



# Policy Governance Booklet

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## **Policy Quadrant 1 of 4: End Results**

Instructions to achieve specified results for specified stakeholders at a specified cost.

**1.0 Minnesota Commission for the Deaf, DeafBlind, and Hard of Hearing exists so the overall well-being of this community of Minnesotans allows them to lead productive, fulfilling lives and those responsible for the state's decisions related to these concerns are adequately supported in their decision-making processes. All this is to be achieved through a reasonable investment of the state's resources dedicated to the commission.**

**Accordingly:**

**1.1 There is a collective sense of community and solidarity amongst Minnesotans who are deaf, deafblind, and hard of hearing.**

- 1.1.1** Community members feel empowered to seek, and speak out for, equal access to Minnesota benefits and services.
- 1.1.2** Community members have access to the concerns and needs of groups within the larger deaf, deafblind and hard of hearing communities.
- 1.1.3** Minnesota-based organizations and initiatives that support our community are highly collaborative and their efforts coordinated.

**1.2 All three branches of state government make, enact, and enforce well-informed decisions impacting this community.**

- 1.2.1** State policy makers are well-aware of current and future needs of deaf, deafblind and hard of hearing individuals in Minnesota while developing legislation that impact the community.
- 1.2.2** The commission will lead efforts to pass legislation for the benefit of the deaf, deafblind and hard of hearing individuals.
- 1.2.3** State agency administrators will be aware of the needs and concerns of the community.
- 1.2.4** State agency administrators have the technical advice and assistance necessary to solve challenging problems and policy implementations.

- 1.2.5 The judicial branch has the technical advice and assistance necessary to enforce laws, statutes, and precedents.
- 1.2.6 All three branches of state government are aware of, and advocate for, the inclusion of accommodations and considerations for deaf, deafblind and hard of hearing individuals in all financial planning decisions.

### **1.3 The general public is aware of deaf, deafblind and hard of hearing individuals and community, their potential and contributions, and the accommodations that may be needed for them to participate in society.**

- 1.3.1 The general public will be aware of the potential and contributions of deaf, deafblind and hard of hearing individuals in the community.
- 1.3.2 The public is aware of the various accommodations and tools available that may be necessary for deaf, deafblind and hard of hearing individuals to have communication access and equal opportunity to participate in society.

### **1.4 The deaf, deafblind and hard of hearing communities and deaf, deafblind and hard of hearing individuals have improved well-being and quality of life with regards to such things as economic status, employment, health, social and emotional well-being, education, communication access and civic responsibility.**

- 1.4.1 Policies and legislation that improve wellbeing and quality of life (with regard to economic status, employment, health, social and emotional well-being, education, communication access and civic responsibility) in the public and private sector have been advanced by the commission.
- 1.4.2 State policies and procedures that support barrier-free employment, economic, health, social and emotional, educational, communication and civic opportunities have been advanced by the commission.

## Policy Quadrant 2 of 4: Executive Director Limitation Policies

Limits on executive director authority that create the boundaries of all Commission activity and decisions.

### 2.0 Overall Executive Director Limitation

The executive director will not cause or allow any practice, activity, decision, or organizational issue that is illegal, irresponsible, unreasonable, in violation of commonly accepted business practices, professional ethics and practices, or the organization's mission and values. This includes values and laws relating to Affirmative Action and Equal Opportunity.

### 2.1 Treatment of External Organizations, Agencies, and Community Groups Stakeholders

The executive director will not cause or allow relationship conditions, procedures, or decisions that are untimely, disrespectful, or uncollaborative with the Commission's community partners and stakeholders (including individuals). As a result,

- 2.1.1 Requests for Support** The executive director will not operate without a system for receiving, evaluating, referring, and addressing community needs and barriers formally brought to the Commission.
- 2.1.2 Clear Expectations** The executive director will not allow Commission stakeholders to be without a clear understanding of what the role and responsibilities are of the Commission.
- 2.1.3 Grievance Opportunity** The executive director will not allow the community stakeholders to be without an opportunity to be heard if they believe they have been treated in the manner listed above in this policy.

### 2.2 Productive Working Environment

With respect to the staff's working environment, the executive director will not interfere with the necessary systems for productive work. As a result,

- 2.2.1 Staff Roles, Responsibilities, and Expectations** The executive director will not allow staff to be unclear about their individual and collective roles, responsibilities and expectations.

**2.2.2 Training** The executive director will not inadequately and inconsistently support and monitor the professional development of all staff.

**2.2.3 Data Confidentiality and Cyber Security** The executive director will not provide inadequate or outdated staff training and insufficient oversight of data confidentiality, cyber security practices, and organizational procedures. Additionally,

*2.2.3.1 Reporting Requirement* The executive director will not allow any potential privacy incidents to go unreported to the appropriate authority.

**2.2.4 Employees Relationships** The executive director will not employ or contract with any person who has a close relationship with another staff member and could create, or appear to create, a conflict of interest unless:

*2.2.4.1 Relationship Declaration* That relationship is declared when the person begins and ends their employment or contract with the Commission.

*2.2.4.2 Reporting Relationship* Related staff is not in a direct report or supervisor-to-subordinate relationship.

*2.2.4.3 Non-Influence* Related staff has no influence over each other's wages, hours, benefits, career progress or other terms and conditions of service.

*2.2.4.4 Managed Conflict of Interest* The potential for conflict of interest is identified and appropriately managed.

*2.2.4.5 Corrective Action* Where a relationship develops while employed and all the above criteria cannot be met, corrective action may be taken.

## 2.3 Healthy Working Environment

The executive director will not cause or allow the working environment to be unsafe, illegal, discriminatory, or culturally insensitive. As a result,

**2.3.1 Health and Safety** The executive director will not allow staff to be unprepared to properly protect themselves in situations that are physically unsafe or unhealthy.

**2.3.2 Performance Evaluations** The executive director will not allow any staff to work without an annual performance evaluation, following various union requirements. As a result, the annual performance evaluation will not exclude the following:

*2.3.2.1 Opportunity to Appeal* An opportunity to appeal their annual performance review.

*2.3.2.2 Employee Discipline* Issue disciplinary action without engaging Human Resources and completing a formal investigation.

*2.3.2.3 Executive Director Evaluation* Allow staff to operate without an annual opportunity to provide feedback on the executive director's performance.

**2.3.3 Harassment** The executive director will not behave in a way, or allow staff to behave in a way, that could be perceived as violating the Non-Discrimination policy and Zero Tolerance for Sexual Harassment policy.

**2.3.4 Employee Grievances** The executive director will not allow staff grievances and their resolution to be ignored or prevent staff from filing a grievance following to the collective bargaining agreement for that staff and HR rules and policies. Additionally,

*2.3.4.1 Grievance Retaliation* The executive director will not behave in a way that could be perceived as retaliation if an employee uses their grievance rights.

*2.3.4.2 Report Misconduct* The executive director will not leave employees who report any serious action or improper conduct (such as inaccurate financial reports, illegal behavior, or behavior that is against policies) in the organization to be unprotected from retaliation.

**2.3.5 Respectful Workplace** The executive director will not allow for a disrespectful environment from the lack of awareness of standards for professional behavior and will not allow the lack of a working internal office procedure for addressing informal or formal complaints.

**2.3.6 Vacation** The executive director will not unreasonably deny staff vacation requests.

## 2.4 Ongoing Commission Financial Health

With respect to the actual, ongoing financial health of the Commission and its financial activities, the executive director will not cause or allow the development of irresponsible financial risk or a significant difference of actual spending from board priorities established in the Ends Planning policies, or use Commission funds for personal gain. As a result,

### General

**2.4.1 Unbudgeted Purchases** The executive director will not make an unbudgeted purchase or commitment of greater than \$5,000 without board approval. Splitting purchases to avoid this limit is not acceptable.

**2.4.2 Pursuing Receivables** The executive director will not allow the board to be uninformed regarding the collection of money owed to the Commission.

### Debt Management



**2.4.3 Debt** The executive director will not indebt the organization in a way that irresponsibly risks its financial health.

**2.4.4 Operational Reserve** The executive director will not spend funds that would allow the cash balance to fall below the budgeted reserve, if created.

### **Sound Accounting Practices**

**2.4.5 Balances** The executive director will not allow expenses or financial commitments to exceed the amount needed to settle payroll and debts in a timely manner.

**2.4.6 Accounting Controls** The executive director will not operate without a system of accounting and controls to receive, process, or pay out funds without appropriate controls to meet generally accepted accounting practices.

**2.4.7 Uncompromised Audit** The executive director will not compromise the independence of the board's audit, other external monitoring, or advice, such as by engaging parties already chosen by the board as consultants or advisers and not providing information or cooperation as required by the Office of the Legislative Auditor.

**2.4.8 Statutory Compliance** The executive director will not allow spending or financial commitments to be out of compliance with state statutes regarding appropriations, encumbrances, and spending under Minnesota Statutes, particularly 16A and 16C.

## **2.5 Financial Planning: Operating Budget and Legislative Requests**

The executive director will not cause or allow financial planning for any fiscal year or the remaining part of any fiscal year to significantly change from the board's Ends Planning priorities, risk the financial health of the organization, or fail to be in line with a multiyear plan. As a result,

**2.5.1 Risk** The executive director will not create a budget that risks incurring those situations or conditions described as unacceptable in the board policy 2.4 "Ongoing Commission Financial Health."

**2.5.2 Required Budgeting Detail** The executive director will not submit a preliminary budget or a final budget (based on actual budget allocation) that does not include a reasonable projection of revenues and expenses, separation of capital and operational items, cash flow, cost required to meet statutorily required program expectations, and disclosure of budget planning assumptions.

**2.5.3 Consistency and Carry-Over** The executive director will not leave out evidence that the budget submitted to the board is consistent with the budget established in the state's accounting system and includes assumptions about any funds that may carry-over to new budget years.

**2.5.4 Legislative Requests** The executive director will not prepare a budget that does not include any potential budgetary changes from legislative requests or other bills that may impact the organization's budget.

## 2.6 Asset Protection

The executive director will not cause or allow organizational assets to be unprotected, inadequately maintained, or unnecessarily risked. As a result,

- 2.6.1 Physical Assets** The executive director will not allow facilities and equipment to have unnecessary wear and tear, insufficient maintenance, or unsafe and disorganized storage.
- 2.6.2 Liability Exposure** The executive director will not unnecessarily expose the organization, its board, or its staff to claims of liability.
- 2.6.3 Procurement** The executive director will not operate without a procurement evaluation policy for equipment, or other goods or services that are necessary to the organization.
- 2.6.4 "Needs" Reevaluation** The executive director will not allow for ongoing commitments for services that are no longer needed.
- 2.6.5 Information Protection** The executive director will not allow intellectual property, information, and written and electronic files to be unprotected from loss, theft, or significant damage or operate without policies and procedures that meet relevant state and federal statutes and regulations regarding records retention.
- 2.6.6 Public Image** The executive director will not endanger the organization's public image, its credibility, or its ability to accomplish its Ends Planning policies.

## 2.7 Emergency Executive Director Succession

The executive director will not operate without making sure that at least one other staff member has access to the information needed to operate the organization in a competent manner, including crisis management, in event of sudden loss of the executive director's services.

## 2.8 Compensation and Benefits

With respect to employment, compensation, and benefits to employees, the executive director will not cause or allow excessive risk to the financial integrity or to the public image of the organization. As a result,

- 2.8.1 Executive Director Compensation & Benefits** The executive director will not change his or her own compensation and benefits as established by the board.
- 2.8.2 Guaranteed Employment** The executive director will not promise or imply permanent or guaranteed employment.
- 2.8.3 Long-Term Obligations** The executive director will not create obligations over a longer term than funding can be safely projected, and not longer than three years for any employees classified as temporary.
- 2.8.4 Travel Expenses** The executive director will not allow travel expenses that are not allowable per state policy or state employee contracts.

## 2.9 Communication and Support to the Board

The executive director will not cause or allow the board to be uninformed or unsupported in its work. As a result,

### Monitoring

- 2.9.1 Monitoring Data** The executive director will not neglect to submit monitoring data required by the board (see 3.4 Monitoring Executive Director Performance policy in Board-Management Delegation quadrant) in a timely, accurate, and understandable fashion, directly addressing all of the parts of board policies being monitored.
- 2.9.2 Noncompliance Communication** The executive director will not allow the board to be without a timely alert to any actual or anticipated noncompliance with any policy of the board. (See policy 3.3.5 Policy Violation Communication in the Board-Executive Director Delegation Quadrant)
- 2.9.3 Board Policy Compliance** The executive director will not allow the board to be uninformed of its failure to operate in compliance with its own policies on Governance Process and Board-Management Delegation, particularly in the case of board behavior that is detrimental to the working relationship between the board and the executive director.

### Information

- 2.9.4 Decision Information and Trends** The executive director will not neglect to submit unbiased decision information required periodically by the board or let the board be unaware of relevant trends.

- 2.9.5 Incidental<sup>1</sup> Information** The executive director will not let the board be unaware of any significant incidental information it requires, including anticipated media coverage, threatened or pending lawsuits, and material internal and external changes.
- 2.9.6 Information Clarity** The executive director will not present information in unnecessarily complex or lengthy form or in a form that does not categorize the information as monitoring, decision preparation, and “incidental” information.
- 2.9.7 Adequate Information** The executive director will not create a decision environment in which the board operates without access to as many staff and external points of view, issues, and options as is reasonable for fully informed board choices.

### **Communication**

- 2.9.8 Communication Methods** The executive director will not provide inadequate administrative support and communication systems to the board, board committees, or officers.
- 2.9.9 Communication to the Full Board** The executive director will not work with individual board members instead of the full board on official board business except when fulfilling reasonable individual requests for information; or responding to officers or committees as properly assigned by the board.
- 2.9.10 Consent Agenda** The Executive Director will not allow the board’s consent agenda (all decisions that are already delegated to the Executive Director but are required by law, regulation, or contract to be board-approved) to be submitted without applicable monitoring information.

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<sup>1</sup> *Incidental information is any information that is not needed for a board decision or a monitoring report but is still important information for the board to be informed about. An example of incidental information would be information about an event recently hosted by the organization*

## Policy Quadrant 3 of 4: Board Delegation to the Executive Director

How the authority is delegated to the executive director and monitored by the board.

### 3.1 Designated Authority and Direction

The board's only official connection to the operation of the organization and actions will be through the executive director.

The executive director must follow officially passed motions by the board. Additionally,

- 3.1.1 Responsibility to Act** The executive director is only required to follow instructions from individual board members, officers, or committees when the board has specifically authorized that authority.
- 3.1.2 Executive Director's Right to Refuse** The executive director can deny requests that are not connected to an officially passed motion of the board that require, in the executive director's opinion, a significant amount of staff time or funds or is disruptive to the organization's work.

### 3.2 Executive Director Accountability

The executive director is responsible for the staff. Therefore, the board has no authority to direct staff. As a result,

- 3.2.1 Limits of Board Authority** The board will not give work instructions to staff who report directly or indirectly to the executive director.
- 3.2.2 Staff Evaluation** The board will not evaluate, either formally or informally, any staff other than the executive director.
- 3.2.3 Executive Director Performance** The board will evaluate the performance of the executive director by reviewing whether the Commission has achieved the results as defined by the board in its End Results policies and avoided unacceptable situations as defined by the board in its Executive Limitations policies.

### 3.3 How the Board Delegates Authority to the Executive Director

The board communicates authority and direction to the executive director through written policies that set the organizational goals to achieve and the organizational situations to avoid. The executive director is allowed to use any reasonable interpretation of these policies. As a result,

- 3.3.1 Ends Planning Policies** The board will develop policies instructing the executive director to achieve specific results for specific stakeholders for a specific investment of resources. These policies will be created from the broadest, most general level to more defined levels and will be called End Results Policies
- 3.3.2 Executive Director Limitation Policies** The board will develop policies that limit the choices the executive director may make in choosing how the organization will work towards the results expected by the board. These policies will be created from the broadest, most general level to more defined levels, and they will be called Executive Director Limitations policies.
- 3.3.3 Executive Director Authorization** As long as the executive director reasonably interprets the board's End Results and Executive Director Limitations policies, the executive director is pre-authorized to create operational policies, make decisions, take actions, establish practices, and pursue activities. The decisions of the executive director will have the full force and authority as if these decisions were made by the board.
- 3.3.4 Policy Delegation** The board may change its End Results and Executive Director Limitations policies. When this happens, the executive director may change their interpretation and related activities. The board will respect and support the executive director's corresponding adjustments.
- 3.3.5 Policy Violation Communication** If the executive director believes it is necessary to violate board policy, they will immediately inform the board chair or, in their absence, another officer of the board. Then, the executive director will inform the entire board of the violation right away via email alert. This alert is not a request for approval and it does not excuse the executive director from future board judgment of that action or from other consequences.

### 3.4 Monitoring the Executive Director's Performance

The executive director's job performance will be based upon complying with 1) federal and state regulations and procedures that apply to the organization, and 2) the achieving the results expected of the organization as defined in the End Results policies and the boundaries established in Executive Director Limitations policies. Monitoring will be as automatic as possible, using a minimal amount of board time so that meetings can be used to discuss the future rather than review the past. As a result,

- 3.4.1 Monitoring Purpose** Monitoring is simply to determine the degree to which board policies are being met. Information that does not do this will not be considered to be monitoring information.
- 3.4.2 Monitoring Options** The board will obtain monitoring information by at least one of three possible methods:
- **Internal Report** The executive director submits written reports that interpret relevant policies, provide compliance measurement indicators, and data to demonstrate the degree of compliance.
  - **External Report** A neutral, independent auditor, chosen by the board, and reporting on the executive director's degree of compliance with the board's policies. The board can choose to have the auditor evaluate the executive director's performance based on the auditor's policies instead of the board's policies. If the board decides to do this, the board must inform the executive director of that decision.
  - **Direct Board Inspection** The board, itself, inspects the internal documents, activities, and situations to determine the degree of policy compliance.
- 3.4.3 Monitoring Report Judgment** In every case, the board will decide the answer to two important questions:
- Reasonable Interpretation is the executive director's interpretation of the board policies reasonable?
  - Evidence and Data in Support of Interpretation Does the evidence or data in the monitoring reports support the interpretation used by the executive director?
- 3.4.4 Reasonable Interpretation** In every case, the standard for compliance shall be *any reasonable interpretation* by the executive director of the board policy being monitored rather than how the board would have interpreted the policy.
- If the executive director's policy interpretation is reasonable, but not what the board expected to see happen, the board's response is to consider clarifying and updating their policy.

**3.4.5 Monitoring Schedule Table** Following board decisions, any policy can be monitored by any method at any time. However, each End Results and Executive Director Limitations policy will be monitored according to the following.



## Policy Monitoring Schedule

Policy Number	Policy	Method	Frequency	Month
Ends 1.0	Ends Planning	Internal	Annually	September
EL 2.1	Treatment of External Organizations, Agencies, and Community Groups	Internal	Annually	September
EL 2.4	Ongoing Financial Health and Activities	Internal	4 x year	September
EL 2.8	Compensation and Benefits	Internal	Annually	September
EL 2.2	Organized Work Environment	Internal	Annually	November
EL 2.3	Healthy Work Environment	Internal	Annually	November
EL 2.4	Ongoing Financial Health and Activities	Internal	4 x year	November
EL 2.6	Asset Protection	Internal	Annually	January
EL 2.7	Emergency Executive Director Succession	Internal	Annually	January
EL 2.4	Ongoing Financial Health and Activities	Internal	4 x year	January
EL 2.9	Communication and Support to the Board	Direct Inspection	Annually	March
Governance Process 4.0	All Governance Process quadrant policies (board self-performance assessment)	Direct Inspection	Annually	March
EL 2.0	Global Executive Constraint	Internal	Annually	May
EL 2.4	Ongoing Financial Health and Activities	Internal	4 x year	May
EL 2.5	Financial Planning of Operating Budget	Internal	Annually	May

## 3.5 Executive Director Compensation

Executive director earnings will be decided by following state regulations, the classification range for the position, and by the board. The classification will be determined and updated by DHS' Human Resources Department. As a result,

- 3.5.1 Earnings** Earnings will cover the entire range of salary, benefits, and all other types of earnings consistent with the state's policies.
- 3.5.2 Competitive Earnings** Earnings will be competitive with similar positions at organizations of comparable business nature, size, challenges, and complexities.
- 3.5.3 Compensation Review** A review process, which can be assigned to a committee, can be used to gather compensation package information and to provide options to the full board for its decision.

## 3.6 Executive Director Termination

The authority to fire the executive director is granted by state law to the board with support and guidance by DHS' Human Resources Department. The authority to fire the executive director cannot be delegated to any individual board member or board committee. As a result,

- 3.6.1 Decision Process** The decision process will include performance information from accumulated monitoring reports.
- 3.6.2 Negotiated Terms** The board may choose to terminate the executive director for other reasons, but the board must negotiate the terms of the termination or follow whatever requirements have been made by the employment contract.
- 3.6.3 Committee Role** A committee process can be used to gather information if the board has concerns about the work or behavior of the executive director. The committee presents its findings and options for follow-up actions to the entire board.

## Policy Quadrant 4 of 4: Board Governance Process Policies

How the board approaches its own work.

### 4.0 Purpose of the Board

The purpose of the board, on behalf of the deaf, deafblind, and hard of hearing residents of Minnesota and the organizations that support them, is to see to it that Minnesota Commission of the Deaf, Deafblind and Hard of Hearing meets the responsibilities in the Commission's statute, 256C.28 (<https://www.revisor.mn.gov/statutes/cite/256C.28>), and:

**4.0.1 End Results** Achieves the goals as set by the board.

**4.0.2 Executive Limitations** Is mindful of the risks and situations to avoid as defined in the board's Executive Limitations policies.

### 4.1 Governing Style

The board follows federal and state laws and statutes. The board approaches its work with an emphasis on:

- Vision
- Diverse perspectives
- Strategic leadership
- Clear understanding of roles
- Informed decision-making

The board practices:

**4.1.1 Open Meeting Laws** The board has meetings and must follow the Minnesota's Open Meeting Laws (<https://www.revisor.mn.gov/statutes/cite/13D>), which are too lengthy to include in this document. The board will also follow the Commission's own statute for meetings using video conference or conference calls. (<https://www.revisor.mn.gov/statutes/cite/256C.28>)

**4.1.2 Board Conduct** The board governs with excellence, such as good attendance, good preparation for meetings, sound policymaking principles, and respectful for roles. (<https://www.revisor.mn.gov/statutes/cite/15.0575>)

**4.1.3 Group Responsibility** As a group, the board governs with integrity and transparency. Board members share their personal expertise for board consideration.

- 4.1.4 Board Decisions** Board members support the final decision of the board on any matter, despite what they might feel as an individual.
- 4.1.5 Board Training** New board members are trained through an orientation that includes the board's governing process.
- 4.1.6 Self-Assessment** The board will monitor its performance against its policies on a regularly scheduled basis.

## 4.2 Board Duties

The board creates the following materials or performs the following activities to ensure that the organization accomplishes its mission. This includes:

- 4.2.1 Stakeholder Engagement** Collectively demonstrate the board's accountability by regularly securing input from those the board represents in order to create meaningful organizational policies and to report back to stakeholders on organizational results.
- 4.2.2 Governing Policies** Produce and maintain written governing policies that realistically address the broadest levels of all organizational decisions and situations including desired organizational results, what the executive director can and cannot do, and the board's rules for itself. The four governing policy quadrants are:
- **End Results** The specific organizational results expected for those people and organizations impacted by the statutory duties of the commission.
  - **Executive Limitations** Limits on executive director authority that create the boundaries of all Commission activity and decisions.
  - **Board Governance Process** How the board approaches its own work.
  - **Board Delegation to the Executive Director** How authority is delegated and monitored by the board.
- 4.2.3 Executive Director Performance Assessment** Evaluate the executive director's work performance.
- 4.2.4 Contract Approval** Approve services and supplies contracts for more than \$50,000 by a majority of all members. The Executive Committee may meet in a special meeting and approve such contracts under \$50,000 if a full board meeting is not possible in time as explained in 256C.28. <https://www.revisor.mn.gov/statutes/cite/256C.28>

## 4.3 Board Planning

- 4.3.1 Ends Policy** The board will review and update its End Policies every three (3) to five (5) years.

**4.3.2 Annual Work Plan** The board develops its work plan for the coming year during the month of June. This work plan is led by the Executive Committee. The work plan will conclude each year on the last day of June in the following fiscal year. Staff planning and budgeting can be based on accomplishing a one-year segment of the board’s current Ends policies.

**4.3.3 Board Meeting Agendas** The board chair is responsible for planning regular, special, and emergency meeting agendas. The chair will work with the Executive Committee, executive director, and office administrative coordinator. Additionally:

*4.3.3.1 Submitting Agenda Items* Board members may submit an agenda item for consideration by the Executive Committee. The item must be submitted in writing and received at least eight (8) calendar days in advance.

*4.3.3.2 Consent Items* The consent agenda section is limited to the approval of items the board would not normally have on its agenda because they have been delegated to the executive director, but the item requires “board approval” by a state agency or law (such as the requirement in the Commission’s law). Therefore, the executive director is responsible for supplying items for this portion of the agenda.

## 4.4 Role of the Chair and Vice Chair

The chair and vice chair provide leadership to make sure that the board follows its procedures and legislative requirements.

**4.4.1 Chair’s Authority** The chair is authorized by the board to make decisions based on Board Governance Process and Board Delegation to the Executive Director policies. Exceptions include:

- Employment or termination of the executive director
- Areas where board policies or statutes specifically give portions of this authority to others (e.g., the executive committee’s authority to approve contracts under \$50,000 if the board is unavailable).

*4.4.1.1 Authority Limits* The chair has no individual authority to supervise the executive director.

*4.4.1.2 Board Representation* The chair may represent the board to outside parties in announcing board-stated positions.

*4.4.1.3 Convening Emergency Meetings* The chair is authorized to call emergency meetings of the board and will make sure to follow Open Meeting statutes about emergency meetings. <https://www.revisor.mn.gov/statutes/cite/13D.04#stat.13D.04.3>

**4.4.2 Chairing Meetings** The chair is empowered to lead board meetings.

*4.4.2.1 Meeting Content* Meeting content will consist only of issues that clearly belong to the board to decide or to monitor according to board policy.

*4.4.2.2 Deliberation Process* The chair makes sure that meeting discussions are fair and thorough but also timely, orderly, and kept on topic.

**4.4.3 Board Removal and Vacancies** The chair may remove members with administrative assistance from the executive director. <https://www.revisor.mn.gov/statutes/cite/15.0575#stat.15.0575.4>

**4.4.4 Delegating Authority** The chair may temporarily delegate the authority described in 4.4.1 and 4.4.2 to the vice chair but remains accountable for the vice chair's use of this authority.

**4.4.5 Special Duties of the Vice Chair** The vice chair may take over for the chair when needed as defined in policy 4.4. In addition, the vice chair will serve as lead for whichever committee or special initiative is considered important by the chair.

## 4.5 Conflict of Interest

Members must demonstrate loyalty to the entire deaf, deafblind, and hard of hearing community. Members must not be conflicted by loyalties to staff, other organizations, their professional interests, or personal interests as community members.

**4.5.1 Avoid and Remind** Board members must avoid conflicts of interest with respect to their governance responsibilities and annually reveal potential conflicts of interest with other organizations, vendors, and associations. Board members must also remind the board of any conflicts prior to relevant discussion or decision-making. NOTE: See Operational Interpretation of this policy at end of document.

**4.5.2 Disciplinary Action** Non-disclosure of an actual or possible conflict of interest will result in disciplinary action by the board.

**4.5.3 Conflict Discussion** After communicating the potential conflict of interest, the board member must leave the room while the board 1) determines whether there is a conflict of interest, and 2) attends to the issue itself.

**4.5.4 Voting Limits** A board member who receives compensation, directly or indirectly, from the organization for services is prevented from voting on issues that may impact that member's compensation. This does not include reimbursement as permitted for MNCDDHH board activities.

**4.5.5 Employment Influence** Board members will not use their board position to receive employment in the organization for themselves, family members, or close associates. A board member who applies for employment in the organization must first suspend themselves from the board.

## 4.6 Respect of Boundaries

The board members will consistently behave in a manner that sets the tone for appropriate behavior for the entire organization. In addition, the following applies:

- 4.6.1 Staff Interaction** Individual board members interacting with the executive director or staff must recognize that they do not have authority to give direction unless explicitly authorized by the board.
- 4.6.2 Public Interaction** Board members can only repeat official board decisions when interacting with the public as a representative of the Commission.
- 4.6.3 Staff Evaluation** The only time board members can express individual judgement of work performance by the executive director and staff is during the executive director’s work performance evaluation or when evaluating the interpretation portion of policies in monitoring reports.
- 4.6.4 Non-Discrimination and Harassment** Members must follow state laws prohibiting discrimination and harassment of employees—and fellow board members—in the workplace: “Employment discrimination or harassment based on sex, race, color, creed, religion, national origin, age, marital status, sexual orientation, disability, status with regard to public assistance, familial status, or membership or activity in a local commission will not be tolerated.” *NOTE: See Operational Interpretation of this policy at end of document.*

## 4.7 Board Committee Principles

The board may establish committees to help carry out its governing responsibilities. Committees will be used only when other methods (i.e., working groups, ad hoc) are inadequate. Committees will be used to minimally interfere with the board’s job as a whole and never interfere with the areas of authority delegated to the executive director.

- 4.7.1 Committee Service** Board committees are designed to help the board do its job. They do not help or advise the staff. Board committee dealings with staff and organizational operations are off limits 1) unless it is within the scope of the committee’s authority, and 2) must respect the designated authority of the executive director to oversee staff.
  - 4.7.2 Committee Authority** Board committees may not speak or act for the board except when formally given such authority for specific and time-limited purposes. Expectations and authority will be carefully stated in order not to conflict with authority delegated to the executive director.
  - 4.7.3 Board Committee Distinction** This policy applies only to committees that are formed by board action, whether or not the committees include people who are not board members. It does not
- MNCDHH Policy Governance Booklet - Updated September 26<sup>th</sup>, 2023

apply to committees formed under the authority of the executive director even if board members are on that kind of committee.

- 4.7.4 Committee Membership** All board members are expected to participate on at least one standing committee of the board. Typically, no more than 1/3 of board members can serve on any one committee. Board members will express interest in a committee and the recruitment committee will approve membership. If necessary the board chair can assign members to a committee based on interest or recruitment committee recommendation. Committees must consist of at least three members.

## 4.8 Board Committee Structure

A committee is a board committee only if it is formed by the board, regardless of whether board members sit on the committee. The only standing committees of this board are those listed in this policy.

### 4.8.1 Executive Committee

*4.8.1.1 Purpose* The purpose of this committee is to 1) be immediately available to the Executive Director to approve contracts not to exceed \$50,000 should the full board not be available in a timely manner. (<https://www.revisor.mn.gov/statutes/cite/256C.28>)

*4.8.1.2 Membership* Membership is comprised of the chair, vice chair, and one or three additional board members recommended by the chair and vice chair and voted on by the full board. The Executive committee must be comprised of an uneven number of individuals.

*4.8.1.3 Tasks* 1) board work that is thoughtfully planned and implemented and 2) quick and efficient approval of contracts under \$50,000 if the full board is unavailable in a timely manner.

### 4.8.2 Board Recruitment and Training Committee

*4.8.2.1 Purpose* The purpose of this committee is to 1) plan, identify, and recruit board members, 2) secure committee assignments for all board members, and 3) plan and oversee all new member and ongoing board member training with assistance from the executive director.

*4.8.2.2 Membership* Membership is to be recommended by the board chair, based on interest and availability and approved by a majority vote by the full board.

*4.8.2.3 Tasks* 1) Secure a full board with at least 50% of the members are people who are deaf, deafblind, or hard of hearing and one parent representative as required by statute at all



times. Consider the racial, indigenous, ethnic, gender, and cultural diversity of the state, people who use different communication modes (ASL, spoken language, bilingual, Cued Speech, other modalities, and experts on the topics relevant to the commission including education, employment, communications, and age-related hearing loss, 2) assure new board members are fully trained and assigned to committees within 2 months of the start of their term, and 3) provide ongoing training on good governance practices and issues related to current work of the Commission and pending board decisions.

The committee and commission staff will work together to recommend candidates using the following process:

- 4.8.2.3.1 Review and identify needs: Board Recruitment and Training Committee will review current vacancies using the matrix (as outlined in 4.8.2.3) for gaps and will identify areas of needs for the legislative agenda and Ends policy. Board Recruitment and Training Committee will collaborate with MNCDHH staff to develop marketing and educational communications regarding vacancies. Board Recruitment and Training Committee will reach out and encourage individuals to apply through the Secretary of State website.
- 4.8.2.3.2 Screening of applicants: MNCDHH Executive Director and staff will review all applicants' applications, cover letters and resumes for completeness. MNCDHH will screen and identify applicants to align with current vacancies, consult the matrix for gaps, and consider areas of need for the legislative agenda and Ends policy.
- 4.8.2.3.3 Board Recruitment and Training Committee's recommendations: Board Recruitment and Training Committee will review selected pool of applicants and identify potential candidates to MNCDHH Executive Director and Board Chair.
- 4.8.2.3.4 Governor's Office of Appointments: MNCDHH Executive Director and Board Chair will submit recommendations to the Governor. MNCDHH staff and the Recruitment and Training Committee will share with the full Board who they have recommended to the Governor's office, as well as how the nominees will fit into the matrix

### 4.8.3 Governance Committee

- 4.8.3.1 *Purpose* The purpose of this committee is to 1) develop new or revised governing policies at the direction of the board, 2) ensure the board's policy framework is current, 3) resolve monitoring process issues, and 4) plan and implement the full board's own assessment of its performance against its policies.

*4.8.2.2 Membership* Membership is to be recommended by the board chair, based on interest and availability and approved by a majority vote by the full board.

*4.8.2.3 Tasks* 1) Comprehensive, current, and effective governing policies, and 2) reliable and comprehensive performance monitoring.

#### **4.8.4 Community and Legislative Alliance Committee**

*4.8.4.1 Purpose* The purpose of this committee is to lead 1) the process for gathering constituent input and 2) the board's process for defining desired results, and to 3) make itself accessible to the staff during the legislative session in support of lobbying efforts.

*4.8.4.2 Membership* Membership is to be recommended by the board chair, based on interest and availability and approved by a majority vote by the full board.

*4.8.4.3 Tasks* 1) Effectively and inclusively gather input from constituents, 2) develop well-crafted, constituent-driven End Results policies, and 3) be available to staff during the legislative session regarding board-supported legislative efforts.

## **4.9 Governance Investment**

Because poor governance costs more than learning to governing well, the board will invest in its governance capacity.

**4.9.1 Adequate Investment in Governance** Board skills, methods, and supports will be sufficient to ensure governing with excellence.

*4.9.1.1 Training* Training and retraining will be used liberally and within budget means to orient new members and candidates for membership, as well as to maintain and increase existing member skills and understandings.

*4.9.1.2 Monitoring Assistance* Outside monitoring assistance will be arranged so that the board can exercise confident control over organizational performance. This includes, but is not limited to, financial and internal audits.

*4.9.1.3 Outreach* Outreach mechanisms (e.g. surveys, focus groups) will be used as needed to ensure the board's ability to listen to owner viewpoints and values.

**4.9.2 Budgeting Governance Costs** Costs will be sensible but not at the expense of the development and maintenance of a capable board. Budget items for the following categories will be considered as needed:

*4.9.2.1 Board and Committee Meeting Budget* To address board and committee meeting expenses.

*4.9.2.2 Training Budget* To address board training and/or consulting services.

*4.9.2.3 Information Gathering Budget* To address surveys, focus groups, opinion analyses, and meeting costs.

**4.9.3 Governance Cost Budget Timing** The board will determine these projected governing costs for the next biennial during the month of January. Note that a budget for all categories may not be required annually.

**4.9.4 Member Compensation** Members will comply with compensation standards as defined in statute (15.059 Subd 3.). NOTE: See Operational Interpretation of this policy at end of document.

## Board Operational Interpretations

Explanation: As the board grows more experienced using this policy framework to guide the way they govern; they will need to determine their own “operational interpretations.”

### Policy Reference: 4.4 Role of the Chair and Vice Chair

#### Chair Selection Process

**Length of term** “Annually, by January 31, the commission shall select by a voting majority one member as chair and one member as vice-chair to serve until January 31 of the following year or until the commission selects a new chair or vice-chair, whichever occurs later.” *2018 MN Statute 256C.28 Subd. 1*

**Duties** See 4.4. “Role of the Chair and Vice Chair”

**Time commitment** The estimated time commitment for duties specific to the chair will fluctuate according to the month. Non-board meeting months may require 2-3 hours (time for regular updates with executive director, etc.). Months in which board meetings occur may require 10-12 hours (including board meeting time).

**Skills and strengths** The following qualities would be helpful for the chair to have:

- Strength of character necessary to guide the board through any major transition.
- Ability to understand concepts quickly and help others understand.
- Availability to the staff and other board members without excessive delays.
- Personal responsibility to take on complex tasks with minimal guidance and follow through on commitments promptly.

#### Eligibility

- Must have at least one year of experience as a Commission board member.

**Selection process** At the fall board meeting, the Recruitment and Training Committee will present the eligible candidates and invite each to express interest to the board before the January meeting if they want to be considered. Voting is conducted by a majority vote. Between the fall and January meetings, the committee will review the submissions of interested members.

#### Vice-Chair Selection Process

**Length of term** “Annually, by January 31, the commission shall select one member as chair and one member as vice-chair to serve until January 31 of the following year or until the commission selects a new chair or vice-chair, whichever occurs later.” *2018 MN Statute 256C.28 Subd. 1*

**Duties** The primary role of the vice chair is to step in and assume the role of the chair if that person is unable to fulfill the role and responsibilities; see 4.4.5 “Special Duties of the Vice Chair.” The MNCDHH Policy Governance Booklet - Updated September 26<sup>th</sup>, 2023

Commission board also expects the vice-chair to take responsibility for leading a standing committee of the board and any other tasks as delegated by the chair.

**Time commitment** The estimated time commitment for duties specific to the vice-chair will change depending on whether the officer has chair responsibilities and how often their assigned committee meets.

**Skills and strengths** The following qualities would be helpful for the vice-chair to possess:

- Flexibility and confidence to quickly step into chair meetings if the chair is unavailable.
- Availability to the staff and other board members without excessive delays.
- Personal responsibility to take on complex tasks with minimal guidance and follow through on commitments promptly.
- Ability to take leadership of Governance Committee, which require conceptual thinking skills and understanding of policy language.

### **Eligibility**

- Must have at least six months of experience as a Commission board member.

**Selection process** At the fall board meeting, the Recruitment and Training Committee will present the eligible candidates and invite each to express interest to the board before the January meeting if they want to be considered. Voting is conducted by a majority vote. Between the fall and January meetings, the committee will review the submissions of interested members.

## **Policy Reference: 4.6.4 Non-Discrimination and Harassment**

Members will comply with state and federal laws prohibiting discrimination and harassment of employees and fellow board members in the workplace: Employment discrimination or harassment based on sex, race, color, creed, religion, national origin, age, marital status, sexual orientation, disability, status with regard to public assistance, familial status, or membership or activity in a local commission will not be tolerated (Civil Rights Act of 1964, Americans with Disabilities Act of 1990, and other laws).

### ***Definitions:***

***Discrimination*** is differing treatment of an individual based on that individual's race, color, creed, religion, national origin, sex, age, veteran status, marital status, sexual orientation, disability, or status with regard to public assistance. Discrimination based on these protected classes is prohibited by state and federal law.

***Harassment*** is verbal or physical conduct that is directed at an individual because of their race, color, creed, religion, national origin, sex, age, veteran status, marital status, sexual orientation, disability, or status with regard to public assistance or local human rights commission activity that is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of creating a hostile work environment.

***Sexual harassment*** comprises unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

### **Examples of Conduct That Might Constitute Discrimination or Harassment:**

*The conduct described below may, under certain circumstances, constitute a violation of this policy. Whether conduct violates this policy and is subject to discipline must be analyzed on a case by case basis, taking into consideration all relevant facts and circumstances. These examples are used for illustration purposes and are by no means all-inclusive of the types of conduct that may violate this policy.*

#### **Physical**

- Unwelcome, sexually motivated, or inappropriate physical contact such as kissing, touching, hugging, patting, or pinching. Some types of physical contact may be appropriate if necessary to restrain individuals to avoid physical harm to persons or property.
- Mocking or imitating, the speech, walk, or movement of a person with a disability

## Verbal

- Unwelcome sexual flirtation, advances, or propositions
- Unwelcome behavior or words of a sexual nature directed at an individual because of gender
- Unwelcome pressure for sexual activity
- Demand for sexual favors or promises of preferential treatment which may be accompanied by implied or overt threats
- Verbal abuse or innuendo of sexual or racial nature
- Jokes, remarks, epithets, or slurs based upon race, color, creed, religion, national origin, sex, age, veteran status, marital status, sexual orientation, disability, or status with regard to public assistance
- Imitating a person's speech impediments or foreign accents

## Nonverbal (visual)

- Staring, leering, or ogling
- Obscene gestures
- Display of objects or pictures, such as magazines, posters, cartoons or jokes, that are sexually suggestive or explicit or that disparage people based upon race, color, creed, religion, national origin, sex, age, veteran status, marital status, sexual orientation, disability, or status with regard to public assistance

## Discrimination and Harassment Complaint Procedure:

Reports of discrimination or harassment will be taken seriously and are subject to investigation. The scope of the investigation will vary based on the nature of the complaint and other factors specific to the allegations.

Any board member who believes they have been or are being subjected to discrimination or harassment may voluntarily choose to directly address the offensive behavior. In such a situation, they should clearly explain to the alleged offender as soon as possible after the incident that the behavior is objectionable and that it must stop. Under no circumstances shall a board member be required to use personal resolution to address prohibited behaviors rather than reporting the behavior pursuant to the complaint procedure below.

Any Board member who knows of or receives a complaint of discrimination or harassment is urged to report the information or complaint pursuant to the complaint procedure below.

## Complaint Procedure:

Any board member who feels they have been or are being subjected to discrimination or harassment should report the behavior to any of the following individuals:

- Commission Board Chair, Commission Vice Chair, or Commission Executive Director

## **Compliment and Complaint Procedures**

Compliment Form – This is where we read positive interaction with board, staff, or contractors and want us to know about it? Use our Compliments Form! Your comments will let us know what we are doing right and will be sent directly to the Administrative & Logistics Coordinator. From there it will be forwarded to the commended employee, executive director and their personnel file.

Complaint Form – this is where we will have people comment to help us to find a solution and takes all complaints seriously. When we receive a complaint, it will be shared with the Executive Director to decide the appropriate action to take on a case by case basis. The Commission staff will respond to the complainant within five business days.

Anyone may submit a compliment or complaint (this includes board members!) by using the electronic forms above links.

### **No Retaliation:**

The Commission will not tolerate retaliation, intimidation, or harassment of any board member, employee, contractor or volunteer because that employee or volunteer opposed a practice forbidden by this policy or by state or federal anti-discrimination law; because that employee or volunteer reported discrimination or harassment; or because that employee or volunteer testified, assisted, or participated in any manner in an investigation, proceeding, or hearing in relation to a discrimination or harassment complaint. Any employee or volunteer who retaliates against another employee or volunteer may be subject to disciplinary action, up to and including discharge. Allegations of retaliation should be reported pursuant to the complaint procedure.

### **Policy Reference: 4.5 Conflict of Interest**

A conflict of interest is an agreement, deal, or relationship which causes or may appear to cause a conflict between a board member's responsibilities to the Commission and the board member's personal, business or other interests.

All conflicts of interest are not necessarily banned or harmful to the Commission. However, full disclosure of all actual and potential conflicts, and a decision by the board members without a potential conflict – with the board member(s) who may have a conflict being recused from participating in debates and voting on the matter – are required.

All actual and potential conflicts of interests must be disclosed by board members to the board chair through the annual disclosure form and whenever a conflict arises during a meeting. The members without a conflict will make a decision as to whether a conflict exists and what action is appropriate (if any). The board will keep the right to change or reverse such decisions and actions and will keep the ultimate enforcement authority to interpret and apply this policy.



Every year, all board members will be provided with a copy of this the policy and are required to complete and sign the acknowledgment and disclosure form below. All completed forms will be provided to and reviewed by the board chair, as well as all other conflict information provided by board members.

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# ACKNOWLEDGMENT AND DISCLOSURE FORM

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I, \_\_\_\_\_ have read the MNCDHH board “Conflict of Interest” policy 4.5 and the operational interpretation set forth above and agree to comply fully with its terms and conditions at all times during my service as a member. If at any time following the submission of this form I become aware of any actual or potential conflicts of interest, or if the information provided below becomes inaccurate or incomplete, I will promptly notify the board chairperson in writing.

**Disclosure of Actual or Potential Conflicts of Interest:**

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Board Member Printed Name: \_\_\_\_\_

Board Member Signature: \_\_\_\_\_

Date: \_\_\_\_\_


Policy Reference: [4.9.4 Member Compensation](#)

A working day is any day that a board member works at least 1 hour.

In addition to compensation, mileage, taxi/Uber services, parking, meals and hotel expenses can be reimbursed. The next page includes a sample form that the state uses for board members to request reimbursement. Receipts are required for any hotel, taxi or Uber expenses.

**Clear Form**

DHS-1728F-ENG 4-14



Minnesota Department of **Human Services**

## Vendor's Invoice

Use **ONLY** for members of an official DHS Administrative Board, Advisory Council, Task Force or Committee

Date invoice received by DHS  
(Date stamp preferred)

**Mail invoice to:**  
DHS Program contact  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**Vendor Name & Remit to Address:**

NAME		
STREET		
CITY	STATE	ZIP CODE
SSN OR VENDOR#	<input type="checkbox"/> Change of address	

Check one of the following:

Official Name of  Administrative Board  Advisory Council  Task Force  Committee

Name: \_\_\_\_\_ Statutory Reference: \_\_\_\_\_  
Meeting date(s) (month/day/year): \_\_\_\_\_  
Location (street address or building, city, state): \_\_\_\_\_

Authorized and Actual Expenses Incurred:	Account	Total
<b>1. MILEAGE Private Car</b> _____ miles x _____ (Current mileage rate)	<b>411605</b>	\$ _____ (1)
<b>2. PARKING</b> (Attach receipts - exception meter parking, must be annotated).....		\$ _____
<b>3. MEALS</b> (Lesser of actual cost incurred or maximum allowable per labor agreements)		
<ul style="list-style-type: none"> <li>▪ Breakfast (\$ 9.00 max) \$ _____ x _____ (#days)=\$ _____ (Allowed if required to depart from home prior to 6 a.m.)</li> <li>▪ Lunch (\$ 11.00 max) \$ _____ x _____ (#days)=\$ _____</li> <li>▪ Dinner (\$16.00 max) \$ _____ x _____ (#days)=\$ _____ (Allowed if unable to return home until after 7 p.m.)</li> </ul>		\$ _____
<b>4. LODGING</b> (Attach receipts) .....		\$ _____
<b>Total 411601</b>		\$ _____ (2)
<b>5. PER DIEM</b> (If authorized by statute) \$ _____ x _____ (#days)	<b>410706</b>	\$ _____ (3)
<b>6. CHILD CARE REIMBURSEMENT</b> (If authorized by statute, attach receipts)	<b>430002</b>	\$ _____ (4)
<b>INVOICE TOTAL</b>		\$ _____

Vendor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

I hereby certify that the services and/or expenses listed hereon have been rendered or incurred, are correct and just and that payment has not already been received.

**DHS payment authorization** (Approved by):

PRINTED NAME AND TITLE: \_\_\_\_\_ **CHARGE TO EBFD (H55):** \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

I hereby certify that the services and/or expenses covered by this claim have been performed or incurred and are proper. Payment is therefore recommended.