



Jackson College Board of Trustees

Monitoring Report: EL – 00 General Executive Limitations

[FULL COMPLIANCE]

Note: Board Policy is indicated in bold typeface throughout the report.

I present this monitoring report to the Jackson College Board of Trustees which addresses the Board’s Policy EL-00: “General Executive Limitations”. I certify that the information contained herein is true and represents compliance, within a reasonable interpretation of the established policy, unless specifically stated otherwise below. Please note that all of my interpretations of the policy remain unchanged from the previous report, unless otherwise noted.

08.12.24

Daniel J. Phelan, Ph.D.
President and CEO

Date

POLICY STATEMENT:

The CEO shall not cause or allow any practice, activity, decision, or organizational circumstance which is unlawful.

INTERPRETATION:

I have interpreted the practices, activities, decisions, and organizational circumstances that appear in the Board’s Executive Limitations EL-01 through EL-12 policies, are unlawful and must be avoided. Compliance with those policies, in addition to the items outlined below, will constitute full compliance with EL-00.

The legal context in which the College operates is complex and ever-changing. As such, there may be occasions wherein there is an inadvertent and/or unexpected violation of the law due to the addition of new case law, nuanced interpretations of the law, the increasing litigiousness of society, as well as the potential for inconsistent interpretations of case situations by the courts, judges, and juries. Therefore, Jackson College, potentially could be found noncompliant with law, through no fault of, or intentional action of the Board, the CEO, or College employees.

Beyond this, compliance will be demonstrated when:

- a) Independent legal review of relevant College operations confirms that there has been no intentional violation of relevant laws as they pertain to policies EL-01 through EL-12
- b) There are no material findings discovered in the various auditor's reports.

This is reasonable because it assures that there is objective, third-party review by those with technical and/or legal expertise or knowledge.

EVIDENCE:

- a) The College's Legal Counsel affirmed on 08.05.24 that there are no known intentional violations of known and applicable federal, state, and local laws by the Board, CEO or College employees. Further, the Chief Operating Officer of the College on 07.15.24 confirmed that there have been no material deviations from the faculty or staff union bargained agreements.

Finally, the Chief Strategy and Institutional Research Officer confirmed on 07.12.24 that students in need of academic support have a significant breadth of resources and services available to them, consistent with those within the higher education ecosystem, and deemed reasonable to provide for their success.

- b) A review of the annual single audit report, which had been presented to the Board of Trustees on 11.13.23, confirmed that that there were no overdue or inaccurate filings of taxes, government ordered payments, or improper investment practices.

Based upon the afore-mentioned evidence, I am reporting full compliance with this policy.

The Jackson College Board of Trustees assessed this monitoring report and found that it demonstrated compliance with a reasonable interpretation of the policy at the regular Jackson College Board meeting on August 12, 2024.