

*Superseded
5/17/93*

TITLE 131
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF DIRECTORS

SERIES 59
POLICY REGARDING PRESIDENTIAL APPOINTMENTS,
RESPONSIBILITIES, AND EVALUATION

§131-59-1. General.

1.1. Scope. -- This rule establishes policy on Presidential appointments.

1.2. Authority. -- W. Va. Code §18-26-9

1.3. Filing Date. -- November 8, 1984

1.4. Effective Date. -- January 8, 1985

§131-59-2. Appointment.

2.1. The President of each college and university under the governance of the West Virginia Board of Directors is appointed by the Board, consistent with the provisions of section nine, article twenty-six, chapter eighteen of the West Virginia Code.

2.2. The President of each college and university serves at the will and pleasure of the Board of Directors.

2.3. The salary of a President is set by the Board of Directors and, with prior approval of the Board, may be supplemented from nonstate sources.

2.4. A President may be awarded academic rank, consistent with institutional policies and procedures.

2.5. A President appointed subsequent to the effective date of this rule may serve a maximum of ten (10) years as President of a particular institution, but shall not be recommended for appointment to a sixth year prior to the completion of the performance evaluation described in Section 4 of these rules below. When the Board determines that an appointment beyond the tenth year at a

particular institution would be in the best interest of the institution and of the state system of higher education, it may, upon recommendation of the Chancellor, extend the service of a President on an annual basis.

2.6. Upon completion of at least five (5) years of satisfactory service, a President shall become eligible for consideration for appointment as a Directors' Professor (as provided in Section 6 of these rules below). Presidents who began service prior to the effective date of this rule also shall be eligible for that consideration.

§131-59-3. Duties and Responsibilities.

3.1. The President of each college and university under the governance of the West Virginia Board of Directors is responsible to it through the Chancellor. Within the policies and regulations of the Board and of other state and federal authorities and under the direction of the Chancellor, the President, as chief administrative officer, has general authority and responsibility for the institution and for keeping the Chancellor informed regarding the institution in a timely and appropriate manner.

3.2. A President is expected to demonstrate those leadership skills necessary for the vibrant, dynamic pursuit of the goals and objectives embodied in the mission of the institution. The President is also expected to understand the higher education needs of the institution's service region, work with the Board of Directors to develop proposals for meeting those needs, and provide leadership to foster cooperation between campus and community in fulfilling the institution's teaching, research, and public service responsibilities.

3.3. The President is expected to consult appropriately with faculty, students, classified staff and administrators in discharging the responsibilities of office. The President is also expected to ensure that the policies, procedures and actions of the Board of Directors are communicated to appropriate constituencies of the institution in a timely manner.

3.4. As the chief executive of the institution, the President is charged with the following specific responsibilities:

(a) Exercising effective leadership in a joint effort to implement the mission of the institution, as delineated in role and scope statements approved by the Board of Directors.

(b) Providing effective leadership and support for an academic program that is consistent with the institutional mission, the needs of those being served, sound standards of quality, and available resources.

(c) Providing effective leadership and support for a program of student life that complements the academic program and recognizes the diverse interests and needs of the student body.

(d) Developing a competent administrative organization and staff to ensure effective and efficient management of the institution.

(e) Maintaining lawful, equitable and efficient personnel programs, including appointment of qualified persons to the faculty and staff and promotion, retention or dismissal for cause of the same, with due regard for the best interests of higher education and the taxpayers of the State of West Virginia.

(f) Recommending to the Board of Directors annual operating and capital budgets and other plans, financial and otherwise, for realizing the institutional mission, and providing sound management of the approved budgets and plans.

(g) Under the coordination of the Chancellor, communicating the needs of higher education to the Governor, legislators, other state and local officials, and citizens of the state.

(h) Interacting with appropriate external bodies to achieve the mission of the institution in a manner consistent with Board of Directors' policy, statutory and regulatory provisions, and sound academic principles.

(i) Undertaking assignments requested by the Board of Directors.

3.5. With regard to (e) above, the President of each college and university under the governance of the West Virginia Board of Directors has final institutional-level authority and responsibility for every personnel action at his or her institution, with the exception of decisions relating to (1) his or her own employment and compensation; and (2) appointments to Boards, when such appointments are reserved to the Board of Directors.

3.6. Each President is expected to consult appropriately within the campus community on personnel decisions, but shall retain ultimate authority for such decisions.

§131-59-4. Presidential Evaluation.

4.1. Consistent with the requirements of subsection fourteen, section eight, article twenty-six, chapter eighteen of the West Virginia Code ("Conduct performance evaluations of institution Presidents in every fourth year of their employment as President, recognizing unique characteristics of their institutions and utilizing institutional personnel, institutional boards of advisors, board staff and persons knowledgeable in higher education matters who are not otherwise employed by the Board"), the process described below is designed to evaluate presidential performance in relation to criteria established by the West Virginia Board of Directors. It seeks to identify both areas of strength and those in which improvement would appear to be appropriate.

4.2. The basis for assessing presidential performance shall be the "Duties and Responsibilities of the President" (Section 3 of these rules above) adopted by the Board of Directors. This performance evaluation shall be conducted every fourth year and shall utilize institutional personnel, institutional boards of advisors, Board of Directors' personnel, and persons knowledgeable in higher education matters who are not otherwise employed by the Board.

(a) The Chancellor, with the President, shall establish a schedule for the performance evaluation activities. In no case shall the process exceed four (4) months. The on-site schedule shall be developed for a period during the regular academic year when the institution is in operation. However, preparatory activities may be completed during the summer months.

(b) The President shall prepare and submit to the Chancellor at least six (6) weeks prior to the on-site visit a "Statement of Presidential Assessment" consisting of his/her assessment of his/her performance as President in relation to each of the "Duties and Responsibilities of the President." The statement shall be no longer than twenty (20) pages. The President may decide to append necessary and appropriate materials, including such documents as the President's annual report and the current North Central Association self-study report.

(c) The Chancellor shall form a visiting team of three (3) individuals. Two (2) shall be college or university Presidents, or comparably experienced peers selected by the Chancellor after reviewing with the President the list of those considered. Such persons shall be from outside West Virginia and be free from conflict of interest. The third person shall be a public (appointed by the Governor) member of the West Virginia Board of Directors. A member of the Board staff will serve as staff to the visiting team.

(d) The Chancellor shall appoint one (1) member of the visiting team to serve as chairperson. The team shall be given the

"Statement of Presidential Assessment" and such other documents deemed to be appropriate by the Chancellor.

(e) The chairperson of the visiting team shall make a visit to the campus at least four (4) weeks prior to the team visit to determine a schedule, including interviews and meetings with campus personnel which will assure a careful assessment of leadership and condition of the campus.

(f) To obtain an accurate and objective impression of the performance of the President, the team shall visit the campus for up to two (2) days to talk with and receive the views of the President, institutional Board of Advisors, and a representative number of administrators, faculty members, classified employees, and students, including the elected leaders of each constituent group. Evaluative information thus obtained, either in oral or written form, if included in the report, must be attributable. This would not preclude the use of survey procedures for constituent input if such information is attributable. Confidentiality beyond the visiting team of individual assessments of presidential performance shall be assured.

(g) The team chairperson shall be responsible for drafting and submitting a team report to the Chancellor within thirty (30) days of the on-site visit. The general approach and format for the report shall be similar to, but not identical with, a North Central team visit and report, including commentary on the performance of the President in relation to each of the "Duties and Responsibilities of the President" adopted by the Board of Directors. There shall be an oral report by the visiting team to the President prior to leaving the campus.

(h) The Chancellor shall forward a copy of the report to the President of the Board of Directors, the immediate past president and to members of the Personnel Committee of the Board of Directors and to the President who was evaluated, inviting the latter to offer comments within two (2) weeks.

(i) A copy of comments received from the President shall be forwarded to the President of the Board of Directors, the immediate past president and to members of the Personnel Committee of the Board of Directors.

(j) The President shall be invited to discuss the process and results of the evaluation with the President of the Board of Directors, the immediate past president, the Chancellor and the Personnel Committee of the Board of Directors, during which discussion areas of strength and those appearing to need improvement (if any) shall be identified for particular attention by the President prior to the next evaluation.

(k) Following its review of the evaluation with the President, the Personnel Committee shall report its conclusions to the Board of Directors. At all stages of the evaluation process, the President shall be involved and informed and be afforded an opportunity to respond as he/she deems appropriate. Confidentiality consistent with state laws shall be maintained throughout the evaluation process.

§131-59-5. Annual Review.

Annual review is a process designed to identify and assess, on a yearly basis, presidential goals and objectives, with a focus on continuous growth and self-assessment. Prior to the beginning of the fiscal year, each President shall prepare an agenda of goals and objectives for the ensuing twelve (12) months. These goals and objectives, as well as progress on the goals and objectives of the previous year, shall be the focus of the Annual Review by the Chancellor and President at the end of the fiscal year. A written summary of the Annual Review shall be shared with the Board of Directors. These summaries shall be shared with the Board as a part of the Performance Evaluation conducted every fourth year. The President shall meet with the Board in executive session as part of the annual review. At this meeting, institutional and presidential goals will be discussed.

§131-59-6. Directors' Professorships.

6.1. Eligibility - To ensure that the institution and the state system of higher education as a whole may continue to profit from the President's accumulated experience and insight, a Directors' Professorship may be awarded to a President who has served at least five (5) years as President of an institution under the governance of the West Virginia Board of Directors and has been recommended by the Chancellor. The terms and conditions of appointments of Directors' Professors shall be the same as for all other tenured full professors, consistent with Board of Directors' Series 36. If a Directors' Professor requests temporary assignment to another institution, he or she may request leave from the home institution and, if approved by the President of the receiving institution, may be reassigned in accordance with established Board policy.

6.2. Salary and perquisites:

(a) The salary of the Directors' Professorship shall be established upon recommendation of the Chancellor. It shall not be less than eighty percent (80%) of the state salary received during the last year prior to appointment as a Directors' Professor, appropriately prorated to length of appointment, but not less than the average of the state salaries of the two (2) highest paid full professors in his or her discipline. The salary of a Directors' Professor may be supplemented from non-state sources, with prior approval of the Board of Directors.

(b) For purposes of preparing for his or her duties as a Directors' Professor, said professor shall be eligible for "Special Status" during the first six (6) months of the appointment.

§131-59-7. Resignations and Terminations.

7.1. A President may resign his or her appointment at any time upon written notification to the Chancellor.

7.2. The Board of Directors may terminate an appointment as President at any time when, in the Board's judgment, such action would be in the best interest of the institution at which the President serves and of the state system of higher education. If a President has completed at least five (5) years as President at the time of resignation or termination, he or she may request "Special Status" for a period of up to a maximum of six (6) months, during which time the duties of the former President would be assigned by the Board upon recommendation of the Chancellor. During this period, salary may continue at the former level, and any accrued annual leave must be amortized.

§131-59-8. Grievance Procedure.

If the President of an institution under the governance of the Board of Directors senses a problem with the Chancellor or members of the Board, the President should first attempt to resolve it through a discussion with the Chancellor. If the problem seems to persist, the next appropriate step would be a discussion of the problem with the President of the Board. As the final step in this process, the aggrieved President may request a meeting with the entire Board (or its Executive Committee) to discuss the matter.