

# LEECH LAKE TRIBAL COLLEGE



## **By-Laws of the Board of Trustees Leech Lake Tribal College**

**Amended on February 24, 2020**

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## ARTICLE I

### NAME, DURATION AND PURPOSE OF THE COLLEGE

#### Section 1. Official Name of the College

The official name of the College, established in 1990 and chartered by the Leech Lake Band of Ojibwe, shall be Leech Lake Tribal College.

#### Section 2. Duration

The duration of the Leech Lake Tribal College's existence shall be perpetual, subject to Article VII-Dissolution of the Leech Lake Tribal College Charter.

#### Section 3. Purpose of College

The College shall be deemed to be operated exclusively for the following purposes: charitable, educational, social and scientific.

## ARTICLE II

### OFFICAL GOVERNING BODY OF THE COLLEGE, REGISTERED OFFICE AND AGENT

#### Section 1. Name of the Governing Body of the College

The Governing Body shall be known as the Board of Trustees of the Leech Lake Tribal College.

#### Section 2. Registered Office

The Registered Office of the Board of Trustees of the College shall be located at the Leech Lake Tribal College campus, 6945 Little Wolf Road NW, Cass Lake, Minnesota 56633.

#### Section 3. Registered Agent

The Registered Agent of the Board of Trustees of the College shall at all times be the individual holding the office of Board Chairperson, but only for the duration of his/her term of office.

## ARTICLE III

### LEGAL STATUS OF THE BOARD

#### Section 1. Leech Lake Band of Ojibwe

The Board of Trustees is an agency of the Leech Lake Band of Ojibwe and derives its authority from the Band. Each action of the Board shall conform to the Constitution and statutes of the Leech Lake Band of Ojibwe and to the governments and regulations issued pursuant thereto.

#### Section 2. Autonomy

The Leech Lake Tribal Council recognizes and acknowledges the autonomy of the Board of Trustees in the governance and policy-making of the College.

#### Section 3. Charter Supersedes By-laws

If there are any discrepancies between the Charter and the By-laws, the Charter supersedes the conflicting By-law(s).

## ARTICLE IV

### ORGANIZATION OF THE BOARD OF TRUSTEES

#### Section 1. Composition of the Board of Trustees

##### **Voting Board Members**

The College Board of Trustees (who shall be known as Voting Board Members) shall consist of seven (7) voting members, selected through an application process that is open to any qualifying member of the Leech Lake Band of Ojibwe meeting the minimum standards under Article II, Section 4 of Leech Lake Tribal College Charter.

##### **Non-Voting Board Members**

Additionally, the College Student Senate may appoint a student representative each year to serve a one-year appointment as a Non-voting Member.

The Board is also composed of a non-voting male and female Leech Lake Band of Ojibwe Elder Representative, who is over the age of fifty-five (55), that is a non-voting member that shares their wisdom, knowledge, and advice on matters before the Board of Trustees.

#### Section 2. Qualifications of Board Members

A Voting Board Member, Elder Representative, or Student Representative cannot be an employee of the Leech Lake Tribal College.

The qualifications for confirmation as a Voting Board Member are as follows:

1. Each candidate for membership will demonstrate a long-term interest in education and job training.
2. Each candidate for membership will demonstrate a high degree of ethical standards and community service.
3. Each candidate for membership will be an enrolled member in the Leech Lake Band of Ojibwe.
4. Each candidate for membership shall have at least a high school diploma or General Education Degree, and must possess a general knowledge of post-secondary education.
5. At least four (4) members will hold a baccalaureate degree or higher.
6. Each candidate for voting membership will be at least twenty-five years of age.
7. Each of the seven (7) voting Board members will represent a voting district of the Leech Lake Band of Ojibwe Reservation; and at least one (1) member of the Board of Trustees shall be elected from each of the three (3) voting districts on the Leech Lake Band of Ojibwe Reservation.
  - a. At least four (4) members will be residents of the Leech Lake Reservation:
  - b. One member will be an elder, at least fifty-five (55) years old.
  - c. One member will represent the business community.
  - d. One member will represent the higher education community.
  - e. One member will represent the Leech Lake Reservation education community.
  - f. One member will have cultural teachings and knowledge.
  - g. One member shall represent the legal community.

### **Special Qualifications for Non-voting Board Members:**

**Student Member-**The Student Senate may elect one (1) student to represent the interests of the student body. The person chosen to be student member must be in good standing and currently enrolled at the College. The Student Member is not required to be a citizen of the Leech Lake Band of Ojibwe or be over the age of twenty-five (25).

**Elder-**Must be over the age of 55, have significant knowledge of the Anishinaabe culture and values, advise on various matters that effect the governance of the College.

### **Section 3. Selection of Board Members**

As the terms of office for current Board Members expire, the selection of new Board Members is conducted through an application process that is open to any qualifying member of the Leech Lake Band of Ojibwe. After advertising open Board positions for a period of 21 days, existing

Board members review all applications and select the candidate(s) for the vacant position(s) that meets the minimum qualifications under Article II, Section 4 of the Leech Lake Tribal College Charter.

#### Section 4. Term of Office

Each Board of Trustee can serve no more than two (2) consecutive full terms. If a voting board member is assuming a previous Board Member's unfilled term, the unfilled board member's term does not count towards the newly elected board member's two (2) full term limit.

Regular Elections for Voting Board Members shall be held in December, and their terms begins on January 1. If a Voting Board Member's has completed their first four (4) year term or another Voting Board Member's unfilled term and wishes to continue service on the Board, the Voting Board Member must inform the Board in writing no later than the November Regular Meeting, and the Voting Board Member will be automatically reappointed for another four year term.

The male and female Elder Representative will serve their lifetime or until they resign their seat.

The Student Board Member may only serve on the Board while they are an enrolled student at the college for a one-year appointment by the Student Senate of the College. The Student Board Member may be reappointed for by the Student Senate for multiple one (1) year appointments.

#### Section 5. Professional Development

New and continuing Board members will complete formal training in the roles and functions of College Board of Trustees. New Board members will complete eight (8) hours of training within 180 days or as soon as training can be provided of assuming their duties as a Board Member. A minimum of eight (8) hours of formal board training will be required of each Board Member during each year of service.

#### Section 6. Resignation

Any Board of Trustees member may resign his/her position by providing a written notice of resignation to the Board Chairperson or next in line if the Board Chairperson resigns. The resignation will become effective upon a majority vote of the Board at a regular or special meeting.

Any Board of Trustee member who fails to show or call-in to the Board Chair for two consecutive regular board meetings shall be considered as submitting their formal resignation. A vote regarding the resignation for the Voting Board Member fail to show or call-in will occur at the next regular or special board meeting.

If any Board Member accepts an employment position as Leech Lake Tribal College, the Board Member automatically resign from the Board of Trustees.



## Section 7. Vacancies

For the purpose of selecting candidates to fill a Board vacancy, the Board shall publish a notice of vacancy for at least twenty one (21) days after such vacancy shall occur. The Board shall select an individual from among qualified applicants, based solely on his/her qualifications for the office, and the person's qualifications shall be entered with the official record of the Board's proceedings. If a vacancy occurs in any of the Executive Officer positions, the Board shall select the vacant Executive Officer's position from the remaining Voting Board Members.

## Section 8. Violation by Board Member

A simple majority vote of the Board of Trustees shall be required to remove a Board of Trustees member for misconduct and can only be removed according to the Leech Lake Tribal College Charter under Article II, Section 9, violations of Board Members.

# **ARTICLE V**

## **EXECUTIVE OFFICERS DUTIES OF THE BOARD OF TRUSTEES OFFICERS**

### Section 1. Executive Officers

Officers of the Leech Lake Tribal College Board of Trustees shall be the Chairperson, Vice-Chairperson, Secretary, and Treasurer. These officers will serve as the Executive Board Officers of the Board of Trustees.

### Section 2. Duties of Executive Officers

The duties and responsibilities of officers shall be those usually pertaining to such positions, including the following specific duties assigned to each office:

#### A. Chairperson

The Chairperson shall:

- i. Preside over meetings of the Leech Lake Tribal College Board of Trustees.
- ii. Appoint members, with the approval of the Board of Trustees, to all standing and special committees.
- iii. Execute all contracts approved by the Board, as well as other official documents legally requiring the signature of the Chairperson of the Board, such as warrants, general obligations and revenue bonds, payroll checks, and loan agreements.
- iv. Call special or emergency meetings of the LLTC Board of Trustees, as needed.
- v. Represent the Board at quarterly meetings of the Tribal Council with the President. The Chairperson will highlight the Board's activities for the past quarter. If attendance is required at meetings outside of the Cass Lake Area, the Chairperson can receive mileage and per diem.

B. Vice-Chairperson

If the Chairperson of the Board of Trustees shall become vacant, or if the Chairperson is unable to perform his/her duties due to temporary circumstances, the Vice-Chairperson shall serve as the Chairperson.

C. Secretary

The Secretary shall:

- i. Keep a record of attendance, the minutes and other pertinent records of all meetings.

D. Treasurer

The Treasurer shall:

- i. Regularly consult with the President and Finance Director concerning the finances of the College and assurances of the implementation of Board's financial policies.
- ii. Keep the Board of Trustees apprised of the financial status of the College through monthly reports.

## ARTICLE VI

### NOTICE OF MEETINGS, EXPENSES, EMERGENCY MEETINGS, OPEN MEETINGS, QUORUM AND ATTENDANCE REQUIREMENTS OF THE BOARD OF TRUSTEES

#### Section 1. Regular Meeting Times

The Board of Trustees shall hold regular monthly meetings on the campus of Leech Lake Tribal College, or in one of the Reservation communities. A Regular Meeting Schedule for the upcoming year shall be set during the December Regular Meeting.

#### Section 2. Special Meetings and Retreats

Special meetings or retreats may be requested by any Board of Trustees Member, or by the President; the place, date, and time of such meetings shall be set by the Chairperson, provided that at least one (1) week's proper notice is given to all parties involved.

#### Section 3. Notice of Meetings

Board of Trustee Members, and such other persons as the Board may designate, shall be notified in writing by the Secretary of the Board of the time, place, and purpose of all meetings. Any meeting held shall include an agenda that describes each item of business to be conducted.

#### Section 4. Expenses to Attend Regular or Special Meetings, or Retreats

All Board Members whom attend the regular or special meeting, or retreat shall be entitled to an honorarium, mileage and other incidentals for personally attending by Leech Lake Tribal College. If the Board Member is attending via teleconferencing or web based conference

application, the Board Member is only eligible to receive an honorarium for attending the meeting.

#### Section 5. Emergency Meetings

Any action required to be taken by the Board of Trustees in cases of extreme emergency, such as an act of God that effects the operation of the College, may be held as soon as notice can be given, and a quorum can be established. An emergency meeting may be conducted by email, conference call, or by other means deemed appropriate by the Board. However, minutes of such meetings must be signed by all Board of Trustees members that were in attendance or participated in the emergency meeting. The minutes of the emergency meeting must be presented and file at the next regular Board meeting. No honorarium, mileage or incidentals will be provided for emergency meetings.

#### Section 6. Open Meetings

Except executive sessions, all meetings of the Board of Trustees shall be public meetings, and notices specifying the date and time of each meeting shall be posted on the College website and at the Tribal Council at least one week prior to a regular or special meeting.

The order of business of regular monthly meetings shall include the opportunity for the public to address the Board of Trustees; however, a written request, stating questions or topic for discussion or presentation shall be submitted to the President and Board Chair at least four days prior to a regular meeting. Subject to the discretion of the Chairperson, any individual or group may be heard by the Board on issues not on the agenda, and that lie within the Board's jurisdiction.

#### Section 7. Quorum

All meetings of the Board of Trustees shall require a simple majority of Board members to attend via phone, teleconference or web based conferencing application, and counted towards a quorum if not physically present. If a quorum is established at the beginning of any meeting, no action taken during the period when less than a quorum is present shall be valid. If a quorum cannot be established, a Board member may call the roll, record the names of absentees, and adjourn to meet at a future time.

#### Section 8. No-Call/No Show at Regular Meetings

Any Voting Board Member who misses two consecutive regular meetings without communicating to the Chairperson prior to the beginning of the regular meeting, will have constructively submitted their resignation. A vote accepting the resignation of the Voting Board Member's failure to show or call-in for two (2) consecutive regular meetings will occur at the next regular or special board meeting.

### Section 9. Overall Attendance Required

Attendance is an important part of a functioning board. Therefore, if any Voting Board Member misses four regular meetings, special meetings and/or retreats in a calendar year, a vote to remove the Voting Board Member based on their attendance will occur at the next regular or special board meeting after the fourth meeting is missed by a Voting Board Member in a calendar year.

### Section 10. Appearance at Meetings

All Board Members may appear at any meeting in person, through teleconferencing, or via a web based conferencing application.

### Section 11. Chain of Command to Preside over Meetings

The Chairperson of the Board shall preside over all meetings. In the absent of the Chairperson at a meeting, then the Vice-Chairperson shall assume the duties of the Chairperson during the meeting. In the event that both, the Chairperson and the Vice-Chairperson, must be absent from a meeting, the remaining members shall appoint a temporary presiding officer from their own members.

### Section 12. Minutes of Meetings are Public Record

Except for Executive Sessions, the minutes of regular and special meetings are public records. The minutes shall be a permanent record for all College Board action and shall be kept on file at the College's Administration Office. These records shall also be open to inspection by the public.

### Section 13. Parliamentary Procedure and Voting

Generally, the Board defers to Robert Rules of Order while conducting meetings unless provided otherwise by the Charter or By-laws of the College. All Voting Board Members present are required to vote yea or nay, or abstain. When necessary, Voting Board Members may also vote electronically via email. No proxy voting is permitted.

### Section 14. Committees and Ad-Hoc Committees

Committees are created by the Board to accomplish work needed to be completed outside regular meetings, and provides an opportunity to engage the talents of the individual board members. The effective use of committees distributes and expedites the Board's work. The committee structure is created to meet the needs of the organization and designed to be flexible and keeps current with governance trends and to work on issues that arise for each area. The committees will be responsible for reviewing policies and developing recommendations. Committees will present their recommendations to the Board, and the entire Board will be responsible to take action on the recommendation presented. A committee's authority is limited, and shall have no authority to:

- Elect or remove the President or any Board member
- Amend or repeal the by-law or policy and procedures
- Hire or terminate the President
- Dissolve the organization or merge with any other organization
- Approve or change the budget
- Change the mission or the organizational structure

### **Standing Committees**

The Board has established two standing committees. The two standing committees are: the Executive and Finance Standing Committee and the Policy and Strategic Planning Standing Committee. The Executive and Finance Standing Committee will be comprised of the Chairperson, Secretary, and the Treasurer, with the Chairperson presiding over the Executive and Standing Committee meetings. The Policy and Strategic Planning Standing Committee will be comprised of the Vice-Chairperson and the At-Large Members, with the Vice-Chairperson presiding over the Policy and Strategic Planning Standing Committee meetings. The standing committees will meet prior to the start of each regular board meeting.

### **Executive and Finance Standing Committee**

This committee does not assume the authority of the Board, but works closely with other Board Committee(s) to provide progress reports and formulate recommendations for Board's action. The committee's responsibilities shall include, but is not limited to:

- Ensure the Board's Chart of Work, as stated in the College's Strategic Plan, is being met and develop strategies to ensure compliance
- Conducts Executive Sessions when authorized by the Board
- Examine and initial the monthly bank reconciliation records for the College
- Inspect all items for the audit annually and recommends for approval the audit, reviews the selected audit firm, and reviews the audit plan.
- Analyze the budget and compile questions before the budget goes the Board for approval
- Study finance items
- Evaluates the accounting policies and practices, and ensures that the internal controls are reviewed and monitored on an ongoing basis.
- Monitors the investment strategy, and that the investment strategy policy is updated annually.

### **Policy and Strategic Planning Standing Committee**

This committee also does not assume the authority of the Board, but works closely with other Board Committee(s) to provide progress reports and formulate recommendations for Board action. The committee's responsibilities shall include, but not limited to:

- Reviews legal matters affecting the organization and make recommendations to the Board.
- Annually examines the College's insurance policies and makes recommendations for coverages to the Board
- Develops annual review form the President.
- Drafts the President's Employment Contract, and presents the proposed contract to the full

Board for consideration. If the full Board votes to seek legal review of the proposed President's Employment Contract, the standing committee will act as the liaison between the Board and the legal counsel.

- Seek legal guidance from Leech Lake Band of Ojibwe Legal Department or other legal counsel if there is a direct conflict of interest. If there is a direct conflict of interest, seek Board approval to use outside legal.
- Ensures the annual self-assessment is completed by the Board and creates the self-review.
- Annually assess the organizations mission statement, reviews long range goals, prioritizes goals and is part of the strategic planning process.
- Evaluates and makes recommendations to the written Human Resource policies and procedures, as needed.

### **Ad-hoc Committee(s)**

Ad-hoc Committees are created as needed for specific needs such as the hiring committee for the President, not limited to only hiring but used as necessary for like items that do not occur on a regular basis.

## **ARTICLE VII**

### **AUTHORITY OF MEMBERS OF THE BOARD OF TRUSTEES**

#### Section 1. Power and Authority

Individual members of the Board have power and authority only when acting formally as members of the Board in session, or when authorized by the Board with specific assignments as defined by the duties enumerated in the By-laws, or by motion of the Board.

## **ARTICLE VIII**

### **DUTIES AND RESPONSIBILITIES OF THE BOARD OF TRUSTEES**

The Board of Trustees is authorized to:

#### Section 1. Hire a President

Hire a President who shall have the authority to hire employees who shall be responsible for carrying out the day-to-day operations of the College.

#### Section 2. Supervise the President

The Board is charged with the supervising the President to ensure that the President is diligently working to ensure the mission, vision, strategic plan, financial stability, and goals of the College are met.

### Section 3. Terminate the President

The Board also has the authority to release the President of the College. The Board shall inform the Leech Lake Band of Ojibwe Tribal Council immediately of their selection or termination of a President of the Leech Lake Tribal College.

### Section 4. Statements

Adopt and review LLTC's statement of philosophy, mission, vision, and goals, which clarify the basic educational responsibilities of the College.

### Section 5. Establish Policies

Establish broad general policies for the governance of the College and hold the President accountable for administering such policies.

### Section 6. Oversight and Policy Making

Consider and take appropriate action regarding recommendations of the President in matters of standard policy relating to the welfare of the college, including admission and retention of the students, student conduct, curricular offerings, academic freedom and responsibility, academic standards, academic calendar, governance, tuition fees, financial management, salary schedules, and general personnel policies, due process and confidentiality.

### Section 7. College Business

Utilize legal counsel, auditors, and other external agents as required to complete the business of the College.

### Section 8. Annual Budget

The Board shall adopt a preliminary budget no later than April 30 and a finalized budget by July 1, in accordance with Article III, Sect. 1 of the Charter of the Leech Lake Tribal College.

### Section 9. Personnel

Ensure that the College has the necessary tools to attract and retain qualified personnel, maintain its physical facilities, obtain funding for other capital improvements, and support other means of financial backing are available to carry out the goals and objectives of the College.

### Section 10. Safety of Information

Ensure that all records, information, and affairs of the Board are secured in a safe location.

Section 11. Matters Concerning the College

Refer all matters concerning the College (excluding the selection of a new President) directly to the President for review and recommendations before such matters are considered by the Board.

Section 12. Rules of Procedures

Adopt rules of procedures for the conduct of the meetings of the Board of Trustees.

Section 13. Nepotism

Create policies that prohibit nepotism in the hiring of personnel and procurement of goods and services.

Section 14. Abstain from participating in the Day-to-Day Operations of the College

The Board will abstain from involvement in the day-to-day operations of the College. Day-to-day operations includes: hiring and terminating employees, employee or student discipline, teaching techniques, classroom management and grading, etc.

Section 15. Annually Review of the By-laws

Review the By-Laws annually in September to accommodate changing conditions; approve revisions and/or adopt amendments to By-Laws when passed by a simple majority vote of members at a regular board meeting.

**ARTICLE IX**

**BOARD RESTRICTIONS**

Section 1. Monetary Gain

The College shall not afford monetary gain, incidentally or otherwise, to its trustees, officers or members, except that the College shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the mission of the College.

Section 2. Benefits

No part of the net income of the College shall inure to the benefit of any regent, officer, or member, and any balance of money or assets remaining after the full payment of corporate obligations of any and all kind shall be devoted solely to the charitable, educational, and benevolent purposes of the College.



### Section 3. Conflicts of Interests

All Board of Trustees members shall avoid any conflict of interest, or even the appearance of conflict of interest, and shall make known to the Board any possible conflict of interest at the earliest possible time. The minutes shall reflect that a disclosure was made and that the Board member having a conflict of interest abstained from voting. Any Board Member who is uncertain whether or not he or she has a conflict of interest should bring the matter before the Board, and the Board shall resolve the matter by the majority vote.

## **ARTICLE X**

### MISCELLANEOUS

#### Section 1. Activities

Notwithstanding any other provisions of these By-Laws as may be adopted by the College, the College shall not carry on any activities not permitted to be carried on:

- a. By a corporation exempt from federal income tax under Sections 501(c)(3) of the Internal Revenue Code of 1954 as amended, or any future United States Revenue Law; or
- b. By corporation contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1954, as amended, or any future United States Revenue.

#### Section 2. Admissions to the College

Admission to any educational service or activity of the College shall not be denied any student because he or she is not a member of any Tribe.

#### Section 3. Federal Laws and Regulations

The Board of Trustees of Leech Lake Tribal College, in compliance with Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1974, Americans with Disabilities Act, and other tribal and federal laws and regulations, does not discriminate on the basis of race, color, ethnicity, national origin, gender, age, sexual orientation, religion, disability, political affiliation, or status as a veteran in any of its policies, practices, or procedures. This includes but is not limited to admissions, employment, financial aid, and educational services.

## CERTIFICATION

I, the undersigned, as Secretary of the Board of Trustees of the Leech Lake Tribal College hereby certify that the Board of Trustees of the Leech Lake Tribal College is currently composed of six (6) Voting Board Members of whom four (4) constitute a quorum, six (6) were present at a Regular Meeting thereof duly called, noticed, convened and held on the 24<sup>th</sup> day of February 2020, that the foregoing By-laws were duly adopted at such meeting by the affirmative vote of six (6) members, zero (0) members opposed, zero (0) members abstained, (0) members not voting.

Dated this 29<sup>th</sup> day of February 2020.

ATTEST:

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Jennifer Cross, JD, MTAG,  
Board of Trustee Secretary,  
Leech Lake Tribal College

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Rebecca Graves, MTAG,  
Board of Trustee Chairperson,  
Leech Lake Tribal College