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Oxford Comma Drama - Transcript

[Speaker 1]

Welcome to Charity Therapy, the podcast where we explore the ups and downs of the nonprofit sector and answer your burning questions. I'm your host, Jess Birken, owner of Birken Law Office, and I'm excited you're here. Imagine hanging out with me and my super smart, funny nonprofit expert pals.

You get to ask them anything about your nitty gritty nonprofit life and get their wisdom for free. Whether you're a seasoned pro or just strapping on your nonprofit boots, we're here to share stories and remind you, you're not alone on this journey. So get ready to join the conversation and bring me the tough questions.

I ain't scared. Ready to rock? Let's dive in.

Hey, hey, hey, and welcome to this episode of Charity Therapy. I'm your host, Jess, and I am here with my co-host, Meghan. Hello, Meghan.

Hello, hello, hello. I'm happy to be here. How are you?

I am good. It is getting to be fall. I am feeling the pumpkin spice approaching.

It's time for apple picking. I have like grass seeding to do like I can feel the fall vibes.

[Speaker 2]

I'm so ready. I went to an apple orchard because I was like, I feel the fall vibes. But then when I got there, it was like 90 degrees.

I was very upset about it. Hashtag Minnesota. Yes.

It's like either going to be accidentally 45 or 90 in this time of year and you don't know which. So true. Okay, what are we doing?

What you got? All right. Before we start today, I do have a question for you, Jess, about the board of directors at a nonprofit.

So I know boards can look and act very differently at different nonprofits, depending on the organization. So overall, I want your take. What is the like basic job of the board of directors at a nonprofit organization?

Hmm. The basic job, like all boards do this, like what is the role that all boards have to have?

[Speaker 1]

Fundamentally, the core job of the board is to look out for the best interests of the nonprofit and make sure the mission is getting accomplished. That's like at its base. Yeah, that's what it is.

And everything you do and every decision you make, you should be ensuring the mission takes place and making sure that it's in the best interest of the nonprofit.

[Speaker 2]

So whether it's like teeny tiny pet rescue where all the board members are the ones like picking up the cats on the weekends or the like million dollar organization, you know.

[Speaker 1]

Yeah, it's going to look different at different organizational sizes. But at its core, that's what it is. Sometimes making sure the mission is being accomplished is you rolling up your sleeves and getting it done because we're so tiny.

And sometimes that is participating in a candidate search for like the best CEO for your organization because you're a multi-million dollar organization. Like, right. But at its core, that's what their job is.

[Speaker 2]

Yeah. Yep. I think that that can get confusing for people just because it can look so different.

It's sort of like, OK, like what are we really doing here? Like what is the goal for this group of people overall? Because especially at an organization that is growing or changing, it's sort of like the role of the board might be changing on the like day to day.

So it's like, oh, yes. But what is the point? Yes.

And I ask this because I have a listener question today about like the board kind of going on the wayside and like what that looks like. I'm ready. Let's do it.

Let's jump in. Listener says, I work for a small business league and our whole board is useless. Oh, shots fired.

Right. They do nothing to help us, but they keep finding all kinds of random things and projects for us to do. All the directors keep saying they just don't have time to do any of their normal board duties.

I was talking with my executive director a while back, and we're wondering if there's a way to get all of the board members to just sign away their board role so that we don't have to have a board at all. The ED and I would really love to just focus on our work without constantly dealing with the board. OMG.

[Speaker 1]

Right. How many staff like low key would just love for their board to go away?

[Speaker 2]

Yeah. Fascinating.

[Speaker 1]

Right.

[Speaker 2]

This right. Fascinating. Okay.

It's like the quiet part that people don't want to say where it's like, really, my goal would just to not have a board.

[Speaker 1]

Bless you for writing this down and letting us talk about it. Okay. So we just don't have very much to go on here.

I know. I know. A small business league.

All right. So just from that, I can interpolate, extrapolate, read between the lines. Interpolate.

That's a real word, isn't it? I don't know. It might be, but I'm not sure.

Meghan needs to Google that real quick while I interpolate. So small business league. I'm going to take that literally that they're like a business league or like a chamber of commerce.

So this is not a 501 C3, like dog rescue direct service. This is like a 501 C6 or C4. That's like a civic organization.

That's like the, the whatever county tourist bureau or the like whatever town chamber. And to say that those boards are useless. I don't know.

What are they even doing? These organizations aren't that generally in my experience, just put a little caveat out there. These are not on the front lines, like doing the things every day.

These are like associations of businesses that are thinking about like, how do we get more tourists to come to the area? Or like, how do we support our local business owners and make sure that like small businesses thrive in our small community or something like that? So there's not a lot for the board to do in an organization like this.

I'm going to assume that it is more governance. And this, I'm just going to go ahead and say it. Probably a lot of these people are only on this board because it looks good on their resume.

Totally. It's a line on the resume. Yep.

A little bit of clout. Like, hey, I'm a local realtor and I want to be like seen as credible. So I'm going to like be on this board.

Like does anyone, I'm getting so much trouble. Does anyone actually have a passion for Chamber of Commerce work? I mean, Chamber of Commerce people sound off right now.

Please get at me. I need to know where the deep passion for like, hey, I know some of these people because I went to grad school with them and they're public administration master's program people. But like, really?

A lot of these organizations are like glorified networking. Maybe they make like a brochure. Sometimes they might collect like a municipal.

There might be like a municipal tax that goes to like fund these organizations or something. But I'm not really surprised that this board is not doing anything to help the team. I am surprised that they have staff.

So that tells me this is a big enough organization that they have enough money to do things. But the writer of the question, who's clearly not the ED because they're my ED. So they have at least two staff are like, you're not helping us, but you're giving us all sorts of things to do.

Well, yeah, because maybe they feel like that's their job is to be like, we need to support the local tourism industry or the businesses. And we have the feet on the ground that we are local business owners. We are in the tourist industry.

We can tell this is something that we should be doing. And it's their job to delegate to you to make sure that things happen. I don't know what they want from this board.

But let's get to the meat of the question, which is, can we have the board sign away their rights? No, that's so funny that you wouldn't think that. I mean, I get it, you know, I get it.

I want to have some compassion because like, I know how frustrating boards can be, believe me. But like, legally, these people need to be there. It's how it works.

They are the ones with the fiduciary duties. And no, you cannot sign away your fiduciary duties. Now, in all seriousness, what this is probably saying is we have a different kind of problem.

We might have a mismatch between what maybe the staff has been told to deliver on, like, hey, your performance is going to be judged on A, B and C. And now the board is saying, oh, but we'd like you to do F and G and H and Y, you know. So that's a real problem.

But that is like a managing up situation where you all need to sit down and say, so we've got a lot of new initiatives coming, new ideas, which are great. But could I get you all, and I'm speaking as the ED now, I'm going to need you guys to prioritize these for me in order because F, G and H aren't part of our strategic plan. So I just want to clarify which things would you like my team and I to be working on in priority order so that we know when it comes time for annual reviews that we've done what we were supposed to do.

Because realistically, we can only accomplish so much in a day, blah, blah, blah. Right. Like some of that, like pushing it back up and managing up.

And if it's that they're piling things on that you can't get done, great. Then we need to start telling them that. Yeah.

This could be an indicator of like people on the board are not respecting the chain of command. And I see this all the time where you have like, well, the ED is supervised by the committee and the staff is supervised by the ED. But you got some board members who think that like this staff person is their personal executive assistant and they'll just like give them stuff to do, which is not their role and not their place.

And then again, we're looking at the executive director to appropriately manage up and enforce those boundaries around hiring, firing, supervision, and who gets to give tasks to the staff. That's tricky because the executive director is obviously hired and fired by the board. That is where that conversation needs to be happening.

[Speaker 2]

This situation, obviously, again, we don't have that many details, but it is that it just reeks to me of so many situations we've seen before where a nonprofit does grow. And so it is a board that used to be involved in the day-to-day operations of literally everything. And then they hired staff, which is great, but they're having trouble maybe letting go of the like minutiae, you know, and instead they're like, I want to be involved in all of this or like, hey, I was doing some like fundraising and talking to Joe Schmoe, the like general contractor in town and we need to like help him with, you know, whatever.

And just send people on these goose chases that they maybe had done all the time when they were just a board, but now there's more structure and they don't have the defined roles that they should. Yes. Yes.

Love that you brought that up.

[Speaker 1]

I'm just thinking of like all of the times where it's been like, well, I used to publish our newsletter and I want to tell you how to do it. You know, you didn't use the Oxford comma you should have, you know, like who knew Oxford comma drama was going to come into this episode. Oxford comma drama.

There it is. That's always there. I need a bumper sticker that says Oxford comma drama.

[Speaker 2]

I'm always pro. I'm always pro the Oxford comma. I'm going to be real.

[Speaker 1]

It's so true that like if you don't train the board on how do we act now? What are the boundaries? You used to do everything and now you hired people to do everything.

But are you still micromanaging? Are you not able to like delegate? And that that honestly can be somewhat solved with a board training.

Sometimes you need someone like me or somebody to come in and say, let's talk about your legal duties. Let's talk about your relationship with staff and managing and how that is supposed to work and have some third party sort of neutral outsider come in and tell the board how that's supposed to be. And like, I've definitely worked with a lot of executive directors who are like, I need you to come in and tell them this and then we can go from there.

So that's so real. Yeah. Well, I mean, Godspeed y'all, whoever you are out there at this little business league.

We're thinking about you. Just yeah, you know, just hang in there. Like, hang in there or don't sign off their duties.

[Speaker 2]

But like I get the urge, you know, I mean, who has never wished that their boss just disappeared? Like, I could just do my job better.

[Speaker 1]

My boss.

[Speaker 2]

I know, right? This is how I'm telling you, Jess, that sometimes I wish that I just didn't have a boss. But it's that same concept of like, you know, sometimes you're like, I just wish my manager would stop bothering me and I could do my work so much better.

It's the same instinct here. But like, that doesn't actually mean that you can get rid of them. Unfortunately, that's not really how it works.

All right, Meghan, what do we got? Take it away. A couple takeaways.

Yeah. So first, the core responsibility of the board is to look out for the best interests of the nonprofit. Sometimes that means carrying out some mission based work.

Sometimes that means overseeing an executive director or setting some like strategic priorities. It can look like different things. But ultimately, they are the ones sort of like steering the ship and keeping the nonprofit safe.

And I will say also that different people have different motivations to wanting to be on the board of directors. And that may also impact how the board operates. So things like a business league may have different reasons that people may want to be on the board than an animal shelter or things like that.

And that sort of like psychology of why people want to be there is an important thing to consider. And then third is that like board staff relations are hard. Like whether you've had board and staff as a you know, like tension point forever, or you're just starting to hire staff for the first time.

Like these are defined roles that you need to work through and where people involved are, it gets messy. So working through what that relationship looks like will help everyone do their job better and help carry out the mission better, no matter what you're doing. So that's what I got.

Did I miss anything, Jess?

[Speaker 1]

No, I just think it's normal to be frustrated with the board. Yep. You're not alone.

It's okay. All right, folks, if you enjoyed this episode, do me a huge favor, share it with an annoying board member who won't leave you alone.

[Speaker 2]

Just slide it right in there underneath some other things, you know.

[Speaker 1]

Give us a rating, share this episode with a friend, tell us a story, get at us online. We want to hear from you and hear your questions. And thanks for listening. Bye-bye.

About the Author



Hi, I'm Jess Birken.

I'm the owner of Birken Law Office, I help nonprofits solve problems so they can quit worrying and get back to what matters most – The Mission. I'm not like most attorneys, I actually have an outgoing personality, and – like you – I like to think outside the box. Most of my clients are passionate and have an entrepreneurial spirit. I'm like that too. My goal is to help you crush it. Getting bogged down in the minutia sucks the joy out of the important stuff. My clients want to do the work – not the paperwork.

Let's connect!

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