

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

Form #2

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**FILED**

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

RULE TYPE: Procedural CITE AUTHORITY: WV Code §18B-1B-4, §18B-1-6

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 5

TITLE OF RULE BEING PROPOSED: Guidelines for Governing Boards in Employing Presidents  
or Other Administrative Heads of Institutions

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 September 10 AT 10:00 AM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Office of the Chancellor

Higher Education Policy Commission

1018 Kanawha Boulevard East

Charleston, WV 25301

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

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



- 2.2.2 A statement of characteristics and qualities which the new president should possess be adopted by the governing board and utilized in soliciting and evaluating the candidates;
- 2.2.3 If a search committee is appointed it shall include representation of faculty, students, and staff.
- 2.2.4 A position announcement be prepared detailing the characteristics and qualities sought in a new president and transmitted to appropriate newspapers and other media sources, heads of higher education associations and organizations, and other appropriate individuals.
- 2.2.5 Interviews with the finalists or semi-finalists be conducted on campus and that during the campus visits students, classified employees, faculty, campus administrators, community leaders, alumni, and other individuals shall be invited to meet with the candidates and their comments solicited by the governing board.
- 2.3 The governing board, at its discretion, may appoint additional students, faculty, staff, community leaders, alumni, or other citizens to any search committee it appoints.
- 2.4 Candidates may be considered through their own application or by nomination.
- 2.5 Members of the governing board, or any search committee appointed, shall not provide information about the names or backgrounds of any candidates to anyone not a member of the governing board or search committee until the candidates have agreed to a campus visit as a finalist or semi-finalist. When the finalists or semi-finalists accept the invitation to participate in campus interviews they shall be notified that confidentiality has been waived and that their names and backgrounds will be released.
- 2.6 The governing board may enter into a contract with a consultant or executive search firm to identify potential candidates in addition to those who have applied or been nominated or to assist in the search in whatever manner the governing board may choose.
- 2.7 The governing board shall confer with the Chancellor and agree to a method and process for Policy Commission members to attend interviews of the finalists, or schedule their own, and approve the final selection of a president by the governing board. The governing board, or any search committee appointed by it, shall promptly transmit to the Chancellor a copy of the procedure adopted to govern the search and agendas and minutes of meetings involving the search.
- 2.8 Terms of compensation discussed with or offered to candidates shall be consistent with any guidelines or rules regarding presidential compensation adopted by the Policy Commission and any compensation agreed to must be approved by the Policy Commission.

- 2.9 Interim presidents appointed by a governing board till a permanent president is employed must be approved by the Policy Commission. An individual, with approval of the Policy Commission, may be predesignated as an interim president to fill an unforeseen vacancy in the presidency.

### **SECTION 3. REGIONAL CAMPUSES OF WEST VIRGINIA UNIVERSITY AND ADMINISTRATIVELY LINKED COMMUNITY & TECHNICAL COLLEGES**

- 3.1 The governing board of West Virginia University shall adopt a procedure, consistent with W. Va. Code § 18B-6-1, governing the appointment of presidents at the regional campuses of West Virginia University and approval of that appointment by the governing board.
- 3.2 The governing board of an institution with an administratively linked community and technical college shall adopt a procedure, consistent with W. Va. Code § 18B-6-1, governing the appointment of the president of the community and technical college and approval of that appointment by the governing board.

### **SECTION 4. COMPONENT COMMUNITY & TECHNICAL COLLEGES**

- 4.1 The president, consistent with any procedures adopted by the governing board, shall appoint the provost of a community and technical college that remains a component of that institution.
- 4.2 The president of an institution with a component community and technical college shall obtain the approval of the Policy Commission before appointing a provost for the community and technical college.

### **SECTION 5. COUNCIL FOR COMMUNITY & TECHNICAL COLLEGE EDUCATION**

- 5.1 The appropriate governing board shall confer with the Vice-Chancellor for Community and Technical College Education and Workforce Development and agree to a method or process for members of the Council for Community and Technical College Education to attend interviews of the finalists for president, provost, or administrative head of its community and technical college, or schedule their own, and make recommendations to the Policy Commission, governing board, or president regarding the selection or approval of the president, provost, or administrative head.

**TITLE 133  
PROCEDURAL RULES  
HIGHER EDUCATION POLICY COMMISSION  
SERIES 5  
GUIDELINES FOR GOVERNING BOARDS IN EMPLOYING PRESIDENTS OR  
OTHER ADMINISTRATIVE HEADS OF INSTITUTIONS**

**SUMMARY**

*Series 5, Guidelines For Governing Boards in Employing Presidents or Other Administrative Heads of Institutions*, establishes guidelines for institutional governing boards to use in employing presidents or other administrative heads of institutions.

□  
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Guidelines for Governing Boards in Employing Presidents or Other Administrativ

Type of Rule: \_\_\_\_\_ Legislative    \_\_\_\_\_ Interpretive    X \_\_\_\_\_ Procedural

Agency: Higher Education Policy Commission

Address: 1018 Kanawha Boulevard East

Charleston, WV 25301

1. Effect of Proposed rule:

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<b>ESTIMATED TOTAL COST</b>	-0-	-0-	-0-	-0-	-0-
<b>PERSONAL SERVICES</b>	-0-	-0-	-0-	-0-	-0-
<b>CURRENT EXPENSE</b>	-0-	-0-	-0-	-0-	-0-
<b>REPAIRS &amp; ALTERATIONS</b>	-0-	-0-	-0-	-0-	-0-
<b>EQUIPMENT</b>	-0-	-0-	-0-	-0-	-0-
<b>OTHER</b>	-0-	-0-	-0-	-0-	-0-

2. Explanation of Above Estimates:

There is no cost for implementing this policy.

3. Objectives of These Rules:

This rule establishes guidelines for governing boards of state institutions of higher education to follow in the employing presidents or other administrative heads of institutions.

Rule Title: Guidelines for Governing Boards in Employing Presidents or Other Administrators

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

None

C. Economic Impact on Citizens/Public at Large.

None

Date: August 6, 2001

Signature of Agency Head or Authorized Representative:

Joseph Daniels for J. Michael Miller