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How to Evaluate Executive Director Performance with Debbie Rabishaw – Transcript

Jess Birken 00:00:02 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. Hello and welcome to this episode of Charity therapy. Today I am joined by my friend Debbie Rabishaw. Debbie is the founder of the HR consulting firm Next Step Advisory, and she's who you call when your people, practices and operations get messy, confusing or complicated. Debbie, thank you so much for being here.

Debbie Rabishaw 00:01:03 Thanks for having me.

Jess Birken 00:01:05 Yeah. So we need to settle this debate because before we started recording, I.

Jess Birken 00:01:10 I don't even remember why I said it, but I said something, and I was like, I rubbed my guard. And Debbie was like, is that a Minnesota thing? Because Debbie's in Chicago, and I don't think it is a Minnesota thing, but 100%. I know a lot of people that use it, but I'm trying to think there they all Minnesota people and they.

Debbie Rabishaw 00:01:32 What do you say? Yeah. Here. Yeah. Hey there. Don't you know, I mean that is like from Minnesota. So if you do oh my word makes sense.

Jess Birken 00:01:39 Oh my gawd. Yeah I like I think this is an internet meme from the millennials that I have just adopted or something. Because, you know, I grew up in Milwaukee, so I've got the Wisconsin and then I spend a lot of time near the U.P. so then I get into my, you know, oh yeah, hey, don't you know when I'm up there. Yeah, yeah. And then Minnesota.

Debbie Rabishaw 00:02:01 Like from the movie Fargo.

Jess Birken 00:02:02 Yes. Yes. Fargo. Oh! Florence McDermott. What a what a legend. She's just like to have that much of an impact on the perception of a region through one acting role.

Debbie Rabishaw 00:02:16 One movie. That's crazy.

Jess Birken 00:02:17 Actually insane when you think about it. Hats off to Frances. Yeah. So, folks, if you say Irma, Gerd, and you spell it all funny when you text someone, please let me know, because I'm desperate now to know if this is an Upper Midwest thing. Is this a Minnesota thing? Is this a random like subculture of Minnesota?

Debbie Rabishaw 00:02:38 Is this a jazz thing? No, it's not a jazz thing.

Jess Birken 00:02:42 That's the thing now. My. If my 17 year old were here, Max would be saying, mom's being very cringe. Absolutely. But no, like, I know so many people like in the Facebook comments, friends be typing out her e r r.

Debbie Rabishaw 00:02:59 And.

Jess Birken 00:02:59 A.

Debbie Rabishaw 00:03:00 H g if I guess my daughter would say, please don't ever say that again.

Debbie Rabishaw 00:03:07 Yes.

Jess Birken 00:03:08 Yes, yes, exactly.

Debbie Rabishaw 00:03:12 So fits. It's just fitting for you. Just so. Yes, I can deal with this.

Jess Birken 00:03:15 I it's one of my faves. So I mean, I'm not gonna lie, it is one of my faves.

Debbie Rabishaw 00:03:22 Keep it on it.

Jess Birken 00:03:24 Oh, okay. So speaking of of things people would rather not talk about HR. before before.

Debbie Rabishaw 00:03:34 We.

Jess Birken 00:03:35 Totally jump in with the listener question. I was kind of hoping I could have you sort of clarify, you know, nonprofit leadership. We're often we're talking about a board, but sometimes we're talking about an executive director or CEO. And could you sort of clarify what is the role of the board versus the executive director before we jump in?

Debbie Rabishaw 00:03:58 Yeah, sure. I think and I've been on boards. I've led a board. I think the purpose of the board is governance and oversight, right. They're setting the strategic direction. They are trying to follow that within the mission of the organization. They're making sure that the decisions that are made are financially sound, that the organization is taking the right risks for an Ed or CEO.

Debbie Rabishaw 00:04:28 They then kind of pick up that baton, and their job is to manage and execute to that vision. And so I think they do a lot of translating of board strategy into what it looks like. Boots on the ground. Yeah, they go tactical but they have to be, you know, strategic in some regard because they have to flex to what that vision is and they have to roll that back up to the board saying this is an achievable. But here's how I think we could pivot. So it's really this, this, this hand in glove relationship.

Jess Birken 00:05:01 Love that. Love that. Yes or or it's not. Which is when you and I get involved.

Debbie Rabishaw 00:05:07 Which is when I get employed.

Jess Birken 00:05:11 Oh. Okay, with that in mind, let's jump in with our listener question. Do you feel ready?

Debbie Rabishaw 00:05:17 Bring it.

Jess Birken 00:05:18 All right. Here we go. Listener writes in I am on the board for a small nonprofit. We're in the middle of transitioning from a working board to a governing board. We hired a new Ed a year ago, but we didn't really have the capacity to help get her set up or set any goals for her.

Jess Birken 00:05:36 And a few new board members recently started an evaluation committee for the Ed, and their first course of action was to send out an anonymous survey to staff, volunteers and clients about her performance. The results were a real mixed bag. Some poor feedback coming through for her. She committed some major communication errors, one staff member in particular and another with a client. So by my read, that's two. Continuing on here. A lot of the board is upset. Some want to demote her to director of operations and split her job with another director. This would mean two directors reporting to the board. And no executive director. No, no one executive director. I guess I'm concerned because all the best practice standards I've read say orgs should only have one executive reporting to the board. I'm thinking of proposing putting the Ed on a performance improvement plan. I have my doubts that she can change her communication style and overcome her challenges with the staff, but we haven't documented any issues, so I don't think we can fire her.

Jess Birken 00:06:45 What's the best way for us to move forward? Holy bucket. Okay. Oh, there's a lot going on in this one. You can tell I didn't read this before.

Debbie Rabishaw 00:06:58 I was like.

Jess Birken 00:06:59 I'm shocked right now. Okay, where do you want to start? I feel like if we start at the start, at the very beginning, with the transition from the working board to the governing board, because that to me is sort of like fundamental to this one.

What, in your experience, do you get a lot of problems when boards transition from that? We've been doing all the work to we've hired somebody to do all the work.

Debbie Rabishaw 00:07:28 Well, I think there's confusion. There's expectation. First of all, you know, I'd be like, okay, time out. I don't think your biggest concern should be we I don't want to have two people reporting into the board. I think it should. I think it should. I could be blunt.

Jess Birken 00:07:46 Yes.

Debbie Rabishaw 00:07:46 Do it. Yeah. I think the key issue I would anchor on is the board's responsibility for having taken, given the strategic direction to that Ed.

Debbie Rabishaw 00:07:58 And that's an expensive hire to not have the capacity or time to get them going off on the right foot. So yeah. Yeah, I wouldn't hold that mirror up and look in that mirror first is what I would do.

Jess Birken 00:08:12 Nailed it. Yes. Here's the thing. And like my heart goes out to this group because I get it I get it. They, you know, you you know you need to hire. And they probably just were trying to raise the money to make this higher. And meanwhile they're drinking out of the end of the fire hose. Everybody is overloaded. So when they say we didn't have the capacity, what that tells me is they were all so up to their eyeballs and doing the day to day operations that they like. They literally probably were on the point of like burning out the board. And so this was like a rescue mission to some degree, to like, rescue the board from the operations. And the problem with that is they didn't probably take the time to really even understand what they were getting into, because you're not just like hiring another person who's going to sit next to you and roll up their sleeves and take some stuff off your plate.

Jess Birken 00:09:10 Like this is an employee. There's HR. There's employment law. There's position descriptions. There's, you know, like if you can't communicate with the strategic objectives are and what your standards are I agree with you. Like you need to look in the mirror because like how have you been as a manager for this person first and foremost?

Debbie Rabishaw 00:09:30 You know, performance improvement plans have to do with how you're not meeting the expectations. If there were no expectations laid out. I think those fall flat. I think there's also it sounds like some of the board members may have gone rogue in sending out this survey.

Jess Birken 00:09:51 Yeah.

Debbie Rabishaw 00:09:54 Board members gone wild. I think there's a new video. video.

Jess Birken 00:09:58 Oh, my gosh, I love it.

Debbie Rabishaw 00:10:00 Yeah. so I think it is a really high stakes way to introduce performance management is by starting with a stakeholder survey on somebody's performance. When you haven't laid out what the expectations are for that person. And yeah, they may have made mistakes. I think I would do a mia culpa of sorts with that person and say, you know, I don't think we've done a very good job of walking with you on this path to making sure you're successful.

Debbie Rabishaw 00:10:32 And here's how we'd like to course correct. And then I would probably set out, and I don't know that I would trash the survey feedback, but I wouldn't use it to hit her over the head with it or him over the head with it. I think what I would do is I would take that and use that to say, let's help this craft our expectations over this next year and understand where improvement can be made and how we can

help you. And I think it's okay to do a culpa, because I think you can also say we're learning too. We're moving from being operational to strategic. And I can't tell you, first of all, how much the optics of that will resonate with all the stakeholders who are watching this process unfold and will appreciate the fairness of that. Once you kind of dial back the rogue approach, and I think that you're going to save a higher, that was probably expensive and time consuming to find. It takes a lot of time to acclimate somebody. So just fall on your sword a little bit and say, okay, how can we do this going forward?

Jess Birken 00:11:38 Yes.

Jess Birken 00:11:39 And I think your what you're talking about is making me think about my reaction to this was like, oh wow, we are we meaning the board. We are having a big emotional response to this negative feedback. And it's making me feel like, and obviously this is speculation. I'm reading between the lines, but I feel like there could be some internal shame around knowing that we've done a bad job of setting the expectations of starting out well, you know, we've kind of were starting from behind because we were overloaded and inside. Maybe we know that we've messed up. And sometimes when people have kind of an overblown reaction, it's really about the ego and what's going on for you inside. Because if we roll this back, the survey, first of all, they don't say how many respondents there were, but they just hired their first Ed. So it can't it can't be that many staff, right? Could be a lot of volunteers, could be a lot of clients. But the survey one I'm just going with what they said.

Jess Birken 00:12:56 One staff member and one client had negative experience.

Debbie Rabishaw 00:13:02 That's a good point.

Jess Birken 00:13:03 Well this is like how many out of how many experience like what is the sample size?

Debbie Rabishaw 00:13:10 Because you don't. You also don't want the response to be disproportionate to the event. Right place.

Jess Birken 00:13:16 Right?

Debbie Rabishaw 00:13:16 Yeah. Because then there's something else going on.

Jess Birken 00:13:18 Yeah. And that's the the other thing, just knowing what I know and working with clients, is there also a personality. Is there some other thing happening in that friction around. We were working board and now we're a governing board. And maybe there's maybe someone has a perceived loss. Maybe somebody views this.

Debbie Rabishaw 00:13:41 Executive.

Jess Birken 00:13:42 Director as their secretary and administrative assistant who they.

Debbie Rabishaw 00:13:46 Really good.

Jess Birken 00:13:47 Micromanaging and right. The going rogue thing. I've seen that before many times where kind of starts to feel like a, a a witch hunt to just like get rid of the person because I just don't like them. So we don't know what's, what's all going on here. But there's a lot of like, stuff that feels reactionary to me.

Jess Birken 00:14:10 And because the whole board was not included on the decision to do the survey. I think for this listener, I would I would be wanting to do a little pulling back the the carpet to look underneath and finding out what what are the relationships between, you know, is the Ed not having a good time with some of the board members? Is there any friction there? Is there a people problem developing where their personalities are clashing, or there's a role mismatch where because also trying to demote them to director of operations.

Debbie Rabishaw 00:14:48 I don't think that's the answer.

Jess Birken 00:14:49 Yeah. So something more it feels like there's something more going on here that is often not strictly a legal issue or an HR issue, but it's going to become one real quick, right, if you don't get it together. Because this is like this is the area where I see small nonprofits facing the highest risk, right? Because they're all like, well, we shouldn't have to follow employment laws because we're we're just a nonprofit. We're just doing the good works, right? My friends.

Debbie Rabishaw 00:15:22 It still applies.

Jess Birken 00:15:23 It all applies. I'm so sorry it all applies.

Debbie Rabishaw 00:15:26 Yeah, yeah. You know, one something you said triggered a thought in my head that sometimes you don't know really where the feedback came from, this communication component to this problem that was raised. That's interesting to me. I'd love to learn more about what was the communication issue. Was it a perceived slight because who knows. Before the Ed was in place, who was actually interacting with the board? And now that there's a middle person, is that a perceived demotion or slight that they can't have direct contact with the board anymore? And so who's giving that feedback that there was poor communication? And what does that really look like? And I think there's so many more questions that have to be asked rather than jumping to a solution, but I think what I would do is reset the compass and, you

know, say, hey, we got some things we we got feedback on, but we also are evaluating ourselves and assessing what role we had to play in not having as productive a first year as we would like.

Debbie Rabishaw 00:16:30 So let's figure this out and, you know, in lockstep and move forward 100%.

Jess Birken 00:16:35 And just from I mean, we don't know what state they're in. I'm not your lawyer. Debbie's not your HR professional right now. But like, I don't think you can fire this person. You know what? Debbie said you can't put them on a pip if there was no expectations in the first.

Debbie Rabishaw 00:16:51 Place, you could if it was obvious and egregious. Right? Yeah. Yes.

Jess Birken 00:16:55 And not just based on what we have here. Yeah. I'm just like, you need to make a good faith effort to work through some things with this employee. And a lot of times people here, Pip, and they think you're on the track to go out.

Debbie Rabishaw 00:17:10 They want me to leave, and this is just the formality of getting me to leave. And so it's it's a crash course in the end of the game.

Jess Birken 00:17:19 I also want to debunk the notion that you can't have co-executive directors. I work with several clients who have co-executive directors.

Debbie Rabishaw 00:17:26 That's interesting.

Jess Birken 00:17:27 There's no rule against that. It may not be common, but there's no no rule against that at all.

Debbie Rabishaw 00:17:35 Okay. The important part with that, though, Jess, is also making sure that it's clear about who's doing what. So you're not stepping on toes because then that's where the friction lights up.

Jess Birken 00:17:45 Yeah. And also like this person didn't sign up for that. Right. So if you're if you're Eddie is not asking for a co-director model a demotion and then two program managers. Yeah, I think that's asking for more trouble legally. That's worse. So I think we have some key takeaways here. And I want to say the first one is, you know, as, as a manager and this is a new role for this board, really going from we're all equals and we're all just working on things. You you really are managing a staff person now. And some of us may have limited experience with that. The thing we need to do is kind of look in that mirror and be like, could we be managing better? Are there mistakes that we made that we need to be accountable for? Is something that I heard you say and I totally agree.

Jess Birken 00:18:39 I think that's number one here is kind of owning your end of where it's going wrong. And then I think, too, I really like the idea that can't be putting people on a ship if there were no expectations set in the first place, that just makes logical sense. So I love that. And then the other piece for me anyway, is the law applies no matter how small you are. I'm so sorry. All the HR rules and all the employment law and all the nonprofit law apply to you, even if you're a small nonprofit, even if this is your first employee. And then I guess, just like, you know, this is your first employee, you probably want to reach out to somebody like Debbie, get some help, because this is what takes your time and energy and wastes it, right? You only have so much time and energy. Spend a little money to do things right on the front end. Let's course correct so you can maximize your time for the mission. That's what I think.

Jess Birken 00:19:46 Anything that you want to add.

Debbie Rabishaw 00:19:49 I just like I like how you kind of summarized that. I think that's all good advice. I would I don't think I would add anything to that. I think that's all good advice.

Jess Birken 00:20:02 That's because it's from us and we're amazing.

Debbie Rabishaw 00:20:06 That's exactly what I was thinking.

Jess Birken 00:20:10 Oh, Debbie, thank you so much for being here. If people want to connect with you. Where can they reach out?

Debbie Rabishaw 00:20:17 Sure. They can reach out on my website, which is, I think it'll be in the show notes, but it's, Next up, advisory us.

Jess Birken 00:20:26 There you go. All right, we'll put that in the show notes. Folks, if you enjoyed this episode, do me a huge favor. Subscribe. Rate. Leave a review. It really does help us out. It helps people find the shell. If you are associated with a non-profit who might have just hired your first employee, maybe you want to share this with your code board members. Just saying. Just saying you might know someone who needs this episode.

Jess Birken 00:20:51 If you have a question or a story to share. We'd love to hear from you. Send me a note online at Charity therapy. And thanks, as always for listening.

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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