



## NIPA Press Statement

January 16, 2023

\*\*\*\*\*

Institutional Information :

Vision Statement

- ***We envision NIPA as a model of innovation, inclusiveness, and excellence in accredited vocational education and recognized as an important vehicle to rewarding professional careers locally, regionally, and internationally.***

Mission Statement

- ***To serve local and global communities by providing a 21<sup>st</sup> century, holistic approach to vocational education teaching and learning.***

### **History of the Institution –**

*Stichting Ter Bevordering van Secundaire Beroepsonderwijs en Educatie*, operating as The National Institute for Professional Advancement (NIPA), was officially established in April 2013 after the legal formation of the AVE (Advanced Vocational Educational) Institute, a nonprofit foundation charged by the Ministry of Education, Culture, Youth and Sports, on Sint Maarten. The newly constructed facilities at Jackal Road #4, Cay Hill was built for the purpose of providing advanced post-secondary/tertiary vocational education.

## **Articles of Association, Stakeholder representatives & Board constellation:**

The duties and authority of the NIPA board , was established April 2013, and those articles ( article 7 & article 18) , and have not been revised or adjusted by this board.

Articles have been established for the Foundation , since its inception in April 2013. Dros was nominated and appointed by the Government of Sint Maarten and took up the appointment on March 15, 2016 as Board Member. The then Board , elected the Executive Board from amongst their midst. Antonio Aventurin , representative for the Ministry of Education was appointed as Chairman March 2016 and served in this position until his resignation in August 2017.

Others appointed on the Executive Board in 2016 were Peggy-Ann Dros ( VSA rep) as Vicechair , Annuska Friday ( COCI rep) as Secretary and Nicardo McQuilkin ( WICLU rep) as Treasurer. The board also included FAVE representative Mr. van Dijk Bell and Ms. Peggy-Ann Brandon ( COCI) – who also served as legal counsel. The Chair of the NIPA board was assumed by Dros in April 2018.

**\*\* The Amendment of the Articles is legally governed through Article 16, which has been in place since 2013.\*\***

The strategic Plan of the NIPA was approved in December 2019 . Discussions with legal counsel commenced in June 2020 , to evaluate / assess the 2013 Articles , and determine suitability based on same.

The Board terms are renewed based on Articles 6.4a and 6.4b. The board of directors is authorized to set and determine the rotation of the Board members ( based on the articles mentioned ). This clause did not change ( meaning the rotation and re-appointment of Board members, as this was also the same in the articles of April 2013. Stakeholders have the opportunity to replace their representatives when :

1. Their sitting representative resigns from the Board, outright.
2. Their sitting representative reaches the end of the total term ( no more opportunity to reappointment , in compliance with the Articles)

Any form of leadership is based on trust and transparency in processes. The NIPA Board has made great strides in improving that transparency – with direct communication with team members and Government .

The board executes a due diligence based on board profiles ( available for the public to view) . The review is done through several methods:

1. Eligibility of nominee based on the precepts in the Articles
2. Eligibility of nominee against their submitted CV, Diplomas, Certificates and experience.
3. Eligibility based on the Strategic plan , and short to medium term KPIs ( Key performance indicators)
4. Outcome of the interview with the Board of Directors
5. On the Board’s request – external entities are also involved to vet the credentials of the nominee.

Overview of Changes of Articles:

| <i>Articles of Association<br/>( 2013)</i>  | <i>Articles of Association<br/>( 2021)</i>  | <i>Articles of Association<br/>( 2022)</i> |
|---|---|--|
| Article 1 – name AVE – Stichting ter bevordering van Beroepsonderwijs en educatie   | Article 1 – name changed to NIPA -National Institute for Professional Advancement Foundation  | Unchanged                                  |
| Article 3 – Objective SBO execution and adult learning programs/ youth programs     | Article 3 – Objective , inclusive of <sup>1</sup> SBO execution broaden to include: <ul style="list-style-type: none"> <li>- Workforce development</li> <li>- Short Courses</li> <li>- Adult training</li> <li>- Certification</li> <li>- Areas of focus mentioned e.g</li> </ul> | Unchanged                                  |
| Article 6. 3 – Constellation of the Executive Board , Chairperson Vice- Chairperson | Article 6. 3 – Constellation of the Executive Board: Chairperson Vice – Chairperson   | Unchanged                                  |

<sup>1</sup> SBO is Secundaire Beroepsonderwijs en educatie ( legislation governing post-secondary Technical / Vocational education )

|  |  |   |
|--|--|---|
| Treasurer  | Treasurer<br>Secretary   |   |
| Article 6.4a – Board term limited to 2x – 3 years  | Article 6.4a – <sup>2</sup> Board term limited to <sup>3</sup> 3x- 5 years   | Unchanged   |
| Article 6.4d – Board profiles were not defined , per required areas of expertise   | Article 6.4d – Board profiles and areas of expertise included :<br>- Education<br>- Technical Vocational Education<br>- Human Resources<br>-Finance/ Administration<br>-Law/ Legal | Unchanged   |
| Article 6.4e- Appointing Executive Board members from amongst its midst:<br>Chairperson<br>Vice chairperson<br>Treasurer   | Article 6.4e – <sup>4</sup> Appointing Executive Board members from amongst its midst:<br>Chairperson<br>Vice chairperson<br>Treasurer<br>Secretary                                | Unchanged   |
| Article 6.f- Constellation of Board members – representatives:<br>2 seats : Government of Sint Maarten (VSA & MECYS)<br>2 seats: Chamber of Commerce<br>1 seat : WICLU<br>1 seat: FAVE | Article 6.f- Constellation of Board members – representatives:<br>2 seats: Government of Sint Maarten ( VSA & MECYS)<br>2 seats; Chamber of Commerce                               | Article 6.f – Chamber of Commerce seats reduced to one (1). |

<sup>2</sup> NIPA Board members , appointed in 2016, will sit maximum 9 years ( 2016 +3 = 2019 ; 2019 + 3 = 2022 ; 2022 + 3= 2025). Change of articles came into effect March 2021, but the possibility to renew for 5 years was not applicable, based on a board resolution )

<sup>3</sup> The Strategic plan – approved in December 2019 fueled the need to change the board terms – in alignment with a strategic period of 10 – 15 years . Legal research and best practices was sourced to determine the plausibility of this decision , and the effect it would have on the institution.

<sup>44</sup> The Executive Board is appointed for a one (1) year period, and voted upon by the Board members – per nominations for the positions on an annual basis.

|   |  |           |
|---|--|-----------|
| 1 seat: SVOBE   | 3 seats : Independent members based on <sup>5</sup> expertise  |           |
| <p>Article 9.1b-Decision making of the Board of Directors ( Adoption of Resolutions)</p> <ul style="list-style-type: none"> <li>- Board of directors renders all decisions in a physical meeting, in person.</li> </ul> | <p>Article 9.1b-Decision making of the Board of Directors ( Adoption of Resolutions)</p> <p><sup>6</sup>Board of Directors may render decisions :</p> <ul style="list-style-type: none"> <li>- In a meeting / in person</li> <li>- Via Virtual means and/ or email communications</li> </ul> | Unchanged |
| <b><i>** All other articles remained unchanged , from the inception in 2013 **</i></b>  |  |           |

**Chamber of Commerce & Industry / Board representative FAVE/ SVOBE/WICLU :**

The NIPA board received a letter from COCI President – Ms. Carty ( former) , on December 11, 2022, The letter was dated December 8, 2022. The letter informed the NIPA board that the COCI board had approved the nomination of Mr. L. Bute and Mr. B. Ortega as candidates to fill the seats on the NIPA Board. Subsequently and based on the articles of association ( Article 6) , the NIPA board sent the Board Profile to the COCI Board ( sent on December 16, 2022) , and requested the nominees ( L. Bute and B. Ortega) to submit the documents ( per the above) for the vetting to commence . The NIPA board received all documents from Mr. B. Ortega on December 28, 2022. Mr. L. Bute has not acknowledged the email , nor sent in any of the documents as required by the NIPA Board. Mr. Ortega nomination was accepted , vetted , evaluated and he was appointed on the NIPA Board , as COCI representative per January 2023. The COCI board was informed per an email sent on January 4, 2023.

<sup>5</sup> The independent members expertise in terms of the need of the Institution , is determined by the Strategic Plan and/or the areas mentioned in the Articles of Incorporation .

<sup>6</sup> The Pandemic of 2020 – brought on by COVID-19 , introduced the reality to create flexibility with meetings and decision making – therewith ensuring the efficient operations of the Institutions.

*Elucidation – Status MECYS representation on the NIPA Board:*

Mrs. Oldine Bryson-Pantophlet was appointed as the MECYS representative on December 13, 2017 ( previous representative , Mr. A. Aventurin resigned August 1, 2017). Mrs. Bryson- Pantophlet tendered her resignation from the NIPA Board on July 1, 2022. The Ministry of Education was notified by their nominee, and advised to nominate another representative. The NIPA board has been without a representative of the Ministry of Education for **5 months** – contrary to ‘ over a year’. The Ministry of Education seat on the NIPA board remains vacant , and remain as such until the Ministry nominates a representative.

Not having a presence on the Supervisory Board , should not lead to assuming that the FAVE , SVOBE or the WICLU – has no influence on the NIPA. The NIPA , through its Managing Board , forges lasting relationships with entities ( private and NGOs) that are in alignment with the Strategic Plan . All secondary schools are constructively engaged with the Managing Board , inclusive but not limited to the admission processes and areas of career growth / course offerings at the Institution. The NIPA School of Nursing is perhaps the prime example of this collaboration , working with experts locally, regionally and internationally , through affiliations . The Managing Board with core SMEs are the bedrock to secure a steady flow of information , data and best practices from partner organizations.

Further to this point , the NIPA board wishes to also inform that the WICLU nominated Mr. N. McQuilkin as their representative on March 2016. Mr. McQuilkin tendered his resignation on ( January 17, 2017). The NIPA Board Chairman ( A. Aventurin) made several attempts to have the WICLU nominate another suitable representative ( evidence shows consistent requests , from February 16, 2017 onward. Based on the AoA ( 2013- article 6.4f) , the stakeholder has two (2) months to nominate the representative . Since the resignation of Mr. Mc Quilkin , an independent member was appointed to the Board , all the while continuing to request the WICLU to send their nominee. Notwithstanding the removal of their presence on the Board, the WICLU , through the WITU has direct access to team members , the campus and is free to appoint shop stewards from amongst the team members.

The NIPA Board fully supports the WITU , as this was also evidenced during the ‘ Cost Cutting measures ‘ and the Constitutional Court case regarding same. Importantly , the NIPA Board and Managing Board , have sat in many meetings with the WITU, to does a varied number of concerns and opportunity.

### **NIPA Organizational Culture :**

The Board of Directors has recognized , through the varying complaints filed , that the workplace , at times is not conducive to productivity and efficient operations . We must note that this is not a broad based/ campus wide issue, and is not caused by any one singular person , groups, or element. The Board of Directors launched a <sup>7</sup>FOCUS GROUP platform in June 2021, with an aim to ascertain the team’s stance on four (4) core areas:

Focus area 1: Organizational Culture

Focus area 2: Leadership Style

Focus area 3: Employee Recognition

Focus area 4:Stakeholder Engagement

<sup>8</sup>Team members were divided into seven (7) groups , namely:

Group 1 – Care team/ Admin/ Finance

Group 2 - Core General Subject Instructors

Group 3 – Hospitality / Culinary

Group 4 – Technical Core ( Auto/ Maritime/ Electrical)

Group 5 – Nursing / SPW/ Education

Group 6 – ICT & Facilities

Group 7 – Business Administration

The outcome of the Focus Group sessions were presented to the Managing Board in June 2021 and to the team members on August 19, 2021. A presentation of the Focus Group outcomes is available as well.

---

<sup>7</sup> Focus Group meetings were recorded and minuted .

<sup>8</sup> Management team members were invited to join the Board with the Focus Groups, however , some Groups preferred to only speak to the Board of Directors . This request was honored.

The matter of mental health concerns was brought to the attention of the NIPA Board in the latter part of 2020 and early 2021. In consulting with an expert ( Medwork) , the conclusion was drawn that it would be very beneficial for the NIPA to enter into an agreement to provide all team members with :

- ✓ Occupational Health Psychology
- ✓ Corporate Social Worker

The agreement was signed with Medwork to provide these services at cost to the NIPA ( so completely free to all team members) – on July 2, 2021

The NIPA board recognizes that the retention rate amongst team members is low and the turnover of persons is above average . This has the Board’s full attention , which led to the organizing of Focus Groups . The first and immediate adjustment came about with the introduction of the New Organization Structure , one completely drafted by the Managing Board ( Directors and Adjunct Directors) , without the direct involvement of the Board . The Organization Structure is supported by Committees , led by persons nominated by the Managing Board . In addition , the Managing Board has already commenced with the drafting of the Plan of Approach , to efficiently address all the concerns and challenges mentioned in the Focus Group outcomes. The NIPA Board is confident that the Managing Board , through its daily operations, will lead in a manner fitting to the Institution .

The resignation of persons and the identification of those same persons , should be handled in way not to breach privacy of personal information – for public consumption. We implore the media to handle within the confines of ethical standards and basic decency for the right of all persons- past and present.



## Engagement Government of Sint Maarten / Accountability

The NIPA board has a robust , consistent communication with the Minister of Education , Culture , Youth and Sport ( MECYS), the Council of Ministers and the core members in the respective Ministries. The progress / follow up goes beyond the ‘yearly reports’.

To further provide factual information on this, the following are the methods used by the Government of Sint Maarten , through the respective Ministers, to ensure accountability :

- 1) MECYS hosts monthly meetings with all subsidized school boards , including the NIPA. The Board attends these meetings, with at times the inclusion of a member of the Managing Board. In excess of 20 meetings were held for the period 2020- 2022. This number does not include , Extra ordinary meetings nor meetings on the request of the NIPA Board with the Council of Ministers . In addition, individual Ministers also summon the NIPA board for meetings ( e.g. Cost cutting measures, Vacation Allowance , Finance).
- 2) Further to the above , MECYS is charged with the validation of all NIPA Programs – as such separate meetings were also held with the Validation Committee . Total of meetings held for the period 2021 – 2022 have been in excess of 10 ( board , SMEs, Managing board)
- 3) The Inspectorate of Education renders regular reports on the quality of education, and other areas that may have an impact on NIPA’s ability to comply with the SBO – the Inspectorate visits the campus at will, without the presence of the Board , and drafts independent reports with recommendations to the Managing Board and the Supervisory Board.
- 4) The NIPA receives subsidy from the Government of Sint Maarten , under the auspices of the MECYS . NIPA has a legal obligation to report on core areas , by the February 1st of each year. The documents submitted to the Government of Sint Maarten , are as follows:
  - a) Annual Report
  - b) Approved Budget for the upcoming year
  - c) <sup>9</sup>Financial reports , prepared by external auditors/ accountants , for the preceding year.<sup>10</sup>

---

<sup>9</sup> BDO prepares the NIPA Financials

<sup>10</sup> The NIPA is compliant , 2021 Financials have already been submitted to the Government of Sint Maarten ( in 2022). BDO has been engaged for the preparation of the 2022 Financials

- d) <sup>11</sup>Appraisal report from an external entity , establishing the value of the immovable property
  - e) Maintenance report
  - f) Articles of Incorporation ( the Government received the 2021 Articles of Incorporation on April 2, 2021 and again on February 26, 2022, with the submission of the Subsidy request.
5. The Ministry of Education launched an intense SOAB assessment of the NIPA ( 2019 – 2020 ) . The Government auditing team ( SOAB) conducted a deep dive into the organization of the NIPA , including governance , decision making processes, policies , quality of education , finance accountability standards, function books and Board operations. The outcome of the SOAB assessment for the NIPA was good , and has led to further strengthening on internal processes.

The stakeholder engagement is **not** poor . We acknowledge , at all times , that improvements can always be made , and the NIPA Board is cognizant of this – and will work with stakeholders to set expectations . The stakeholder that has had the lease engagement from the NIPA , has been the Chamber of Commerce ( COCI) – relevant specifically over the past year. We press forward however, and have requested a meeting with the Chamber , having sent a SLA for review ( points earlier sent in 2022 as well), so that the relationship between these two (2) entities can be legally supported with a Strategic Partnership Agreement.

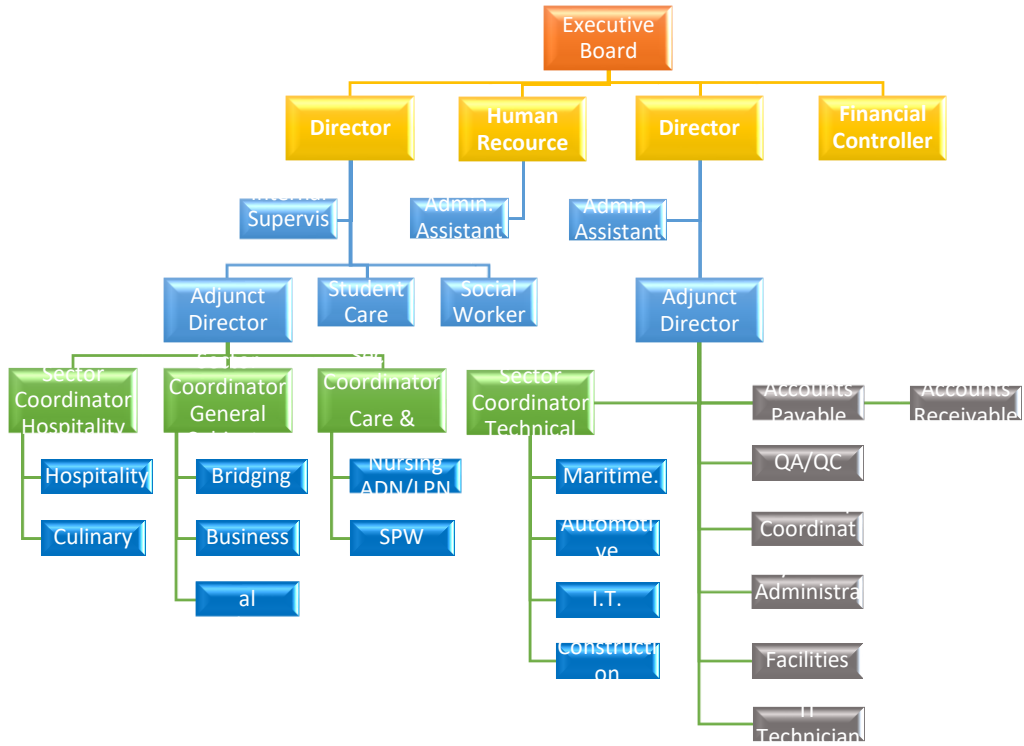
The commitment from the newly appointed President of the COCI has already been secured, for which we are appreciative.

### **Managing Board and Organizational Structure**

The role of the Managing Board , Supervisory Board and Executive Board are dictated in the Articles . This is also an aspect that has remained unchanged since its inception in 2013 . Moreover, not unique to the NIPA. That being said , all decisions can be reversed, and an evaluation of the Articles may be useful , to revisit this aspect.

---

<sup>11</sup> Annual Appraisal / Evaluation reports are completed by ICE ( Independent Consulting Engineers)



## **Clarification on the Appointment of Cindy Lee Doran on the NIPA Board:**

The recent statement made against C. Doran , incites prejudice against a local professionals , with an attempt to strip them ( Ms. Friday and Ms. Doran) from the equal and fair opportunity to participate in the growth of their Country . All members are appointed based on the legal framework , inclusive of the Rules of Order. Moreover , as it pertains to the vacant position on the NIPA Board , invitations and board profiles were sent to various persons in the community ( total of 8 ), of which Ms. Doran was part of . All persons were required to submit resumes, diplomas , certificates , passport/ ID and Civil registration form in detail. All persons were interviewed. Ms. Doran did extremely well in the interview process and was therefore appointed.

For the record , her expertise and education are:

- Bachelor degree in International Communications & Media
- International Law
- SPH – SPW HBO

## **We wish to point out the IFJ Global Standard Code of Ethics:**

The journalist will respect privacy. He/she shall respect the dignity of the persons named and/or represented and inform *the interviewee whether the conversation and other material is intended for publication*. He/she shall show particular consideration to inexperienced and vulnerable interviewees. The *breaching of privacy ( including Whatsapp messages) , is consider an action against this standard. We consider this to be worrisome , as the result of it causes more damage to the persons mentioned, albeit factual.*

*The NIPA board wishes also to factually state that the ‘ conflict of interest’ codes are mentioned in the Articles of Incorporation – Article 6.7 and we are guided by such. To be clear - the NIPA , prior to September 15, 2022, did not factor in conflict of Interest between NIPA and COCI on the basis of the public relationship of the COCI President and Director of the NIPA.*

*Unfortunately, a COCI member , who will remain unnamed ( evidence provided to support) revealed to the NIPA chairlady , that the COCI had identified the relationship to be a conflict of interest , based on information brought forward by the COCI President in a COCI meeting of September 14, 2022.*