

## **Time to Stay or Time to Go**

### **When is “Long Enough” Too Long?**

By Thomas G. McCarty, Senior Counsel

**INTRODUCTORY COMMENTS:** While the heart of this article deals with the tenure of a nonprofit CEO, I think it might be beneficial to review quickly the basic roles (“rules” if you will) of the individuals to whom this person reports, his or her board.

In summary, here are the responsibilities of a nonprofit board:

1. Determine mission and purpose
2. Select the chief executive. Support and evaluate the chief executive
3. Ensure effective planning.
4. Monitor, and strengthen programs and services.
5. Ensure adequate financial resources.
6. Protect assets and provide proper financial oversight.
7. Build a competent board.
8. Ensure legal and ethical integrity
9. Enhance the organization's public standing.

Why do I begin this piece with what might seem to be a digression? Glad you asked. Read on a see the connection.

1. Nonprofit board members are the legitimate owners of a nonprofit and are responsible for ensuring optimal outcomes.
2. Nonprofit executives are a nonprofit board’s “pinch hitters” tasked with caretaking and ensuring that the day-to-day systems, resources and work are all focused on mission.
3. A nonprofit board must act when signs indicate that “something” is not “right”. Action generally begins with suspicions or beliefs and is followed up with data collection to ensure full understanding of what is not “right” and what responsibility the exec has in the findings. And
4. There are seven signs or indicators that provide insights into when action should begin.

**THE WARNING SIGNS:** Without detailed explanation (most are fairly self-evident), here they are.

1. There is excessive staff turnover, often accompanied by much too much complaining to the board.
2. Stakeholders are questioning the use of funds or the quality of work.
3. There is a rocky relationship between the board and the CEO. Trust is on the decline or absent.
4. Clients /Beneficiaries are expressing dissatisfaction with or not using services.
5. Community and peer group are gossiping or refusing to partner.

6. Regulatory agencies—that is local, state and national governments in addition to national and state certifying bodies—are issuing challenges regularly
7. Professional consultants are brought in from the outside and advising that change must occur.

## THE SOLUTION

Termination is not the only way. Each hired employee is an investment by a nonprofit not only in the salary paid to him or her. The chemistry of an organization is changed by a new hire, and bad hiring decisions can haunt a nonprofit for many years or destroy it completely.

When the board or the organization as a whole is disabled by a conflict it needs to face it head on. Conflicts should not be left to simmer in the hope they will go away. Leadership by the board chair or the executive director in pushing for a resolution process is required. In situations where the board chair or and or the executive director are parties in the conflict, an external resource person should be called upon to assist in a mediation role. Confronting a conflict situation almost always can benefit from face-to-face communication amongst the parties involved, either a series of meetings with individuals and/or a group meeting involving all of the parties.

Here are some ways to resolve disagreement before it festers and repair, if possible, the damaged relationship:

- Involve a volunteer. It could be a board member, a staff person or external facilitator. Just make sure this individual has the respect of everyone to facilitate the process. This could be a board member. (Just don't hand the work over to a committee!)
- Arrange a special meeting or a series of private meetings, not a board meeting. Regular and official board meetings are not the best place to confront a serious conflict even if all members of the board are involved.
- Avoid secret meetings. The process needs to be transparent. Inform the whole board and the staff that a conflict resolution process has been undertaken, indicated the steps and who is involved and that the outcome will be reported to them.
- Ensure that everyone understands that the process is not one that will result in organizational decisions or commitments although recommendations, if an agreement is reached, may be made by the parties to the board.
- Treat the dialogue as confidential. The outcome, if the parties agree, can be reported. A list of the participants and written statement or recommendation from the group is often useful in terms of moving ahead.
- And finally, follow the (supposed) advice of that wise philosopher, Davy Crockett, who is reputed to have said, "Be sure you're right. Then go ahead."

With the proper thought and planning and a lot of cooperation, you can indeed to your "lemons" and turn them into lemonade.