NESC
Governing Board
Policy Manual

June 2017
The function of this Governing and Administrative Board Standard Operational Policy Manual is to outline the broad based administrative and operational policies essential to the work of the NESC Governing and Administrative Board. Policies are meant to provide guidelines for practice and to establish expectations; not be comprehensive and address every possible situation.

The Governing and Administrative Board may add to, amend, modify or revoke items in the policy manual at any time. There may be times when policy changes are approved before this written manual can be revised, published and distributed. A complete up-to-date set of Governing and Administrative Board Standard Operational Policies is available for review in the office of the Executive Director or can be obtained from the Board Chair. Within 45 business days of approved changes, the most current version of the NESC Governing and Administrative Board Standard Operational policy manual will be posted on the agency’s website.

1. The Governing Board Chair, or their assigned designee, is accountable and responsible for the content, maintenance, publication, distribution and enforcement of the policies of the board.
2. Each policy does require Board Approval and their approval date is noted on each policy. Minor changes in policy language to reflect evolving operational procedures, practices, legal and compliance issues do not need Board Approval. Minor changes can be made by the Board Chair. Board Members will be notified within 45 days (via their work assigned email address) of any changes to policies.
3. There should be an annual review of policies corresponding with changes in the Board’s membership.
4. Board Members should sign a policy acknowledgement statement each year (this page).
5. Policy revisions will not be applied retroactively unless the previous version of the policy was incorrect per either federal or state law.
6. Matters of importance not covered by the policy manual or mistakes should be brought to the attention of the Board Chair so new policies or corrections can be formulated.
7. Policies of Devil’s Lake Public Schools (Fiscal Agent of NESC) apply when specific policies have not been defined by NESC or its Governing Board.
8. Policy violations may result in disciplinary action, up to and including immediate dismissal from the Board.

Board Member Acknowledgement: I acknowledge I have received either a printed copy of this policy manual or electronic access to the most current version. In my role as an NESC Board Member, I further acknowledge and agree to abide by the NESC Governing Board By-Laws; NESC Governing and Administrative Board Standard Operational Policies; State and Federal Laws; accepted standards of ethical and professional practice; plus NESC Policies posted on the agency’s website.
Policies are formulated to adhere to Federal and State Laws, best practices as well as AdvancED Accreditation Requirements.
Board Member Disciplinary Action

- Last approved by Board: July 15, 2017; Last Internal Review / Revision Date
- Associated Form in Appendix A: Board Member Disciplinary Action

It is the policy of this agency that identifying a Board Member disciplinary process is essential in providing the best outcomes for our clients, stakeholders, employees, contractors, vendors and communities. The Board Chair is responsible for monitoring and addressing NESC Governing and Administrative Board Members’ behaviors. If the behaviors at issue are those of the Board Chair, the next highest ranking Board Member will assume responsibility for disciplinary action.

The Board Chair is expected to discuss policies, procedures, performance expectations, teamwork, collaboration and a host of other Board Member behaviors that impact the effectiveness of the Governing and Administrative Board.

While rare, Board Member disciplinary matters may arise from time to time and therefore the Board is adopting four levels of disciplinary action. These levels are not sequential.

Level 1: Formal Verbal Warning

- This may include but is not limited to short term minor issues with quality, quantity and timeliness of work, recordkeeping, conflicts with other Board Members, NESC employees, clients or stakeholders and infractions to policies and procedures.

Level 2: Formal Written Warning

- This may include but is not limited to repeated, ongoing and consistent minor issues with quality, quantity and timeliness of work, recordkeeping, conflicts with other Board Members, NESC employees; clients or stakeholders and infractions to policies and procedures.

Level 3: Suspension from Board

- This may include but is not limited to a one time significant and consequential issue with quality, quantity and timeliness of work, recordkeeping, conflicts with co-workers, clients or stakeholders; time and attendance; infractions to policies and procedures; financial or records fraud; drug use; weapons possession; sexual misconduct; confidentially breaches; violation in the code of ethics; copyright and intellectual property infringements; making threats to clients, staff, stakeholders, board members, suppliers or vendors; discrimination; harassment; retaliation; unsafe acts; insubordination; employment of relatives, romantic relationships in the workplace, utilization of work resources, technology and assets for personal gain and other consequential actions that run counter to the mission, values, goals, direction of the agency.
  - Employees receiving a suspension without pay will receive a reduction in their performance evaluation ratings for the year the suspension is received.

Level 4: Termination from Board

This may include but is not limited to one time or continuous grave issues with policy or procedure violations; quality, quantity and timeliness of work; recordkeeping; conflicts with other Board Members,
NESC Governing and Administrative Board Standard Operational Policies

NESC employees, clients or stakeholders; financial or records fraud; drug use; weapons possession; sexual misconduct; confidentially breaches; violation in the code of ethics; copyright and intellectual property infringements; making threats to clients, staff, stakeholders, Board Members, suppliers or vendors; discrimination; harassment; retaliation; unsafe acts; employment of relatives, romantic relationships in the workplace, utilization of work resources, technology and assets for personal gain and other grave actions that run counter to the mission, values, goals, direction of the agency.

V4 July 18, 2017: Applicable Policy Forms in Appendix A of this manual. Policies are formulated to adhere to Federal and State Laws, best practices as well as AdvancED Accreditation Requirements.
Board Operations

- June 21, 2017; Last approved by Board
- June 28, 2017; Last Internal Review / Revision Date
- See also Policy later in this manual: Roles and Responsibilities Delineation: Governing and Administrative Board Members; Governing Board Chair; Executive Committee and Executive Director

It is the policy of this agency that establishing and following best practice guidelines (as per the AdvancED Accreditation Criteria) for the responsible and effective operations of the Governing and Executive Boards is essential in providing the best outcomes for our clients, stakeholders, employees, contractors, vendors and communities. This agency commits to adhere to the accreditation standards for AdvancED as they relate all elements of board operations. Therefore these guidelines will inform our collective decisions and actions:

In addition to the terms of the bylaws, these guidelines will inform the operations of the Governing Board and Executive Board as they provide critical oversight, as a cohesive unit, to the agency:

- The Governing and Executive Boards are to have written policies clarifying the duties and accountabilities of the Executive Director, the accountabilities of the Governing Board, Board Chair, Executive Board and Board members. Board policies are to exist for financial oversight of the agency; code of ethics; confidentially or breaches of confidentially; conflicts of interest; and other board policies necessary or required for the effective functioning of the boards.
  - These are to be reviewed annually with all Board Members and Board members are to sign an acknowledgement of their review of the policies.
- The Governing Board monitors and provides critical feedback on agency policies, strategic plans, goals, service delivery levels, outcomes, funding, metrics, program evaluation, continuous improvement, technology planning, select personnel matters, resource utilization, and other global issues impacting the effectiveness and sustainability of the agency.
- The full Governing Board will have at least four (4) meetings each fiscal year and Board Members are encouraged to attend all meetings either in person or by some approved remote method.
- Governing Board and Executive Board minutes are taken at each meeting and are posted on the agency’s website no later than 20 business days after approval of minutes.
- Materials for Board Meetings are distributed in advance as per the standards adopted by the Governing Board.
- The Governing Board is responsible for completing a thoughtful and timely performance evaluation of the Executive Director for each fiscal year based on data, measures and metrics as possible. The process for completing the Executive Director’s Performance Evaluation will be determined in the fall of each fiscal year.
- The Governing and Executive Boards will participate in other agency processes as defined by agency policies.
- The Governing and Executive Boards shall periodically conduct an assessment to determine where and how to improve their functioning and contributions.
- To comply with the open records and open meeting laws, a notice of all Board meetings (full Board, Executive Board and committees) will be posted on the agency website at least 7 days in

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advance unless an emergency situation exists. Emergency meeting notices will be posted on the agency’s website at least 1 hour in advance. Minutes of Board meetings (full Board, Executive Board and committees) will be posted on the agency’s website within 20 calendar days after approval of the minutes. Minutes of Board meetings will remain on the agency’s website a period determined by the Governing Board.
Code of Ethics

- June 21, 2017; Last approved by Board
- June 28, 2017; Last Internal Review / Revision Date

All Board Members and employees are expected to:

- recognize the rights and dignities of each individual
- develop human potential
- provide the agency and its clients / stakeholders with the highest quality of work; and work completed in a timely manner that balances costs and outcomes
- utilize resources (time, money, supplies, other assets) for the best outcomes for our clients / stakeholders
- maintain, organize and retain accurate records of their work
- comply with all copyright laws as well as with any other Federal or State laws / regulations governing their work
- maintain confidentiality and integrity in the practice of their profession
- support their peers and avoid conduct which impedes their effectiveness or their contributions
- conduct themselves in a manner that puts their personal and professional interests secondary to those of the agency, its clients and other employees
- improve the public’s understanding of the work of our agency
- fairly and accurately represent their professional credentials, qualifications, experience and abilities
- remain updated on the ever evolving knowledge and competencies of their professions
- contribute to the continuing growth of their professional area of practice
- follow all policies and procedures of the agency
- report breaches in ethical behavior in a timely manner to the Executive Director and to the Board Chair if the situation involves the Executive Director

Certified professional employees (employees holding specific professional certifications and designations) are also expected to adhere to the ethical and code of conduct guidelines published by their respective professional groups.

The Board Chair is responsible for oversight and investigation of Board Members’ adherence to the Code of Ethics.
Confidentially: Breaches of Confidentially

- June 21, 2017; Last approved by Board
- June 28, 2017; Last Internal Review / Revision Date
- Applicable form in Appendix A: Board Member Confidentially and Non-Disclosure Agreement

Unauthorized disclosure of confidential information by anyone associated with the agency is a serious violation of our ethics, values and professional obligations. Therefore these guidelines will inform our collective decisions and actions:

As defined under North Dakota Century Code, information is confidential if it is of a privileged nature and has not been previously publicly disclosed.

Examples of confidential information may include but are not limited to proprietary and commercial information, intellectual property, trade secrets, student records, test scores, personnel files, grievances, disciplinary actions, performance improvement plans, hiring and dismal decisions, social security numbers, birth dates, driver’s license numbers, phone numbers, home addresses, personal photographs, public employee identification numbers, payroll deduction information, credit card numbers, medical information, public assistance records, ethnicity, religious affiliation, sexual orientation, political party affiliation and personal passwords or information concerning employees’ families or emergency contacts.

Board Members, Stakeholders, Employees, Clients, Contractors and Vendors and all others exposed to confidential information through their association with this agency are expected to:

- Keep confidential information in locked files (if physical documents) and password protected (if electronic documents).
- Sign a confidentiality agreement that endures for the length of their Board appointment.
- Not disclose or divulge either directly or indirectly any confidential information unless first authorized to do so in writing by the Executive Director and the Governing Board Chair. This applies during and after any association with this agency through employment or other service.
- Not reproduce confidential information for any purpose other than the performance of agency business.
- Return materials containing confidential information at the time of separation from the agency.
- Promptly report inappropriate or suspected breaches of confidentiality or use of confidential information to the Executive Director or to the Board Chair if the situation involves the Executive Director.
- Refer all media inquiries to the Executive Director and the Board Chair.


Please also refer to the policy on “Electronic Communication Standards and Social Media Standards.”

The Board Chair is responsible for oversight and investigation of Board Members’ potential breaches of confidentiality.

V4 July 18, 2017: Applicable Policy Forms in Appendix A of this manual. Policies are formulated to adhere to Federal and State Laws, best practices as well as AdvancED Accreditation Requirements.
Conflicts of Interest

Employees and Board Members must avoid any relationship or activity that might impair or appear to impair their ability to make objective and logical decisions about programs or services delivered, resources utilized, other employees, contractors, vendors, purchases; as well as agency goals, metrics, reporting and funding. Company property, resources, personnel, information or business opportunities may not be used for an employee’s or Board Member’s personal gain or for the personal gain of their relatives.


Conflicts of interest could arise but are not limited to the following circumstances:

- Being employed by, or acting as a consultant to, a competitor or potential competitor, supplier or contractor, regardless of the nature of the employment, while employed with this agency.
- Hiring or supervising family members or closely related persons. See policy on Employment of Relatives and Romantic Relationships in the Workplace.
- Serving as a Board Member or Board Chair for an organization that has a vested interest in or has influence over the direction and outcomes of this agency. Example: School Boards, Agency Boards, Community Boards and Funding Boards.
- Owning or having a substantial financial interest in a competitor, vendor, supplier or contractor.
- Accepting gifts, discounts, favors or services from a customer/potential customer, competitor or supplier, unless the same benefit is equally available to all agency employees.

Board Members with any conflict-of-interest question should seek advice from the Board Chair. Before committing to any activity, transaction or relationship that might give rise to a potential or actual conflict of interest, the Board Member should request formal approval from the Governing and Administrative Board.

If a Board Member believes that a potential or actual conflict of interest exists with another Board Member, they should inform the Board Chair. If the conflict of interest concern involves the Board Chair, the Board Member should report their concerns directly to the next highest ranking Board Member.

The Board Chair is responsible for oversight and investigation of Board Members’ potential conflicts of interest.
Copyright and Intellectual Property

- June 21, 2017; Last approved by Board
- June 28, 2017; Last Internal Review / Revision Date
- Applicable forms in Appendix A: Board Member Intent to Use NESC Copyright or Intellectual Property in Professional Setting; AND Board Member Intent to Develop Products, Services, Copyright or Intellectual Property Separate From NESC Interests

All those associated with the agency; employees, contractors, Board Members, clients, stakeholders, suppliers and vendors, are expected to adhere to all international, federal and state laws and legal standards governing copyrights and intellectual property.

All work, including but not limited to documents, processes, procedures, protocols, research, publications, speeches and software developed by Board Members, employees and contractors while employed or receiving compensation from the agency are the intellectual property of this agency.

Board Members are encouraged to contribute presentations and articles to professional meetings and publications. Research, findings, opinions and conclusions based on the work of the agency which might be presented, published or produced will identify the agency as the source of the work, be approved by the Governing Board Chair prior to presentation, publication and/or production and identify the role of the author with the agency.

In the event that any presentations, articles, software, instructional materials or other work products have commercial possibilities, the Governing Board Chair or the Executive Director is authorized to secure copyrights, patents, trademarks, etc. which will ensure the ownership of the product by the agency.

Board Members, who develop, publish or produce materials or products on their own time should make such action known to the Governing Board Chair or the Executive Director prior to the start of such work in order that proper procedures can be established to assure the interests of the agency are protected.

The Board Chair is responsible for oversight and investigation of Board Members’ adherence to copyright and intellectual property rights.
Electronic Communication Standards and Social Media Standards

- June 21, 2017; Last approved by Board
- June 28, 2017; Last Internal Review / Revision Date

All electronic or other communications related to one’s role as a board member are the property of NESC and all employees, contractors, Board Members and others associated with the agency are expected to be adept at communicating electronically. All electronic communications of significance must be saved in an orderly fashion as prescribed by the Governing Board Chair.

Social Media General Guidelines:
- All media inquiries are to be directed to the Executive Director or the Board Chair.
- Never represent yourself as a spokesperson of NESC on social media unless authorized.
- If you post content related to your work or any person or entity related to NESC; clarify that the posting is “your personal view” as opposed to the views of NESC.
- Disciplinary action can be applied for your activities, posted comments, content, video, photographs and audio on social media accounts that include but are not limited to content that:
  - Is illegal per state or federal laws.
  - Negatively impacts NESC clients, suppliers, vendors, stakeholders, member schools, and NESC legitimate business interests.
  - Violates NESC policies such as the code of ethics; confidentially; conflicts of interest; copyright and intellectual property; discrimination; harassment; sexual harassment; equal employment; privacy; sexually explicit materials and other professional policies.
  - Is known to be false.
  - Links your personal social media accounts to the NESC website or NESC social media accounts without disclosing your relationship with NESC.
  - Uses an NESC email addresses to register on social networks, blogs or other online tools utilized for personal use.
- Remember that the internet archives everything.

The Board Chair is responsible for oversight and investigation of Board Members’ electronic communications and social media.
Equal Employment Opportunities

- June 21, 2017; Last approved by Board
- June 28, 2017; Last Internal Review / Revision Date

The agency is an Equal Employment Opportunity Employer and prohibits discrimination and harassment of any type. The agency provides equal employment opportunities to employees and applicants without regard to race, color, religion, sex, national origin, age, disability, genetic information or sexual orientation. Additionally the agency will take action to employ or advance employment and treat qualified veterans without discrimination in all employment practices.

Equal Employment Opportunity (EEO) and anti-discrimination apply to all aspects of employment including recruitment, employment, promotion, transfer, training, working conditions, and wage / salary administration and employee benefits.

This policy also applies to the selection and treatment of independent contractors or personnel working through temporary agencies or doing business for or with us.

The agency will administer this policy fairly and consistently by:

- Posting required notices under the EEO laws in areas visible to employees.
- Advertising for job openings with the statement “An Equal Opportunity Employer”.
- Posting all required job openings with the appropriate state agencies and for an appropriate period of time so that an adequate pool of candidates can be obtained.
- Forbidding retaliation against anyone who files a charge of discrimination; opposes a practice believed to be unlawful or discriminatory; reports harassment; or anyone that assists, testifies or participates in an EEO proceeding.
- Requiring employees to report any suspected discrimination or harassment activities. Anyone who believes he/she has been subjected to harassment or discrimination or an employee who has witnessed suspected discrimination or harassment activities should report the incident as soon as possible to their immediate supervisor or the Executive Director. If the Executive Director is the offender, the complaint should go to the Board Chair.

Harassment is a form of unlawful discrimination and violates this policy, the policy on Discrimination, Favoritism and Harassment and policy on Recruitment, Hiring and Background Checks.

The Board Chair is responsible for oversight and investigation of Board Members’ adherence to state and federal laws on discrimination, harassment, equal employment opportunities and other applicable laws.
Executive Director Recruitment, Hiring, Evaluation and Termination

- June 21, 2017; Last approved by Board
- June 28, 2017; Last Internal Review / Revision Date
- Applicable Forms within NESC Forms Manual: Job Description (Current); Applicant Pre-Employment Authorization for Credentials and Other Records Verification; Applicant Reference Checks; Applicant Credentials and Other Records Verification; Drug Testing Consent Authorization; Offer of Employment (Exempt Employee); Employee Orientation Checklist; Employee Performance Review; Employee Exit / Termination Checklist; Employee Complaint and Grievance; Employee Disciplinary Action; Client / Stakeholder Complaint and Grievance; Supervisory Investigation Report (Non Accident Related); Employee Notification of Ongoing Separate Business Interests; Employee Acknowledgement of NESC Standard Operational and Human Resources Policy Manual; Confidentially and Non-Disclosure Agreement; Conflict of Interest Reporting; Other Forms as Suggested / Required by Fiscal Agent

To recruit and hire the most qualified Executive Director, the current Executive and/or a recruitment committee of three members formed by the Governing Board will:

- Review and update the job description for the position. The job description will describe the nature of the position (job title, full time/part time status; exempt/nonexempt status; position overview; work hours; essential job functions; minimum qualifications; work environment; physical demands; travel and clothing requirements and other pertinent requirements). The up-to-date job description is then used to develop the position advertisement.
- Finalize the compensation range for the position relative to both external and internal equity, the agency’s financial standing and the current salary structure. The compensation range becomes part of the position advertisement.
- For a minimum of 14 days, advertise the open job/position on the agency’s site, internal (physical) bulletin boards, regional/statewide or national job sites or print publications and appropriate professional association websites/job boards. Advertising the open position in multiple ways should take place concurrently to reach the widest possible applicant pool.
- Continue advertising the position until at least three (3) qualified applicants are identified or 45 days have passed since the position was posted on the agency’s website.
- Rate each applicant against the essential job functions and minimum qualifications to identify candidates for interviews.
- Interview the most qualified candidates.
- Forward their hiring and salary recommendation to the full board for consideration. After deliberation in a closed session, the full Board will vote on the potential hire with 2/3’s approval needed for moving ahead with an offer of employment. Applicant files are retained per the personnel files records retention policy.
- Once a decision is made to hire a particular candidate, a verbal offer is made to that individual by the Board Chair contingent on satisfactory completion of reference, background, driving and credit checks (as applicable by law) plus required drug screenings that are coordinated through the human resources administrator of the agency.
  - Reference and background checks may include social security number verification, prior employment verification, multi-county and federal criminal history, personal and
professional reference calls and education verification. Reference checks must be completed by the Board Chair.
  o Driving history and credit history may be required for some positions.
  o Drug and alcohol screening is to be completed by a certified lab.
• When satisfactory results from the applicable checks and screenings are received, a written confirmation of the job offer will be sent to the prospective Executive Director by the Board Chair in collaboration with the human resources administrator of the agency.
• During the first 5 days of employment, the new Executive Director completes applicable state and federal employment forms and other critical personnel forms. The employee is provided a copy of the “new employee orientation checklist” covering the first 30 days of employment by the Board Chair. The checklist will be completed in conjunction with the Board Chair and placed in their personnel file.

Each year the Governing Board will establish and complete an Executive Director’s performance review process according to an established timeline for the Executive Director. The performance review will be based on the essential functions / significant job duties as outlined in the job description and require evidence of performance. The Executive Director is to be held to the highest standards of performance and expected to meet or exceed the goals established for the agency before they receive any pay increases. The Governing Board is expected to hold the Executive Director accountable for metrics and outcome measures that (as much as possible) demonstrate the impact of the agencies programs and services. Three members of the Governing Board (including the Board Chair) are expected to confer, develop, write and deliver the Executive Director’s annual performance review.

Situations can arise where it becomes appropriate to terminate an Executive Director. Because North Dakota is an “at will” employment state, the Executive Director has no promise or guarantee of continuing employment. The Executive Director serves at the pleasure of the Governing Board and the Board will establish processes and procedures for termination of the Executive Director.

See: NESC Policies on:
• “Employee Disciplinary Process”
• “Performance Evaluation”
• “Offers of Employment”
• Other applicable personnel related policies

V4 July 18, 2017: Applicable Policy Forms in Appendix A of this manual. Policies are formulated to adhere to Federal and State Laws, best practices as well as AdvancED Accreditation Requirements.
Roles and Responsibilities Delineation: Governing and Administrative Board Members, Governing Board Chair; Executive Committee and Executive Director

- Last Approved by Board
- July 15, 2017; Last Internal Review / Revision Date

It is the policy of this agency that specifying the roles and responsibilities for the Governing Board, Governing Board Chair, Executive Committee and Executive Director is important in providing the best outcomes for NESC clients, stakeholders, employees, contractors, vendors and communities. Therefore these guidelines will inform our collective decisions and actions:

Governing and Administrative Board Members are responsible for:

1. Duties as defined or outline in By-Laws.
2. Providing high level direction, oversight and feedback on agency policies, strategic plans, goals, service delivery levels, outcomes, funding, metrics, program evaluation, continuous improvement, technology planning, select personnel matters, resource utilization, accreditation, compliance and other global issues impacting the overall effectiveness and sustainability of the agency.
4. Reviewing and approval of the terms and conditions of the Fiscal Agent Service Agreement.
5. Representing NESC in any complaints or conflicts with the Fiscal Agent that cannot be resolved by the Executive Director.
7. Ensuring compliance with NESC Policies, State and Federal Laws and standards of professional practice that include but not limited to:
   a. Promoting broad based stakeholder involvement and feedback mechanisms.
   b. Providing timely response to Public Records Requests.
   c. Ensuring a workplace and Board Operations that are free of discrimination; harassment; sexual harassment; favoritism; sexually explicit materials; conflicts of interest; breaches of confidentiality; breaches of ethics and retaliation.
   d. Ensuring a workplace and Board Operations that promotes:
      i. Strategic planning and sound financial management
      ii. Equal employment opportunities; adequate compensation and benefits;
      iii. Adequate requirements and safeguards for records; employee health / safety / wellness / emergency preparedness;
      iv. Whistle blower protection; professional ethics adherence; copyright and intellectual property protection;
      v. Substantive agency/employee performance standards, goals, outcome metrics and evaluation processes.
      vi. Timely responses and as possible positive outcomes to client or employee complaints and grievances if these cannot be resolved internally.
vii. Compliance checks of actual agency operations versus NESC established policies and procedures.

8. Remaining mindful and diligent regarding appropriate electronic communications, social media postings and political activities.

9. Conducting investigations as needed into NESC operations; NESC personnel conduct and Board Member conduct in service to NESC.


In addition, the Governing Board Chair is responsible for:

1. Establishing direction and oversight of Board Operations.
2. Orientation of new Board Members.
3. Fostering Board member participation and input on issues facing NESC and its Board.
4. Oversight, accumulation and retention of Board Records.
5. Oversight and investigation (as needed) into breaches of copyrights and intellectual property, conduct, confidentially, ethics, state law, federal law, conflicts of interest, and professional practice by Board Members.
6. Responses to Public Records requests for any Board related documents or communications.
7. Timely posting of – communication of Board Meetings, minutes and other applicable materials.
8. Handling employee complaints and grievances lodged against the Executive Director.
9. Handling client/stakeholder complaints and grievances lodged against the Executive Director.
10. Conferring (as needed) with the Executive Director to review, discuss and respond to client or employee complaints and grievances that do not involve the Executive Director.
11. Conferring (as needed) with the Executive Director to review, discuss and confer on agency operations and strategic direction.
12. Conferring with and approving of any NESC employee involuntary terminations with Executive Director.
13. Establishing and maintaining a “working personnel file” for the Executive Director. Document Executive Director Performance through quarterly notes; placing those notes in the working personnel file of the Executive Director.

Executive Committee is responsible for:

1. Duties as defined in By-Laws or as granted by the Governing Board.
2. Agency oversight between formally scheduled Board Meetings or as needed or directed by the Governing Board.

Executive Director is responsible for:

1. Broad based reporting about agency operations, metrics and outcomes to the Executive Committee, Governing Board Chair and Governing Board.

V4 July 18, 2017: Applicable Policy Forms in Appendix A of this manual. Policies are formulated to adhere to Federal and State Laws, best practices as well as AdvancED Accreditation Requirements.
2. Decision making about daily, weekly, monthly operations, policies, service delivery, stakeholder and client interactions, agency finances and personnel within the strategic, operational and plans approved by the Board.

3. Duties as covered in Executive Director most recent job description.

4. Duties and tasks as described in the NESC Standard Operational and Human Resources Policy Manual and as expected by professional or accreditation standards.

5. Fulfilling special requests from clients, stakeholders, Governing Board, Governing Board Chair, or Executive Committee.
Appendix A: Policy Forms
Board Member Confidentiality and Non-disclosure Agreement
(Revision 5/11/17; 2 pages / page 1 of 2)

As defined under North Dakota Century Code, information is confidential if it is of a privileged nature and has not been previously publicly disclosed.

Examples of confidential information may include but are not limited to proprietary and commercial information, intellectual property, trade secrets, student records, test scores, personnel files, grievances, disciplinary actions, performance improvement plans, hiring and dismal decisions, social security numbers, birth dates, driver’s license numbers, phone numbers, home addresses, personal photographs, public employee identification numbers, payroll deduction information, credit card numbers, medical information, public assistance records, ethnicity, religious affiliation, sexual orientation, political party affiliation and personal passwords or information concerning employees’ families or emergency contacts.

NESC and ____________________________________ (Board Member printed name) understand the importance of maintaining the confidentiality of employee, client and stakeholder data.

Therefore ____________________________________ (Board Member printed name) understands and agrees to abide by their confidentiality and Non-disclosure responsibilities per North Dakota and Federal Law plus as outlined by their relevant professional standards and NESC policies.

1. Board Member agrees to use reasonable efforts to maintain the confidentiality of the information and materials, whether oral, written or in any form whatsoever.

2. Board Member agrees to take reasonable action to protect the confidentiality of the information and materials, whether oral, written or in any form whatsoever.

3. Board Member agrees that at the termination of their time on the Board, they will return all copyright and intellectual property of NESC, plus all files, notes, assets and other materials applicable to the operations of NESC or relevant to its clients and stakeholders. Further, at termination, the Board Member agrees not to retain any copies of NESC materials or materials relevant to its employees, clients or stakeholders; either paper or digital copies on personal devices.

4. Board Member agrees that upon their exiting of their Board duties, they will discontinue use of any materials, resources, protocols, copyright and intellectual property of NESC used during their employment at NESC.

5. Board Member agrees that if at any time during their Board tenure or after their tenure, if they have any questions regarding the appropriateness of sharing information about NESC, its employees, clients and stakeholders; they will discuss the matter with and gain the approval of the Board Chair before disclosing the information.

6. The Board Member understands that they may be personally and professionally liable for disclosing confidential information.
Continued – Board Member Confidentiality and Non-disclosure Agreement

(Revision 5/11/17; page 2 of 2)

7. The Board Member understands that if NESC brings legal action against them for disclosure of confidential information; then NESC will be entitled to recover from them all costs incurred for such actions; including without limitation, reasonable attorney’s fees.

8. Board Member further agrees to:
   • Keep confidential information in locked files (if physical documents) and password protected (if electronic documents).
   • Refrain from maintaining digital copies of confidential NESC information on personal devices or paper copies in their personal possession unless required for legitimate work purposes.
   • Not reproduce confidential information for any purpose other than the performance of agency business.
   • Promptly report inappropriate or suspected breaches of confidentiality or use of confidential information to the Board Chair or if the situation involves the Board Chair, report the breach to the next highest ranking Board Member.
   • Refer all media inquiries to the Executive Director and the Board Chair.

Board Member signature: _______________________________________________________

Date: ______________________

Witness: __________________________________________________________

V4 July 18, 2017: Applicable Policy Forms in Appendix A of this manual. Policies are formulated to adhere to Federal and State Laws, best practices as well as AdvancED Accreditation Requirements.
Board Member Conflicts of Interest Reporting
(Revision 5/11/17; 2 pages / page 1 of 2)

Board Members must avoid any relationship or activity that might impair or appear to impair their ability to make objective and logical decisions about programs or services delivered, resources utilized, other employees, contractors, vendors, purchases; as well as agency goals, metrics, reporting and funding. Company property, resources, personnel, information or business opportunities may not be used for a Board Member’s personal gain or for the personal gain of their relatives.


Conflicts of interest could arise but are not limited to the following circumstances:

- Being employed by, or acting as a consultant to, a competitor or potential competitor, supplier or contractor, regardless of the nature of the employment, while employed with this agency.
- Hiring or supervising family members or closely related persons. See policy on Employment of Relatives and Romantic Relationships in the Workplace.
- Serving as a Board Member or Board Chair for an organization that has a vested interest in or has influence over the direction and outcomes of this agency. Example: School Boards, Agency Boards, Community Boards and Funding Boards.
- Owning or having a substantial financial interest in a competitor, vendor, supplier or contractor.
- Accepting gifts, discounts, favors or services from a customer/potential customer, competitor or supplier, unless the same benefit is equally available to all agency employees.

Board Members with any conflict-of-interest question should seek advice from the Board Chair. Before committing to any activity, transaction or relationship that might give rise to a potential or actual conflict of interest, the Board Member should request formal approval from the Governing and Administrative Board.

If a Board Member believes that a potential or actual conflict of interest exists with another Board Member, they should inform the Board Chair. If the conflict of interest concern involves the Board Chair, the Board Member should report their concerns directly to the next highest ranking Board Member.

Date:

Name:

Position: Board Member

Please describe below any relationships, transactions, position you hold (volunteer or otherwise), or circumstances that you believe could contribute to a conflict of interest:

_____ I have no conflict of interest to report

Continued – Board Member Conflicts of Interest Reporting (Revision 5/11/17; page 2 of 2)

[4 July 18, 2017: Applicable Policy Forms in Appendix A of this manual. Policies are formulated to adhere to Federal and State Laws, best practices as well as AdvancED Accreditation Requirements.}
I ______________________________ (printed name) have the following conflict of interest to report.

I hereby certify that the information set forth above is true and complete to the best of my knowledge.

Signed: __________________________________________________________

Date: __________________________

NESC Witness: ____________________________________________________

Review Notes by Governing and Administrative Board
Board Member Disciplinary Action

(Revision 6/30/17; 2 pages / page 1 of 2)

1. Board Member Name:
2. Governing Board Chair:
3. _________ Date formal / or informal discussions held other Board Members or NESC Executive Director prior to formal discussion with Board Member
4. _________ Date of Disciplinary Action Discussion with Board Member:
5. _________ Dates of Incident(s) leading to disciplinary discussion:
6. Reasons / Explanation of facts and circumstances leading to disciplinary action:
   a. Please describe what happened?
   b. What was the impact of the Board Member’s actions on clients, other Board Members, NESC employees, stakeholders, operations, finances, productivity and agency reputation?
7. Type of Disciplinary Action taken (check one)
   a. _____ Level 1 Formal Verbal Warning
   b. _____ Level 2 Formal Written Warning
   c. _____ Level 3 Suspension from Board
   d. _____Level 4 Termination from Board

Explanation of each disciplinary level; Please see policy manual for full details

Level 1: Formal Verbal Warning

- This may include but is not limited to short term minor issues with quality, quantity and timeliness of work, recordkeeping, conflicts with other Board Members, NESC employees, clients or stakeholders and infractions to policies and procedures.

Level 2: Formal Written Warning

- This may include but is not limited to repeated, ongoing and consistent minor issues with quality, quantity and timeliness of work, recordkeeping, conflicts with other Board Members, NESC employees; clients or stakeholders and infractions to policies and procedures.

Level 3: Suspension from Board

- This may include but is not limited to a one time significant and consequential issue with quality, quantity and timeliness of work, recordkeeping, conflicts with co-workers, clients or stakeholders; time and attendance; infractions to policies and procedures; financial or records
fraud; drug use; weapons possession; sexual misconduct; confidentially breaches; violation in the code of ethics; copyright and intellectual property infringements; making threats to clients, staff, stakeholders, board members, suppliers or vendors; discrimination; harassment; retaliation; unsafe acts; insubordination; employment of relatives, romantic relationships in the workplace, utilization of work resources, technology and assets for personal gain and other consequential actions that run counter to the mission, values, goals, direction of the agency.

- Employees receiving a suspension without pay will receive a reduction in their performance evaluation ratings for the year the suspension is received.

Level 4: Termination from Board

- This may include but is not limited to one time or continuous grave issues with policy or procedure violations; quality, quantity and timeliness of work; recordkeeping; conflicts with other Board Members, NESC employees, clients or stakeholders; financial or records fraud; drug use; weapons possession; sexual misconduct; confidentially breaches; violation in the code of ethics; copyright and intellectual property infringements; making threats to clients, staff, stakeholders, Board Members, suppliers or vendors; discrimination; harassment; retaliation; unsafe acts; employment of relatives, romantic relationships in the workplace, utilization of work resources, technology and assets for personal gain and other grave actions that run counter to the mission, values, goals, direction of the agency.

Board Member Comments:

Board Member Signature: Date:
Your signature means discussion was held with you – not that you agree with disciplinary action)

Governing Board Chair Signature: Date:
Board Member Intent to Develop Products, Services, Copyright or Intellectual Property Separate from NESC Interests

(Revision 6/11/17; 1 page)

Note: The purpose of this form is to notify NESC and the NESC Governing and Administrative Board of a Board Member’s intent to develop products, services, copyright or intellectual property that will be the copyright or intellectual property of the Board Member before any work takes place on the product.

Board Members are free to develop products, services, copyright or other intellectual property for their own professional or commercial interests if none of the development, testing, evaluation, administrative, operational and marketing activities take place using time, materials, personnel, funding, copyright materials or intellectual property or any other resources of NESC or its clients, vendors and stakeholders.

1. Board Member Name:
2. Date of Notification to NESC:
3. Initial Name of Potential Product, Copyright or Intellectual Property Materials to be Developed by Board Member:
4. Expected development, testing, evaluation and marketing period:

Board Member Certification and Acknowledgement:

I ___________________________________ (printed name) understand that my involvement in the development of any product, copyright or other intellectual property for my own professional or commercial interests is permissible if none of the development, testing, evaluation, administrative, operational and marketing activities take place using time, materials, personnel, assets, funding, copyright materials or intellectual property or any other resources of NESC or its clients, vendors and stakeholders. I further agree that I will document the times, materials and resources utilized in the development, testing, evaluation, administrative, operational and marketing activities of products and materials over which I intend to have copyright or intellectual property ownership. If requested, I agree to produce appropriate documentation and/or make available the products, copyright or intellectual property for inspection by NESC or the NESC Governing and Administrative Board to ensure our interests and ownerships do not overlap.

Signature: ____________________________________________
Date: _________________________

NESC Witness: ____________________________________________

Board Chair Signature:

Date_________             ___Approved                  ___Denied

V4 July 18, 2017: Applicable Policy Forms in Appendix A of this manual. Policies are formulated to adhere to Federal and State Laws, best practices as well as AdvancED Accreditation Requirements.
Board Member Intent to Use NESC Copyright or Intellectual Property in Professional Setting

(Revision 6/11/17; 1 page)

Board Members are encouraged to contribute presentations and articles to professional meetings and publications. Research, findings, opinions and conclusions based on the work of the agency which might be presented, published or produced will identify the agency as the source of the work, be approved by the Executive Director and Board Chair prior to presentation, publication and/or production and identify the role of the author with the agency.

In the event that any presentations, articles, software, instructional materials or other work products have commercial possibilities, the Board Chair is authorized to secure copyrights, patents, trademarks, etc. which will ensure the ownership of the product by the agency.

1. Board Member Name:
2. Date of Request:
3. Expected Date of Presentation / Publication:
4. Location of Presentation or Name / contact information of Publisher:
5. Name of event where presentation will take place:
6. Expected title of Presentation / Publication:
7. Please describe the NESC materials, data, resources that will be used for the presentation / publication:
8. Please estimate how many hours (includes preparation, revisions and final documents plus any travel time) and what additional NESC resources will be required to complete the presentation or publication.

Board Member Signature: _____________________________________________________________
Date: _____________________

Board Chair Signature____________________________________________________________
Date______________________            ___Approved                  ___Denied

Notes:

V4 July 18, 2017: Applicable Policy Forms in Appendix A of this manual. Policies are formulated to adhere to Federal and State Laws, best practices as well as AdvancED Accreditation Requirements.
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NESC Governing and Administrative Board Standard Operational Policies

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