information and other reports have been sent to all Board members simultaneously in group e-mails as evidenced by our communications monitoring.

I report compliance.

- 8. Allow the Board to be unaware of any actual or anticipated noncompliance with any Ends or Executive Limitations policy of the Board regardless of the Board's monitoring schedule.**

I interpret that the timeliness of advising the Board on actual or anticipated non-compliance varies depending on the perceived importance of the non-compliance issue. Where the importance is deemed to be serious, very serious or potentially damaging to the College, non-compliance issues will be reported as soon as they are known or anticipated. When the importance is deemed to be nonthreatening to the College's future and/or the period of non-compliance is expected to be very brief or related to an ongoing circumstance previously brought to the Board's attention, non-compliance will be reported in the regularly scheduled monitoring report.

Evidence:

No instances of failure to advise the Board of non-compliance or anticipated non-compliance arose.

I report compliance.

- 9. Fail to submit to the Board via required approval (consent) agenda any items that by legislation, MTCU policy or Board By-Laws, require Board approval, i.e. those terms delegated to the President yet required by law or contract to be Board-approved, accompanied by applicable monitoring information.**

Compliance will be demonstrated when the Board is asked to make a decision (usually by a funder) that, according to our Board Management Delegation policies, is delegated to the President, but must be made by the Board.

Evidence:

The following is an exhibit indicating the motions requiring approval by the Board.

Subject of Motion	Description	Name of MCU Binding Directive OR Procedure	Meeting
Consent Agenda	Typically: <ul style="list-style-type: none"> • PAC Memberships • Receiving of Negahneewin Council Minutes • Board Committee Minutes • Stakeholder Lunch Agendas • Annual Report • Information Items as necessary 	Consent Agendas must be approved by motion of the board.	Each Agenda
Program Advisory Committee Memberships	NOTE: Approved as part of the Consent Agenda	Confederation College Program Advisory Committee Operating Practice	Each Meeting
Receiving of Negahneewin Council Minutes	NOTE: Approved as part of the Consent Agenda	Process implemented in 1991 upon creation of the Aboriginal Education Council (Aboriginal Post-Secondary Education and Training Strategy Fund)	As presented, upon approval by Negahneewin Council
2018-2019 Financial Statements	Financial Statements for the year ending March 31, 2019	No. 1 - Governance and Accountability – Audited Financial Statements Operating Procedure	June 10, 2019
2019-2020 Business Plan		No. 1 - Governance and Accountability – Business Plan Operating Procedure	June 17, 2019
2018-2019 Annual Report	NOTE: Approved as part of the Consent Agenda	No. 1 - Governance and Accountability - Annual Report Operating Procedure	June 17, 2019

Subject of Motion	Description	Name of MTCU Binding Directive OR Procedure	Meeting
Mid-Year Forecast to Meet MTCU's Canadian Public Sector Accounting Standards	Updated 2018-19 Forecast Budgeted Statement of Financial Position and the Updated 2017-18 Forecast Budgeted Statement of Operations	No. 1 – Governance and Accountability – Business Plan Operating Procedures Canadian Public Sector Accountability Standards	January 9, 2019
Tuition and Ancillary Fees Approval	Board approval of tuition fees for 2019-2020	No. 2 - Tuition and Ancillary Fees Policy	November 14, 2018
Special Audits	Audit Committee Recommendation	No. 1 - Governance and Accountability – Audited Financial Statements Operating Procedure	As necessary
Approval of By-Law Revisions		Ontario Colleges of Applied Arts and Technology Act	As necessary

I report compliance.

MOTION:

THAT we accept Report EL2g – Communications & Support to the Board, showing full compliance with a reasonable interpretation of the policy.

APPENDICES

Appendix A: Integrated Risk Management Reporting to the Board - Governance Continuity/Effectiveness

Respectfully submitted,

Kathleen Lynch
President

APPENDIX A

Integrated Risk Management Reporting to the Board

EL-2g – Communication and Support to the Board Governance Continuity/Effectiveness		
Item	Risk	Mitigation Strategy
Reliability and Availability of Information Decision Making Compliance	<ul style="list-style-type: none"> • The risk of the misinformation in community. • The risk of potential damage to the brand of organization. • The risk of the Board making decisions in the absence of accurate and concise information. • The risk of the erosion of the confidence between the Board and President. • The risk of the Board not being in compliance with its own policies. 	<ul style="list-style-type: none"> • Ensure accurate information is circulated to the Board as soon as possible • Ensure that the Board is privy to all information (sensitive and public) where able • Ensure Board is provided information prior to public dissemination • Detailed and accurate information is provided to the Board, in appropriate format, for confident decision-making in accordance with policies, Ends, and legislative and other requirements. • A Mitigation Strategy, in order the Board is in compliance with its own policies, has been assigned to the Governance Committee for development.