



## FCC BOARD OF TRUSTEES POLICY

**Policy Type:** Governance Process

**Policy Title:** Handling Alleged Policy Violations

**Policy Number:** GP-13

**Date Adopted:** 6.4.2024

**Version:** 1.0

**Date Last Reviewed:** 6.4.2024

**Office Responsible:** President's Office

**Reviewing Committee:** Board of Trustees

*NOTE: For the purposes of this policy, Board policy violation is defined as the willful and intentional neglect of the policy as interpreted or actions taken or decisions made that are known, or reasonably should be known, to be in violation of policy. Board policy violation should not be confused with the level of policy compliance (full, partial, non-compliance).*

The Board has the responsibility to monitor the President's performance on a regular basis. If there is a reasonable appearance of a Board Ends or Executive Limitations policy violation, even though a particular policy is not scheduled for monitoring, the Board may request a monitoring report at any time.

1. Conditions which may trigger a request for an off-cycle (12-month lookback) monitoring may include:
  - 1.1. One or more Trustees receive complaints or become aware of a pattern of similar instances that, taken together, raise questions about Board policy violations.
  - 1.2. A single incident or complaint is of a nature or severity that, regardless of how it is resolved, gives rise to a serious question of Board policy violation.
2. If either of the above conditions exist:
  - 2.1. The Trustee shall inform the Board Chair of the situation. If the alleged situation presents a potential material level of risk to the College, the procedure outlined in Paragraph 3 shall be followed. If the alleged situation does not present a potential material level of risk to the College, the Board Chair shall promptly inform the President.

- 2.2. The Board shall direct the President to submit an off-cycle monitoring report for the Board's review. The Board shall review the report to determine whether the President violated Board policy.
  - 2.3. If it is determined that the President did not violate Board policy, the matter shall be concluded by the Board. If the matter came to the attention of the Board by a complaint, the Board Chair shall communicate the decision to the complainant.
  - 2.4. If a Trustee believes that a policy amendment should be made to prevent a similar situation from recurring, the Board member should ask the Board Chair to put the item on the next agenda.
    - 2.4.1. If the Board makes changes to the policy or determines that a new policy is required, the Board will take the steps necessary to amend an existing policy or create a new policy. Once the Board completes its work, the President will be asked to create a new interpretation. The Board will assess whether the interpretation falls within any reasonable interpretation of the policy. Once consensus is achieved as to the interpretation, the monitoring reporting shall return to its normal cycle.
  - 2.5. If it is determined that the President violated or is violating Board policy, the Board, with or without the assistance of counsel, in the Board's discretion, shall determine the degree of seriousness of the issue and address the President regarding performance in a closed session.
3. If the alleged situation presents a material level of risk to the College, the Board Chair and Vice Chair shall meet with legal counsel to review the alleged situation and to determine whether a special meeting of the Board should be called. If it is determined that a special meeting of the Board should be called to address the alleged situation, the Board Chair shall inform the President and call a special meeting of the Board as soon as practical. At the special meeting the Board shall determine if (a) it needs to seek separate outside legal counsel, (b) engage an external, qualified, independent third party, or (c) take such other actions as the Board deems appropriate and warranted.

<b>Date Of Change</b>	<b>Version</b>	<b>Description of Change</b>	<b>Responsible Party</b>
6.4.2024	1.0	First release following Policy Governance consulting work.	President