

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #5

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FILED

2001 SEP 28 P 3:00

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

CITE AUTHORITY: W.Va. Code §18B-1-6

RULE TYPE: PROCEDURAL X INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS October 31, 2001


Authorized Signature

\$2.80

**TITLE 133
PROCEDURAL RULE
HIGHER EDUCATION POLICY COMMISSION
SERIES 5**

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

**TITLE: GUIDELINES FOR GOVERNING BOARDS IN EMPLOYING
PRESIDENTS OR OTHER ADMINISTRATIVE HEADS OF
INSTITUTIONS**

SECTION 1. GENERAL

- | | | |
|-----|------------------|---|
| 1.1 | Scope - | Rule establishing guidelines for governing boards to use in employing presidents or other administrative heads of Institutions. |
| 1.2 | Authority - | West Virginia Code § 18B-1B-4, § 18B-1B-7, § 18B-1-6 |
| 1.3 | Filing Date - | September 28, 2001 |
| 1.4 | Effective Date - | October 31, 2001 |

SECTION 2 STATE COLLEGES AND UNIVERSITIES

- 2.1 The provisions of this section shall only apply to the employment of presidents of Bluefield State College, Concord College, Eastern West Virginia Community & Technical College, Fairmont State College, Glenville State College, Marshall University, Shepherd College, Southern West Virginia Community & Technical, West Liberty State College, West Virginia Northern Community & Technical College, West Virginia School of Osteopathic Medicine, West Virginia State College, and West Virginia University.
- 2.2 Upon the occurrence of a vacancy in the position of president at one of the institutions set out in section 2.1, the governing board of the institution shall undertake a search for a new president. The governing board shall adopt a procedure, consistent with this rule, governing the search. The procedure shall require, at the least, that:
- 2.2.1 If a search committee is appointed by the governing board the chair and any vice-chair shall be selected from among those citizen members of the governing board who were appointed by the Governor.

- 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.