

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

FILED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

STATE COLLEGE SYSTEM OF WEST VIRGINIA
AGENCY: BOARD OF DIRECTORS TITLE NUMBER: 131

RULE TYPE: Legislative; CITE AUTHORITY WV Code 18B-1-6. 18B-1-8(15)
18B-1-8(16)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 59

TITLE OF RULE BEING AMENDED: Presidential Appointments,
Responsibilities and Evaluation

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON March 6, 1992 AT 12:00 noon. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

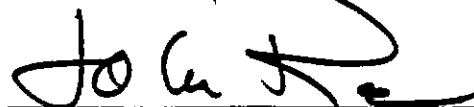
Jo Ann Raines

1018 Kanawha Blvd., E.

Suite 700

Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Presidential Appointments, Responsibilities
And Evaluation

Type of Rule: X Legislative Interpretive Procedural

Agency STATE COLLEGE SYSTEM OF WEST VIRGINIA
BOARD OF DIRECTORS Address 1018 Kan. Blvd., E.,
Charleston, WV 25301

1. Effect of Proposed Rule:	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Personal Services	N/A	N/A	N/A	N/A	N/A
Current Expense	N/A	N/A	N/A	N/A	N/A
Repairs and Alterations	N/A	N/A	N/A	N/A	N/A
Equipment	N/A	N/A	N/A	N/A	N/A
Other	N/A	N/A	N/A	N/A	N/A

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

N/A

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

N/A

B. Economic Impact on Political Subdivisions; Specific Industries;
Specific groups of citizens.

N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: 1-17-92

Signature of Agency Head or Authorized Representative

John J. [Signature]

FISCAL NOTE

As filed, PB 59 appears to have no fiscal impact upon the State College System.

**TITLE 131
LEGISLATIVE RULE
STATE COLLEGE SYSTEM OF WEST VIRGINIA
BOARD OF DIRECTORS
SERIES 59
POLICY BULLETIN NUMBER 59**

Policy Bulletin Number 59 establishes guidelines for presidential appointments, responsibilities, and evaluations. Revisions to the current policy address the presidential evaluation procedure, annual review, and resignation and termination policy. The Board adopted revisions to PB 59 also add a professional leave section, and renames and revises the Regents' Professorship.

**TITLE 131
LEGISLATIVE RULE
STATE COLLEGE SYSTEM OF WEST VIRGINIA
BOARD OF DIRECTORS
POLICY BULLETIN NUMBER 59**

**TITLE: POLICY REGARDING PRESIDENTIAL APPOINTMENTS,
RESPONSIBILITIES, AND EVALUATION**

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**TITLE 131
LEGISLATIVE RULE
STATE COLLEGE SYSTEM OF WEST VIRGINIA
BOARD OF DIRECTORS
SERIES 59
POLICY BULLETIN NO. 59**

**TITLE: POLICY REGARDING PRESIDENTIAL APPOINTMENTS,
RESPONSIBILITIES, and EVALUATION**

SECTION 1. GENERAL

- 1.1 Scope - This rule establishes policy on presidential appointments, responsibilities, and evaluation.
- 1.2 Authority - West Virginia Code 18B-1-6, 18B-1-8(15), 18B-1-8(16), and 18B-6-1(f)
- 1.3 Filing Date - To be assigned
- 1.4 Effective Date - To be assigned
- 1.5 Repeal of Former Rule - Revises and Replaces Policy Bulletin Number 59, effective January 8, 1985.

SECTION 2. APPOINTMENT

- 2.1 ~~The president of each college and university under the governance of the West Virginia Board of Regents in the State College System is appointed by the Board State College System Board of Directors, consistent with the provisions of section nine, article twenty-six, chapter eighteen of the West Virginia Code West Virginia Code 18B-1-8(15) and 18B-6-1(f) and of the Board's Presidential Search and Selection Procedures.~~
- 2.2 The president of each college and university serves at the will and pleasure of the board ~~Board of Regents.~~
- 2.3 ~~The salary of a president is set by the Board of Regents, and, with prior approval of the board, may be supplemented from nonstate~~

sources. The board establishes procedures for calculating presidential salaries. It is the responsibility of the chancellor to calculate each president's salary within the specifications of these procedures.

- 2.4 ~~A president may be awarded academic rank, consistent with institutional policies and procedures. Upon appointment, a president may be awarded academic rank and tenure by the board.~~
- 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 Regents' 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.~~

SECTION 3. DUTIES AND RESPONSIBILITIES

- 3.1 ~~The president of each college and university under the governance of the West Virginia Board of Regents in the State College System is responsible to it the board 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 executive 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 ~~Board of Regents~~ and chancellor 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 the office. The president is also expected to ensure that the policies, procedures and actions of the board ~~Board of Regents~~ 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:
 - 3.4.1 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 ~~Board of Regents~~.
 - 3.4.2 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.
 - 3.4.3 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.
 - 3.4.4 Developing a competent administrative organization and staff to ensure effective and efficient management of the institution.
 - 3.4.5 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.
 - 3.4.6 ~~Recommending to the Board of Regents~~ In addition to any budget formula established by the board, recommending to the board 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.

3.4.7 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.

3.4.8 Interacting with appropriate external bodies to achieve the mission of the institution in a manner consistent with board ~~Board of Regents~~ policy, statutory and regulatory provisions, and sound academic principles.

3.4.9 Undertaking assignments requested by the board ~~Board of Regents and chancellor~~.

3.5 With regard to ~~(e)~~ 3.4.5 above, the president of each college and university under the governance of the ~~West Virginia Board of Regents in the State College System~~ has final institutional-level authority and responsibility for every personnel action at his or her institution the institution, with the exception of decisions relating (1) to his or her own employment and compensation; and (2) to appointments to boards, when such appointments are reserved to the Board of Regents State College System 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.

SECTION 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")~~. West Virginia Code 18B-1-8-(16), the process described below is designed to evaluate presidential performance in relation to criteria established by the board. ~~West~~

~~Virginia Board of Regents.~~ It seeks to identify both areas of strength and those in which improvement would appear to be appropriate in order to assist each president in improving his or her effectiveness.

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 Regents listed in Section 3.4 of this document.~~ This performance evaluation shall be conducted every fourth year and shall ~~utilize institutional personnel, institutional boards of advisors, Board of Regents' personnel, and persons knowledgeable in higher education matters who are not otherwise employed by the board.~~ be structured as follows:

4.2.1 The chancellor, after consultation 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.

4.2.2 The president shall prepare and submit to the chancellor at least ~~six (6)~~ four 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)~~ fifteen 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.

4.2.3 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 board. ~~West Virginia Board of Regents.~~ A member of the board staff will serve as staff to the visiting team.

- 4.2.4 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.
- 4.2.5 ~~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.~~ The chancellor shall be responsible for arranging a schedule for the visiting team including interviews and meetings with campus personnel, that will assure a careful assessment of leadership and condition of the campus.
- 4.2.6 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, alumni, and community leaders, including the elected leaders of each campus 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.
- 4.2.7 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, Board of Regents. There shall be an oral report by the visiting team to the president and the chancellor prior to leaving the campus.
- 4.2.8 The chancellor shall forward a copy of the report to the chair of the board, ~~president of the Board of Regents,~~ the

immediate past chair, president and to members of the executive Personnel committee of the board Board of Regents and to the president who was evaluated, inviting the latter to offer comments within two (2) weeks.

4.2.9 A copy of comments received from the president shall be forwarded to the chair of the board, president of the Board of Regents; the immediate past chair, president and to members of the executive Personnel committee of the board, Board of Regents.

4.2.10 The president shall be invited to discuss the process and results of the evaluation with the chair president of the board, Board of Regents; the immediate past chair, president; the chancellor, and the executive Personnel committee of the board, Board of Regents; 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.

4.2.11 Following its review of the evaluation with the president, the executive personnel committee shall report its conclusions to the board, Board of Regents. 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.

SECTION 5. ANNUAL REVIEW

5.1 ~~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 Regents. 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. It is the responsibility of the chancellor to continually monitor and evaluate the performance of each president through campus visits, discussions with each president, assessment of the quality of written information submitted by each institution to the chancellor, assessment of the accomplishment of institutional and system goals, and discussions with members of the board, as well as with members of institutional boards of advisors, students, faculty, staff, other administrators, legislators, and business and civic leaders associated with the institution. In addition each president shall provide to the chancellor at the beginning of each fiscal year the president's goals and objectives for the ensuing twelve months and the progress made on accomplishing the goals and objectives of the previous twelve months. The chancellor is responsible for informing the board of any concerns regarding the performance of any president in the State College System.~~

SECTION 6. Regents' professorships MOUNTAIN STATE PROFESSORSHIPS

- 6.1 Eligibility - ~~To ensure that the institution and the state system of higher education State College System as a whole may continue to profit from the president's accumulated experience and insight, a Regents' professorship Mountain State Professorship may be awarded by the board to a president who has served at least five (5) years as a president of an institution under the governance of the West Virginia Board of Regents in the State College System and has been recommended by the chancellor. The terms and conditions of appointments of Regents Professors Mountain State Professors shall be the same as for all other tenured full professors, consistent with Board of Regents Series 36 board policy, except that the length of appointment as a Mountain State Professor shall be limited to no more than five years. At the conclusion of each five-year term, the appointment as a Mountain State Professor may be extended for another five-year term by the board, based on the recommendation of the chancellor. If a Regents' 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. The teaching load for a Mountain State~~

Professor shall be the same as normally expected for other full-time faculty members in that academic department at that institution. The board shall assign the Mountain State Professor to an institution in the State College System designated by the board.

6.2 Salary and Perquisites:

6.2.1 The salary of the Regents' Mountain State Professorship shall be established by the board upon recommendation of the chancellor. It shall not be less than eighty percent (80%) of the state-funded salary (excluding housing and automobile allowances for presidents who receive such allowances) received during the last year prior to appointment as a Regents' Mountain State Professor, appropriately prorated to length of appointments, 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 Regents' Mountain State Professor may be supplemented from non-state sources, with prior approval of the Board. ~~Board of Regents.~~

6.2.2 For purposes of preparing for his or her duties as a Regents' Mountain State Professor, said professor shall be eligible for "Special Status" during the first six (6) months of the appointment a six month paid sabbatical leave at a salary approved by the board.

SECTION 7. PROFESSIONAL LEAVE

7.1 College presidents need an opportunity to engage in professional renewal activities from time to time in order to maintain enthusiasm and effectiveness in the role of institutional chief executive officers. In recognition of this, presidents of the State College System institutions shall be eligible after each five year period of service as a president in the system to take a leave of absence at full pay for up to three months for purposes of professional renewal.

7.2 The leave must be taken within the first three years after either the five-year anniversary date as president or the effective date of this policy.

7.3 The dates of the leave, the professional renewal activity to be pursued during the leave, and the appointment of an acting president shall be approved in advance by the Executive Committee of the Board.

7.4 The professional renewal activity shall be directly related to the president's academic discipline or to the administration of higher education. A written report of the experience shall be provided by the president to the chancellor at the conclusion of the leave, and copies shall be provided by the chancellor to the board.

SECTION 8. RESIGNATIONS AND TERMINATIONS

8.1 A president may resign his or her appointment at any time upon written notification to the ~~chancellor board~~, addressed to the chancellor and board chair.

8.2 The ~~board~~ Board of Regents 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 ~~state system of higher education~~ the State College System. ~~If a president has completed at least five (5) years as president at a 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.~~

8.2.1 If the board terminates for any reason other than for "cause" the employment of a president who has academic tenure, that individual shall be eligible to assume a tenured faculty position at the institution at an initial salary set by the board and at the academic rank established upon, or subsequent to, appointment as president. "Cause" is defined to include acts of malfeasance or misfeasance, and may include acts of commission or omission, or acts in contravention of the policies or direction of the board and its designees.

8.2.2 If the board terminates for any reason other than for "cause" the employment of a president who does not have academic tenure and who has been a president in the State College System for fewer than five years, the individual shall be eligible to be appointed by the board as a full-time adjunct faculty member at an institution in the State College System designated by the board. The appointment shall be effective from the date of the release until the first day of the first academic semester (at the designated institution) following the one-year anniversary of the date of termination. The salary shall be set by the board.

8.2.3 If the board terminates for any reason other than for "cause" the employment of a president who does not have academic tenure and who has been a president in the State College System for five or more years, that individual shall be eligible for an appointment by the board as a Mountain State Professor.

SECTION 9. GRIEVANCE PROCEDURE

9.1 If the president of an institution ~~under the governance of the Board of Regents in the State College System~~ senses a problem with the chancellor or members of the board, the president should first attempt to ~~resolve~~ solve it through a discussion with the chancellor. If the problem seems to persist, the next appropriate step would be discussion of the problem with the ~~president of the board chair~~. 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.



STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON 25305

GASTON CAPERTON
GOVERNOR

January 31, 1992

The Honorable Ken Hechler
Secretary of State
Capitol Complex
Charleston, WV 25305

Dear Mr. Secretary:

In the absence of a Secretary of Education and the Arts, I hereby grant consent to the filing of proposed rules for comment by the State College System Board of Directors in the following areas:

- (1) Amending Procedural Rule - Title 131, Series 35; Annual Leave, Sick Leave, Military Leave and Other Leaves;
- (2) Amending Procedural Rule - Title 131, Series 36; Academic Freedom, Promotion, and Tenure, Etc.; and
- (3) Amending Legislative Rule, Title 131, Series 59; Presidential Appointments; Responsibilities and Evaluation.

A copy of each of these proposed rules is attached.

Sincerely,

A handwritten signature in cursive script that reads "Thomas O. Heywood".

Tom Heywood
Chief of Staff

cc: Paul Marion
John Thralls
Jo Ann Raines