

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

Form #2

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2002 OCT 24 P 3: 35

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 And Evaluating
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 November 23, 2002 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 Blvd. 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

TITLE 133
PROCEDURAL RULE
HIGHER EDUCATION POLICY COMMISSION

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SERIES 5
GUIDELINES FOR GOVERNING BOARDS IN EMPLOYING AND EVALUATING
PRESIDENTS OR OTHER ADMINISTRATIVE HEADS OF INSTITUTIONS

WEST VIRGINIA
DEPARTMENT OF STATE

SECTION 1. GENERAL

- 1.1 Scope - Rule establishing guidelines for governing boards to use in employing and evaluating presidents or other administrative heads of Institutions.
- 1.2 Authority - West Virginia Code § 18B-1B-4, § 18B-1B-7, § 18B-1B-6, § 18B-1-6
- 1.3 Filing Date -
- 1.4 Effective Date -
- 1.5 Repeal of former Rule - Repeals and replaces Series 59 of Title 128 and 131 and Series 5 of Title 133

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 College, 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 is responsible for the search, both procedurally and financially. 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 a 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. Interviews with semi-finalists, at the option of the governing board, may also be conducted on campus.
- 2.2.6 Background checks may be conducted on each candidate prior to interviewing with the search committee. Background checks shall be conducted on finalists prior to any campus visit made at the invitation of the search committee. On-site visits to the candidates' institutions may be conducted and are recommended for the final candidates.
- 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 finalists have been selected and agreed to a campus visit as a finalist or semi-finalist. When the finalists or semi-finalists candidates are invited to a preliminary interview with the search committee, they shall be notified that confidentiality will be waived in the event that they are invited for a campus interview and their names and backgrounds shall be publicly released at the time they accept the an invitation to participate in campus interviews for a campus visit. ~~they shall be notified that confidentiality has~~

~~been waived and that their names and backgrounds will be released.~~

- 2.6 At the request of an institution, the Higher Education Policy Commission may provide the governing board with staff assistance to manage the search process, or ~~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.

SECTION 6. PRESIDENTIAL EVALUATION

- 6.1 Each governing board shall conduct a written performance evaluation of the institution's president every fourth year of the president's employment. The president's performance shall be evaluated in relation to the duties and responsibilities assigned the president by the governing board, the success of the institution in meeting each requirement of its institutional compact, and any other criteria previously established by the governing board.
- 6.2 The governing board shall appoint a committee of its own members, a visiting team, or any combination thereof, and utilize institutional personnel, institutional boards of advisors as appropriate, staff of the governing board and persons who are knowledgeable in higher education matters who are not otherwise employed by a governing board to assist in its evaluation of the president in a way deemed most appropriate by the governing board.
- 6.3 The governing board committee, visiting team, or other body chosen by the governing board, shall visit the campus to receive the views of the president, governing board members, administrators, faculty, classified employees, students, alumni, and community leaders. A schedule of interviews,

meetings, and open forums that will assure a careful assessment of leadership and condition of the campus shall be arranged.

- 6.4 The governing board shall use the report of its committee, visiting team, or other body chosen by the governing board to assist in its own written evaluation of the president. The governing board's evaluation shall be reported to the President and Chair of the Policy Commission.
- 6.5 The Chancellor shall provide the governing boards, upon request, with evaluative tools, guidelines, and procedures recommended for the assessment and evaluation of college and university presidents and provide any assistance requested by a governing board in performing the evaluations set out in this rule.
- 6.6 The governing board of the employing institution shall adopt procedures to be used in evaluating the presidents of the regional campuses of West Virginia University and the administratively linked community and technical colleges, except the written evaluation shall be done by the president of the employing institution and not its governing board.
- 6.7 In addition to the formal evaluation every four years, each president shall receive a yearly evaluation in a manner and form decided by the governing board, or by the president of the employing institution for presidents of the regional campuses or administratively linked community and technical colleges.

SECTION 7. PRESIDENTIAL COMPENSATION

- 7.1 Any change in the total compensation package or terms of employment of a president's appointment must be approved by the Policy Commission for those institutions set out in Section 2.1 of this rule and must be consistent with guidelines of the Policy Commission.

SUMMARY

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

This rule establishes guidelines for governing boards to use in employing and evaluating presidents or other administrative heads of institutions. The major proposed change relates to adding background checks to the process for employment.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 133-5: Guidelines For Governing Boards In Employing And Evaluating Presidents

Type of Rule: Legislative Interpretive 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
ESTIMATED TOTAL COST	-0-	-0-	-0-	-0-	-0-
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

There is no increase in the costs of presidential searches and evaluations as a result of this policy.

3. Objectives of These Rules:

This rule establishes policies and procedures for the employment and evaluation of presidents by the institutional boards of governors.

Rule Title: 133-5: Guidelines For Governing Boards In Employing And Evaluating President

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: October 23, 2002

Signature of Agency Head or Authorized Representative:

J. Michael Muller