

Leadership Crisis at NCBTMB

We, the undersigned former Members of the Board of Directors, have serious concerns regarding the leadership of NCBTMB under the current control of NCBTMB Board Chair Donna Feeley and Executive Director Chris Laxton. Based on our observations over the past six months, we believe the organization and its certification program are at risk due to multiple violations of official Bylaws and Policies, decision making processes that have excluded the full Board of Directors, and changes that are contrary to the stated purpose of NCBTMB that will ultimately weaken the value of the credential.

NCBTMB's only mission is to conduct a credible certification program that protects the public. The Chair, with the support of the Executive Director, appears to be seeking to use NCBTMB to make sweeping changes in the entire massage therapy and bodywork profession. However, NCBTMB is not a membership association and has no authority to engage in these kinds of activities. Because the normal internal process of checks and balances have been compromised, it is our responsibility as former Board members to bring this concern to the attention of stakeholders in the profession so that immediate action to compel change is taken at this critical juncture. As an organization serving the public trust, NCBTMB is at significant risk because it has lost the most important attribute such an agency must possess: its integrity.

The following are some of our key concerns:

- The Board Chair appears to be unilaterally making many of the decisions, rather than the full Board as required by the Bylaws.
- The Chair's actions resulted in the loss of all but one member of the Ethics & Standards Committee in March 2007. Loss of these experienced volunteers has compromised and weakened the Ethics & Standards process.
- The 2007 election call for candidates did not identify how many Director vacancies are available and the NCBTMB national office is stating two positions are open. This is in conflict with the Bylaws which, due to a change in 2006, specify that five positions are open for the 2007 election cycle.
- Volunteers who violated the Volunteer Code of Conduct were reappointed to key leadership positions.
- A double standard for recertification exists. A Board member who was removed in 2006 due to expired certification was reappointed in 2007 and his recertification application was expedited.
- There was no effort to build consensus on the Board to discuss Board business and forthcoming policy changes affecting or impacting stakeholders. An environment was created that discouraged discussion of alternate viewpoints and limited questions. Proposals to bring in a mediator to address these concerns were rejected by the Chair and Executive Director.
- The Immediate Past Chair was first excluded from Board communications without formal notification (until legal challenge clarified that she be included in routine Board business including financial business matters and strategic planning) and was later dismissed in violation of organizational policy.
- There appears to be a conflict of interest in the appointment of the new Chair of the Distance Education Task Force. In addition, in 2006 the Board had agreed that distance learning did not lend itself as a standard eligibility pathway to the exam, yet has now completely reversed that position, despite no compelling rationale to do so.
- NCBTMB's accreditation through the National Commission for Certifying Agencies (NCCA) may be at risk due to these and other governance issues, potentially endangering the status of the entire certification program.
- An initiative to create an "affiliate" certification status that does not have a "hands-on" requirement for recertification may weaken the value of the credential.

(Details on each of these concerns are provided as an attachment to this letter.)

Based on these above serious concerns, the Chair-Elect, the Secretary/Treasurer, and another Director resigned from the Board in April/May 2007. All attempts by these directors to correct and address these issues were unsuccessful, thus necessitating their resignations.

We call for organizational transparency and accountability to stakeholders. Our goal is to see NCBTMB honestly and competently managed, with the result of improved customer service, a strong, valued and recognizable credential, and service to the profession as a whole. It is imperative that the NCBTMB Board of Directors receive as many letters, calls and e-mails as possible from stakeholders who are concerned about the dangerous path the organization is now pursuing. It will take considerable leverage from the massage therapy and bodywork profession to compel the NCBTMB leadership to return the organization to its proper mode of governance.

Sincerely,

Kat Burnett, NCTMB (Director, 2004-2007, Secretary/Treasurer, resigned April 2007)

Bob Lehnberg, NCTMB (Director, 2003-2007, Chair-Elect 2007, resigned May 2007)

Elizabeth McIntyre, NCTMB (Director, 2002-2006, Immediate Past Chair 2007)

Cosper Scafidi, NCTMB (Director, 2006-2007, resigned April 2007)

Bill Stoehs (Director - Public Member, 2000-2006, Secretary/Treasurer 2004-2006)

*The above individuals have signed onto this letter.

Attachment: Key NCBTMB Crisis Concerns (4 pages)

Certificant call to action:

We encourage all certificant to express your concerns to the NCBTMB leadership. We urge you to send an e-mail to Chair Donna Feeley (donnafeeley@aol.com), and Chris Laxton, NCBTMB Executive Director (claxton@ncbtmb.com), with a copy to the practitioner members of the Board of Directors (Sue Kozisek, spafriend@hotmail.com ; Karen Stork, RNTherapeutics@comcast.net ; Michelle Baker, michele@toyourhealthmassage.com ; Neal Delaporta, tuffpaws@aol.com).

Please share this information with other certificant.

Key NCBTMB Crisis Concerns

Weak Board of Directors

The Board Chair and the Executive Director, instead of the Board, appear to be running the organization. This contradicts the Bylaws which give the Board the full supervision, control and direction of the organization. For example, between January and April 2007:

- Board was not informed of PR releases. In fact, Directors had to conduct internet searches to see actual content and results of media interviews. The Chair shared organizational goals for 2007 with the media, but did not provide this information to the Board. Normally the Board develops and approves the organization's goals and external communications.
- The title of the Executive Director was changed to Chief Executive Officer (CEO) without Board approval. Changing this title is in conflict with Article XI of the Bylaws that provides for an Executive Director.
- Final versions of contracts for the Public Relations (PR) firm, the new Executive Director, and the Independent Review Panel were not approved by Board. Typically the Board approves larger contracts. In this case the completed contracts were provided to the Board after they were signed. The version of the PR contract sent to the Board did not have the cost schedules attached.
- Limited information provided to Board, even when specifically requested by individual Directors. Examples include requests on status of legal activities, more in-depth discussion on government relations issues, and background on volunteers nominated for leadership positions.
- The Chair and Executive Director have stated that they want to boldly take the profession where no one has gone before, into the CAM market. We are unclear as to what this means, as it was not discussed with the Board. We believe that the organization has many higher priorities, the most important of which is improved customer service.
- Board was not consulted on how the Ethics & Standards Committee was being reconstituted and did not participate in the selection of new legal counsel. They were informed of these actions after the fact.
- Only one official Executive Committee (EC) meeting was held, despite numerous requests from the Chair-Elect and the Secretary/Treasurer to hold formal meetings. This made it difficult for the Executive Committee to fulfill its designated roles and responsibilities to ensure NCBTMB activities and operations were being conducted appropriately and issues addressed between Board meetings. After considerable pressure, the Chair did agree in April to have weekly informal phone calls with the EC members, but without the Immediate Past Chair. Because no formal minutes were taken, the Board was not informed of the meeting's discussions and there was no organizational record. Because no votes were conducted, the Chair-Elect and Secretary/Treasurer did not have a role in decisions.
- Chair failed to provide required venue reports to Board informing the Board of her representational activities and dialog with other organizations -- this action is a violation of Policy which requires the reports be provided within fourteen days.
- No Board conference calls conducted. Usually there was at least one per month in previous years. Reduced productive work time at formal Board meeting, compared to prior meeting formats.
- Non-budgeted expenses incurred without Board vote.

The lack of information did not appear to bother most Directors. Some appeared to consider dissent or questions to be rude and non-supportive, not understanding the due diligence required of every Director to lead the organization.

Loss of Experienced Ethics & Standards (E&S) Committee

In February, the E&S Committee was upset by Chair Feeley's announcement during their scheduled conference call that the Committee's current Chair would not be reappointed in 2007. The E&S Committee sent a letter to the Board on 13 Feb 07 showing support for their Committee Chair, and asked that she be retained. The Board did not acknowledge or respond to the Committee's letter. Ms. Feeley instead appointed a newly elected Director (who is a Public Member) to serve as Interim Chair of the E&S Committee in late Feb 2007. This was not in keeping with the letter and spirit of this Committee which is intended to provide a peer review of complaints, and needs to be separate from the Board, as the Board is established as the final arbitrator in the appeals process.

On 4 March 2007, the entire E & S Committee resigned (except one member), citing the decision to place a Director in the role of acting Committee Chair. Several Directors asked that an attempt be made to hear and address the volunteers' concerns. Instead, these Directors were ignored and the formation of a new Committee was expedited. In an even stranger twist, one month after the resignations, the Board was informed that the Committee had been officially disbanded before they submitted their resignation letter. It is not clear who made the decision to disband the Committee or when or if this took place, but it clearly was not the Board. It should also be noted that the E&S Committee Members adhered to the Code of Conduct, even after submitting their resignations, unlike some other volunteers.

The loss of these experienced Committee members significantly weakened the E&S process. In addition, we have concerns regarding the possible extent of Chair Feeley's efforts to direct the work of this Committee, which needs to act independently in the processing of complaints. Policy limits her role to an ex-officio member (without vote) of the Committee and as a liaison between the Board and the Committee.

Plans To Change the Value of the Credential

In January 2007, a Committee forwarded a proposal to the Board that was not requested to develop an "affiliate" status within NCBTMB's certification program. The "affiliate" category would enable educators, administrators, researchers, etc. to substitute their work hours for the currently required 200 hands-on sessions for recertification. Such a proposal violates the principle on which the NCTMB and NCMT credentials are founded. It impacts NCBTMB's reputation at the State Board level, as these Boards view the credential as a hands-on certification. The proposal provided to the Board had not been coordinated properly within NCBTMB. Although the Board did **not** approve this proposal in Feb 2007, we believe that work in this direction is proceeding.

NCBTMB's Volunteer Code of Conduct Not Upheld

In January 2007, a group of volunteers issued a public letter citing their displeasure with the removal of two Directors in November 2006 for failing to maintain their certification. In February 2007, the "Save NCBTMB" web site went online, apparently run by these same volunteers and containing highly inaccurate information. These actions grossly violated NCBTMB's Volunteer Code of Conduct which requires that volunteers "share information only when authorized" and to comment publicly "only on matters of fact with which the volunteer has personal involvement." Despite the fact that most Directors acknowledged that this was a blatant violation and requested that action be taken to address volunteer conduct and close the website, Chair Feeley did neither. Instead, she reappointed several of these volunteers to key volunteer leader positions in January 2007, and allowed them to participate in strategic planning in April 2007.

In addition, several Directors informed the Executive Director that there was Board information on the "Save NCBTMB" web site, which the volunteers should not have had access to. In essence there was a leak on the Board. No action was taken to determine how such a breach occurred.

Concerns with Independent Governance Panel

An Independent Panel was convened to review the process used to remove two Directors in 2006. Although the Executive Committee agreed that no Board members would be involved in the selection and orientation of Panel members due to possible influence, the Chair stated she researched and coordinated selection of the Panel members. We believe that the Chair provided background information to the Panel as well as influenced who would be interviewed in the process. We are also concerned that the Panel did not choose to interview three Directors who had information relevant to the issues. In our opinion, this compromised the "independence" of this review. At least one of the Panel's recommendations fell well outside the expected scope of the review, prompting us to question the initial guidance and direction provided to the Panel.

Double Standard for Recertification Process

Two former Board members who failed to recertify were approved by the Board in late April 2007 to serve as Directors pending their recertification. These individuals had still not recertified six months after being removed from the Board for failure to maintain their certification. One individual's

recertification was accelerated with staff support so he could return to the Board. In contrast, a former Director used the standard recertification process in 2007, and received her certificate over five weeks later.

No Attempt at Building Consensus

One of the key roles of the Board Chair is to coordinate and facilitate the work of the Board. This requires creating an environment where individuals can bring their expertise, insight and knowledge together in a dialog where there is mutual respect, and freedom to speak. Only then can truly informed decision making occur. The Board was clearly divided on most issues. Those in the minority were either ignored and/or strongly discouraged when expressing any concerns or dissent. As the situation worsened, several Directors advocated the use of a mediator to assist the Board in working through these issues and facilitating the group process. A team building session (not mediation) was planned for the April Board meeting, but Chair Feeley and the Executive Director rearranged the schedule on short notice and cancelled this opportunity.

Exclusion and Later Dismissal of the Immediate Past Chair (IPC)

In 2004, the Board recognized the need for the IPC to maintain depth of knowledge, and continuity of operations. The Board ensured that the IPC's role was put into Policy in Sept 2004 and clarified and expanded the policy in 2006 with unanimous approval.

In 2007, the IPC was routinely excluded from Board communications, in disregard of policy. The IPC, a member of the strategic planning committee, was not invited to attend the 2007 strategic planning session by Chair Feeley.

The IPC was notified on 23 May 07 that the Board had amended the Policy in regard to the IPC role and suspended the duties of the IPC pending re-evaluation. She was informed that she was relieved of all duties, with less than six weeks of her term remaining. This is a shocking development in that the Board invested considerable effort in 2006 in defining the roles and responsibilities for key positions, to include the IPC. In addition, independent legal counsel reviewed and confirmed the IPC role in 2007.

Conflict of Interest on Distance Education Task Force (DETF)

In Feb 2007, the Board approved the acceptance of distance education as meeting a portion of the Eligibility Requirements to sit for the National Certification Exam, based on incomplete and inaccurate information. The Board made this decision in isolation from the other major stakeholders in the massage therapy and bodywork profession that would be affected by this change. This was a reversal of a 2006 Board position that considered that distance learning did not lend itself as a standard eligibility pathway to the exam,

Chair Feeley just appointed a new Chair of the Distance Education Task Force, which will now recommend to the Board how the policy should be structured and implemented. We have concerns in that the new DETF Chair is President of a company that is a for-profit provider of online programs in massage therapy and other fields. We believe that a more in-depth review of distance education for the eligibility requirements should be conducted, with broader input from key stakeholders.

2007 Election Process off to a Questionable Start

In contrast to prior years, the 2007 call for candidates does not identify how many Director positions are available. In Dec 2006 the Board approved a change to the Bylaws that expanded the size of the Board to eleven Directors. Based on this, there should be five positions open at this election cycle. We believe that Chair Feeley wishes to rescind the decision of the 2006 Board and keep the Board at nine positions. Even if this change is made, there should be three Director vacancies, yet inquiries to staff have learned that only two vacancies are being filled. It is disturbing that the number of vacancies is not publicly announced. Given the difficulties NCBTMB has had conducting elections in the past, the ongoing administration of NCBTMB's election process should be shifted to an independent body.

Accreditation at Risk?

We are concerned that the governance problems cited above may put NCBTMB's accreditation at risk. The National Commission for Certifying Agencies (NCCA) is the entity that accredits NCBTMB's certification program. The maintenance of this accreditation status is crucial because many of the State massage therapy laws require that the exam used to meet licensure requirements be given by an agency that is accredited by NCCA. Loss or suspension of this status would endanger the existence of the certification program, and possibly NCBTMB as a whole.

In the NCCA Standards of Accreditation, Standard 2 requires that: "The certification program must be structured and governed in ways that are appropriate for the profession, and that ensure autonomy in decision making over essential certification activities." NCCA's comments on this Standard go on to specify: "The program must show that the governance structure, policies, and procedures that have been established protect against undue influence that could compromise the integrity of the certification process. The appropriate structure and governance of a certifying program will reflect the interests of the general public in the credential."