



October 10, 2019

Ms. Shelley Joan Weiss
Wisconsin Commissioner and
Director of Summer School Programs
Sun Prairie Area School District
3014 Happy Valley Road
Sun Prairie, WI, 53590

Dear Commissioner Weiss,

This letter is in response to your email inquiry to the MIC3 Executive Committee (ExCom) on August 22, 2019. On behalf of the ExCom, this letter sets out the consensus we reached after discussing your written email at our meeting on October 10, 2019.

The body of your original email is included below in **blue**, with ExCom responses in **red**.

TO: Members of MIC3 EXCOM
FROM: Shelley Joan Weiss, Commissioner, WI
SUBJECT: Request for Clarification and Suggestions
DATE: 22 AUG 2019
REFERENCE: [Mission, Vision, Values](#)
[Bylaws](#)
[Model Compact Language](#)

I am writing to request clarification and additional information on the following policies:

- [Policy 2-2017, Code of Conduct, Revised April 17, 2019](#)
- [Policy 3-2019, Guidelines for Commission Meetings, Issued June 20, 2019](#)
- [Policy 4-2019, Ex-Officio Representative Role and Conduct, Issued June 20, 2019](#)
- [Policy 5-2019, Defining Role of Commissioner, Designee and Proxy Policy, Issued: June 20, 2019](#)

I am also interested in learning if the [MOU with DoD](#) should be updated to reflect current personnel and I have included a question on Committee Membership and Chairs.

I am seeking information to better understand what led to some of the policy development and verbiage in the policies. My request is based on my desire to learn more about the data, evidence, and experience that prompted policy modifications and proposals.

I suggest that some proposed policies or policy language be modified to align with our [Mission, Vision, and Values](#). I reviewed meeting minutes, Vision, Mission, and Values, Model Compact Language, Bylaws, and Robert's Rules of Order when developing this message.

Background

On July 21, 2019 I sent an email to Chair John Kaminar, two members of the EXCOM, and Executive Director Cherise Imai requesting the minutes of the following meetings to be posted on the MIC3 website:

- [Tue-Thu, Apr 18-19, 2019, Lexington, KY](#)
- [Thurs, May 16, 2019 @ 2:00 PM ET](#)
- [Thurs, Jun 20, 2019 @ 2:00 PM ET](#)
- [Thurs, Jul 18, 2019 @ 2:00 PM ET - no agenda or minutes had been posted by AUG 3, 2019.](#)

I noted that when my email message was sent on JUL 21,2019, that “the last set of minutes posted was for March 21, 2019.”

On July 23, 2019, former MIC3 staff member Richard Pryor, shared via email that the April, May, and June 20, 2019 EXCOM meeting minutes had been posted. The July 18, 2019 agenda or minutes were not posted as of 4 August, 2019. Since the meeting minutes were not posted in a timely manner, the policies discussed in those meetings were not available to Commissioners until JUL 23, 2019.

- 1) Commissioner Weiss’ point that minutes must be posted timely is well taken. With the exception of the minutes of the ExCom’s meeting on April 18-19, 2019, all ExCom minutes have been posted within one week of approval.
 - (a) Chair Kaminar explained to Commissioner Weiss via e-mail on July 21 that the minutes of the May 16 and June 20 meetings were not approved by the ExCom until its meeting on July 20
 - (b) The minutes of the ExCom’s July 18 meeting would not have been posted until the the ExCom approved them at its meeting on August 15. It is consistent with past MIC3 committee practices to not post minutes until they are approved.

Article IV, Commission Personnel, Section 2. Duties of the Executive Director states that the Executive Director should recommend general policies and program initiatives for the **Commission**’s consideration.

Timely posting of the EXCOM meeting agendas and minutes demonstrates respect for the Commissioners and supports transparency. It also reflects the intent of the Sunshine Laws, supporting transparency in federal commissions. The late posting of minutes limits review by and contributions of Commissioners, particularly in policy development. I am eager to learn what actions were taken to include the diverse perspectives of all Commissioners (50 + 1). I am wondering if I missed messages seeking input. The posted minutes include limited reference to the background, data, evidence, or decision making involved in the three policies that were issued on June 20, 2019.

- 2) Chair Kaminar and ExCom have been very open and communicative with Commissioner Weiss on these issues. On at least six occasions between July and September, Commissioner Weiss raised concerns with ExCom members and on all those occasions her question were addressed in a detailed and timely manner. This includes email conversations, extended telephone conversations, and detailed discussions during ExCom and Compliance Committee meetings.
- 3) Commissioner Weiss is entitled to answers to her inquiry. In this particular case, Commissioner Weiss submitted her inquiry to the entire ExCom. Therefore, it is appropriate for the entire ExCom to respond. When the ExCom must act as a body, taking action may require two or more meetings. In any organization that operates on the principles of representative democracy, deliberative actions often take time to complete.



- 4) Commissioner Weiss has expressed concern that the ExCom did not seek input from the Commissioners in preparing policies.
- a) The ExCom is empowered in Article VII, Section I of the ByLaws to act on behalf of the Commission. While ExCom has the authority to adopt policies on behalf of the Commission, ExCom has been very attentive to ensure all commissioner have a voice in the policymaking process.
 - b) The current committee chairs have regularly reported to their committee members on the ExCom's activities and sought feedback from the members of their respective committees. For example, the minutes of the Compliance Committee's meeting on January 15, 2019 reflect that Committee Chair Korte duly informed the committee members that Chair Kaminar had specifically asked that committee chairs give their members the opportunity to raise any issues to the ExCom through their respective Chair at the end of each meeting. The minutes of the Compliance Committee's meetings on April 9, 2019 and July 29, 2019, indicate that Commissioner Korte asked the committee members whether there were any issues they wished him to raise with the ExCom.
 - c) Commissioner Weiss was herself involved in implementing the Code of Conduct and Conflict of Interest policies. According to minutes of the Compliance Committee meeting on April 9, 2019, committee members provided input to the Draft Code of Conduct Policy and Draft Conflict of Interest Policy. Commissioner Weiss herself is on record as seconding two motions to forward these policies to the ExCom for approval.
 - d) Chair Kaminar has spoken personally with nearly every Commissioner over the course of this year. The feedback gained from speaking with them, including three phone calls Chair Kaminar had with Commissioner Weiss, provided input to the ExCom in the development of policies.

I work diligently to support the children of military families in WI and also to support the Commission. As part of my work and to continue my professional development, I try to stay well informed about activities at MIC3 and in other states. It is difficult when relevant decision making and policy development is not available to all Commissioners.

[Bylaws](#) Components of the Bylaws on [this document](#).
[Mission, Vision, Values, Commitments](#)
[Government in the Sunshine Act](#)

Ex-Officio Representatives

I recommend using the language that currently exists in the Model Compact Language and Bylaws on Ex-Officio Representatives, rather than create a separate policy. Please clarify why a separate policy on Ex-Officio Representative Roles and Conduct is needed. I'm eager to know if there is data or evidence available to demonstrate the need for a separate policy.

I strongly recommend the Ex-Officio Representative from the DoDEA be actively involved in the strategic planning process.

I understand that Ex-Officio Representatives are non-voting members, but according to the Compact and Bylaws, Ex-Officios from the DoD are members of the EXCOM. Please help me understand why EXCOM

would not want to collaborate in a trusting manner to gain the diverse perspective, expertise, and experience of individuals who represent one of the largest, if not the largest group of military children..

It does not appear that EXCOM's discussion and decisions to restrict/exclude the contributions of the Ex-Officio Representative from the Strategic Planning process is in the best interests of advancing the organization. The minutes "read" as if adult issues were not set aside to put the best interests of a large group of military children first. I would like more information on why this unique and valuable perspective would not be welcomed in the creation of the Strategic Plan.

The evidence I have is that the DoDEA Ex-Officio Representative, Kathleen Facon, has been an active contributor to every committee meeting and Annual Business Meeting I have attended since 2010. Thanks to the DoDEA's involvement and contributions we have outstanding Public Service Announcements to share with all. Additionally, the DoDEA Ex-Officio Representative ensured that the PSAs for the Month of the Military Child were played in highly public locations across the DoD, which directly supported our Mission, Vision, and Values. Ms. Facon's tireless efforts have continually advanced the work of MIC3 in supporting military children.

I am eager to know of and understand the data and evidence that supported the discussions and the rationale behind the policy that was not reviewed by all Commissioners.

- 5) ExCom would like to ensure Commissioner Weiss that the DOD representative has not been singled out in any way.
 - a) That there have been periodic discussions as to what it means to be a partner organization to the Commission, some of which occurred during Commissioner Weiss' service on the ExCom. Until this policy was developed, the DOD representative, was the only ex-officio organization with any sort of guidance (in the form of the MIC3-DOD MOU (Memorandum of Understanding) and DOD Instruction (DODI)) as to how it should relate to the Commission. The Ex-Officio policy creates a framework for ex-officio organizations in general to relate to the Commission.
 - b) With specific regard to the participation of the DOD representative in the strategic planning process, the DODI states that the DOD representative may not "engage in management or control of MIC3", "Endorse or allow the appearance of DoD endorsement of MIC3, or its events, products, services, or enterprises", or "represent the Commission to third parties". Allowing the DOD representative to participate in the strategic planning process would have unfairly placed the DOD representative in a position where they may have been asked to act in conflict with those directives. The strategic plan of an organization goes to the very heart of determining the direction in which the organization shall move, which is in essence the management and control of MIC3.
 - c) The MIC3-DOD MOU and the DODI define a relationship between the two organizations that is clearly intended to avoid giving a federal government agency the ability to directly influence the governance of an organization composed of member states. To involve the DOD representative in the strategic planning process would violate that principle.
 - d) The Compliance Committee discussed this issues at its April 9 meeting. However, Commissioner Weiss was unable to attend that meeting, so it is understandable if she did not have the context of that conversation.



- e) This decision not to include the DOD representative in the strategic planning process is in no way intended to devalue Ms. Facon's past contributions to the Commission. To the contrary, her service and the assistance provided by the DOD to the Commission has been invaluable. However, both DOD and MIC3 (including ExCom) are bound by the DOD MOU and DODI. Placing the DOD representative in the strategic planning session would have, at a minimum, created the perception that our organizations were not acting consistent with our agreements.

The March 7, 2019 Minutes included excerpts in [this document](#).

The May 16, 2019 Minutes (posted on JUL 23, 2019) included excerpts in [this document](#).

The June 20, 2019 Minutes (posted on JUL 23, 2019) included excerpts in [this document](#).

Policy 4-2019, Ex-Officio Representative Role and Conduct, Issued June 20, 2019

[Entire Policy](#)

[Model Compact Language reference for Ex-Officio Representatives](#)

[Bylaws Components of the Bylaws on this document.](#)

[Mission, Vision, Values, Commitments](#)

Code of Conduct

I appreciate and support a Code of Conduct, but do not understand why some of the language in this policy is negative and discourages active participation in discussions.

Please explain who and what determines: "disgraceful conduct prejudicial to the Commission, any other Commissioner or any other state." Please share the data that drove the decision to include this component. Please share how frequently Commissioners engaged in "shockingly unacceptable" conduct that prompted inclusion of this language in a policy?

Please explain who at MIC3 is authorized to conduct formal investigations on volunteers appointed by states that would result in determining that a Commissioner "has engaged in disgraceful conduct prejudicial to the Commission, any other Commissioner or any other state?" And again, who is going to make a determination that is a subjective, judgemental opinion?

I am not knowledgeable about the actions of the majority of other commissioners in other states and the District of Columbia that would have led to the inclusion of this language, but believe we deserve to know the facts behind the decision to include this in a policy. I am concerned that this language is in a policy when Commissioners have not seen or heard of the data or evidence that prompted inclusion. I am also concerned about elected/appointed individuals making judgemental decisions on the actions of Commissioners when they do not have employment or appointment authority.

Why wouldn't we be working to positively and actively engage all Commissioners when we have evidence of the lack of engagement of current Commissioners (e.g., lack of quorums to hold committee meetings for years). I would suggest using language and actions to more actively and positively engage Commissioners. I do not understand what prompted EXCOM to include language in a policy that indicates the "need" to label individuals, punish them, and potentially have them removed from their position. The verbiage in this policy seems like a thinly veiled scare tactic or attempt to discourage Commissioners from candidly expressing disagreements with ideas. The language does NOT promote trust, openness, inclusion of diverse perspectives, or cohesive team development.

Commissioners work for the children of military families in their state, not for EXCOM or MIC3. Commissioners are not employees of MIC3, but volunteers who are dedicated to supporting the Compact in their state and with other states. Rather than finding ways to label and potentially eliminate Commissioner's voices, I suggest EXCOM and MIC3 focus on working to actively, positively, and professionally engage and support Commissioners. I'll be eager for the explanation related to this policy.

- 6) Recent events within the Commission led the ExCom to conclude that a Code of Conduct for members was in the best interest of the Commission.
 - a) Governmental agencies and organizations, as well as many professional associations, and all branches of the armed forces, have codes of conduct not unlike the Code adopted by the ExCom for the betterment of the Commission. The ExCom determined that the prior version of the Code of Conduct was confusing and conflated the code of conduct with conflict of interest. ExCom felt commissioner deserved to have clear guidance about the expectations for their conduct while participating in MIC3.
 - b) Any Commissioner may respectfully voice his or her disagreement with any given idea in a professional manner that does not violate the Code of Conduct. Each Commissioner should be mindful that he or she is appointed to represent his or her state and his or her behavior should reflect the dignity of this representation.

Policy 2-2017, Code of Conduct, Revised APR 17, 2019

Areas of question on [this document](#).

[Mission, Vision, Values, Commitments](#)

Guidelines for Meeting

I recommend we follow Robert's Rules of Order and our Bylaws on meeting conduct rather than creating a separate policy. Article VI, Meetings of the Commission, Section 4, Procedure of the [Bylaws](#) states: "Matters of parliamentary procedure not covered by these By-laws shall be governed by Robert's Rules of Order."

Robert's Rules of Order, 11th Edition (most current publication), includes detailed information in chapters II, XIX, and XX on conduct during meetings, including Disciplining Members and Guests. Chapter XX, Disciplinary Procedures in Robert's Rules of Order, provides a thorough explanation of actions that can be taken during a meeting and by an organization.

It seems that much of this policy focuses on someone's determination that a Commissioner has done something to "offend" someone or the entire Commission. There is much written about the "penalties" that will follow if someone "offends." Possibly there needs to be a clear explanation of what a Commissioner or Ex-Officio Representative would do in a Commission meeting to qualify as someone who "offends."

I advocate working toward including more diverse opinions and voices, rather than restricting involvement. This policy seems focused on discouraging or eliminating disagreement. I strongly support orderly, productive meetings that encourage and welcome inclusion of a wide variety of ideas. The punitive language seems outdated and an attempt to silence. I have included current articles on running inclusive meetings.



I suggest the Commission may be better served if Commissioners were provided a quick reference guide for Robert's Rules of Order and a reminder that meetings are conducted using these procedures, rather than implementing an additional policy. It may be helpful to provide more formalized training from the National Association of Parliamentarians for Committee Chairs.

Please share what data led to the decision making to include the language and create guidelines for Commission meetings, rather than relying on what we have in place.

7) A quick reference guide to Robert's Rules was in fact posted on the MIC3 web site some years ago. The guide is available on the MIC3 web page at this link: <http://www.mic3.net/assets/roberts-rules-of-order-basics.pdf>

8) MIC3 and ExCom may adopt practices that go beyond Robert's Rules when it is believed that additional guidance is necessary. The ExCom believes it would be in the Commission's best interest to provide additional guidance about appropriate conduct during meetings. The policy which the ExCom established draws from Robert's Rules and condenses the guidance succinctly in one short document that is intended to make it easier for members to understand and follow. The policy also is intended to establish consistency in the conduct of its committee meetings.

Policy 3-2019, Guidelines for Commission Meetings, Issued June 20, 2019

I have included areas of question on [this document](#). (Please note typos.)

[Bylaws](#) Components of the Bylaws on [this document](#)

[Mission, Vision, Values, Commitments](#)

[How to Counteract Three Types of Bias and Run Inclusive Meetings](#)

[How to Lead Inclusive Meetings](#)

[How to Run Inclusive Meetings](#)

9) ExCom appreciates Commissioner Weiss' sharing the attached opinion pieces as a guide to conducting meetings. ExCom and the National Office will review these documents and incorporate the suggested practices as they see fit.

Proxy and Delegation of Authority

Please clarify the procedure for designating a Proxy if a Commissioner has an emergency situation that would require a late Proxy designation. It appears that a Proxy has to be designated with the appropriate documentation between 30 and 60 days prior to ABM. Please clarify how a late date designation is made (e.g., 1-2 weeks prior to the ABM). I want to ensure that states have the opportunity to have a voting delegate for the ABM, even if the delegation has to be made at a late date. I may simply not understand the wording.

10) Emergencies by definition cannot be foreseen. The goal of ExCom and the National Office is to have every member state duly represented at the Annual Business Meeting. If an emergency prevents a Commissioner from attending the Annual Business Meeting and the Commissioner wishes to designate a proxy, the Delegation of Authority Form may be brought to the Annual Business Meeting and submitted

when the proxy arrives at the meeting. As much advance notice as possible by the Commissioner is appreciated and will facilitate the process.

**Policy 5-2019, Defining Role of Commissioner, Designee and Proxy Policy,
Issued: June 20, 2019**

Areas of question on [this document](#).

Training Policy/Guidelines

I appreciate the concept of guidelines to help support training on the Compact. Supportive training guidance would be beneficial, particularly for new Commissioners, and also to offer key points for all of us to highlight. Training guidelines would be a welcome addition. I do not understand why we need a training policy.

One reference is made in the [JUL 18, 2019](#) meeting minutes to one individual who was not a Commissioner providing training. It would be helpful to have more detailed information on the damage that was done by this individual and who had asked them to present on behalf of MIC3. It seems that if there were questions, many/most folks would go to the website for more complete information. I am typically thrilled when more people, rather than less, are talking about the Compact in my state. .

Possibly I have mis-interpreted the comments in the minutes as this may be in reference to a large group requesting a presenter from the MIC3 national office, not the ongoing training that all Commissioners are doing within their state.

I frequently have discussions with educators, administrators, and parents/guardians on the Compact and would not think to notify MIC3 of these “training” opportunities. Additionally, who is going to be monitoring this policy? If a knowledgeable administrator is presenting on the Compact to parents/guardians in a district - will this be a “violation” of a potential policy? I am unsure of the oversight and enforcement of a potential “training policy.”

Also, when I share information. I present on behalf of the military children in my state in compliance with the Compact, not on behalf of the Commission.

- 11) The ExCom believes that a general policy on training is needed to ensure the accuracy of information, the maintenance of high standards, and protection of the MIC3 “brand”.
 - a) It should be understood that no policy can (and ExCom has no desire to) prevent anyone from *talking about* the Compact or the Commission.
 - b) The training policy would establish when it is necessary to obtain approval from the national organization to present specifically on the Compact and who is authorized to do so.
 - c) The principal intent of a training policy would be to ensure that training on the Compact is accurate and that materials used meet the high standards of the Commission, which has an interest in protecting information concerning itself, its mission, and its processes.
 - d) A secondary goal of the training policy is to protect the copyright of MIC3 materials.
 - e) The training policy is not intended to deter commissioners or members of their state councils from conducting training within their states.



Committee Membership and Chairs

Please share when the Commission voted to change the process of having Commissioners select the Committees they wanted to serve on and select the chair of the identified Committee, to the process of having the Chair of EXCOM appoint individuals to Committees and appoint Committee Chairs. Article VII Committees, Section 2, Other Committees, of the Bylaws identifies the Committees, but does not give the authority to appoint Committee members or Committee Chairs to the Commission Chair.

I was pleased and proud to be asked and have the opportunity to serve as a Committee Chair, and serve on EXCOM, but do not recall when the Commission (50 + 1) voted to give appointing authority to the Commission Chair. I have searched for this information and was unable to find it, but I'm hoping EXCOM could direct me to that information.

I believe that when Commissioners select the Committees they desire to serve on, they *may* be more committed to that Committee and may be more willing to participate in meetings. I think that Committee Members are best qualified to determine who should be the Chair of the Committee.

This approach may help build a cohesive and functional EXCOM and promote trust as it will provide representatives selected by Commissioners, rather than by the Chair. The process of having the Commission Chair appoint Committee Chairs can easily lead to avoiding appointing individuals who may bring a different perspective and who may disagree with the Chair. On the other hand, it may be that few Commissioners are interested in being a Committee Chair or participating in EXCOM. I suggest we ask Commissioners their preference for Committee selection or appointment and selecting the Chair of their Committee. A simple survey or vote at the ABM would accomplish this.

If the practice of having the Chair of EXCOM appoint is going to continue, it should be formalized with a vote by Commissioners. Again, if this happened and I do not recollect, please let me know. Thank you.

12) Article III, Section 2.a of the ByLaws states: The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee shall prepare agendas for such meetings, *shall make appointments to all committees of the Commission*, and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings.

- a) Chair Kaminar surveyed the commissioners between October 22 and October 25, 2018, to request their preferences for committee assignment. The survey was sent to all commissioners and ex officio liaisons. 22 commissioners and two ex officio liaisons responded.
- b) As Commissioner Weiss is aware from her time on the ExCom, certain MIC3 committees have struggled to recruit members and meet quorum for meetings. By assigning members, the Commission Chair is able to ensure an equitable distribution of committee members to each committee in the hopes that each committee has leaders and involved participants to assist the chairs in completing the committee's work.

[Bylaws](#) Components of the Bylaws on [this document](#).

Thank you for your thorough review of the questions and documents I have included. I look forward to your thoughtful and prompt response on each of the items. Please let me know if you have any questions.

Regarding your initial statement and interest “in learning if the MOU with DoD should be updated to reflect current personnel”. The Commission was notified in September by DOD Representative Kathy Facon of an imminent transition to a new DOD representative. Your suggestion will be shared with the new representative.

As a long-tenured, valuable member of the MIC3 team, your depth of knowledge and commitment have been essential as we continue to grow as an organization. The ExCom thanks you for your interest and inquiries, and hope the responses provided in this document provide the clarity and information regarding your concerns.

Sincerely,



John “Don” I. Kaminar
Chair and Arkansas State Commissioner

and members of the Executive Committee:

Laura Anastasio, Vice Chair and Connecticut Commissioner

Bob Buehn, Treasurer and Florida Commissioner

Rosemarie Kraeger, Past Chair and Rhode Island Commissioner

Mary Gable, Rules Committee Chair and Maryland Commissioner

Brian Henry, Communications and Outreach Chair, and Missouri Commissioner

Daron Korte, Compliance Committee Chair and Minnesota Commissioner

Ernise Singleton, Training Committee Chair and Louisiana Commissioner