



**West Virginia State University Board of Governors**  
***Presidential Review Committee***

**Date/Time:** 9/5/2014 -- 2:00 PM

**Location:**

West Virginia State University, Judge Damon J. Keith Scholars Hall, Dr. Ann Brothers Smith Conference Room, Institute, WV

**Purpose:** To conduct regular business of the Committee

**Notes:**

This is a compliant meeting.

**Meeting was approved : 8/21/2014 4:41:31 PM**

**West Virginia State University Board of Governors  
Presidential Review Process Ad Hoc Committee  
113 Ferrell Hall  
June 4, 2014  
Minutes**

**1. Call to Order and Roll Call**

Mr. Konstanty, Chair, called the meeting of the West Virginia State University Board of Governors Presidential Review Process Ad Hoc Committee meeting to order at 4:03 p.m.

**Present:** Mr. Konstanty, Mr. Swingle, and Dr. Thralls. Other members of the Board and University staff were present.

**2. Verification of Appropriate Notice of Public Meeting**

Mr. Swingle motioned for verification of appropriate notice of public meeting. Mr. Swingle seconded the motion, and the motion carried.

**3. Review and Approval of Agenda**

Dr. Thralls motioned for approval of the agenda as presented. Mr. Swingle seconded the motion, and the motion carried.

**4. Review and Approval of Minutes of Previous Meeting**

Mr. Swingle motioned for approval of the minutes for the April 23, 2014 meeting. Dr. Thralls seconded the motion, and the motion carried.

**5. Review of BOG Policy #61 Comments**

Mr. Konstanty said six comments were received at the time the agenda packets were distributed and were included therein. At the request of Mr. Konstanty, Ashley Schumaker reported that the thirty-day public comment period ended at 4:00 p.m. this afternoon, and no additional comments were received. Mr. Konstanty said the comment period is therefore closed with six comments on the proposed policy.

Mr. Konstanty asked that the record reflect his following comments, verbatim.

*As the Chair of the Presidential Review Process Ad Hoc Committee, I was tasked by this Committee with drafting a policy that addressed the annual and tri-annual, or end-of-contract cycle comprehensive, reviews of the President of West Virginia State University. In that process, this Committee reviewed, for information and guidance, existing similar policies of West Liberty University, Shepherd University, Bluefield State College, and Glenville State College, all of which had policies that provided useful guidance in drafting this policy, not only for form and*

*substance, but as an indication of what had ultimately been reviewed and approved by these institutions and the HEPC.*

*The comments received generally focus on Section 6 (Grievance Procedure). As the drafter of this policy, I took all comments quite seriously. After the President of the Faculty Senate submitted a comment directed at this section, I reached out to Dr. Ruhnke, invited him to dinner, and among other issues, talked about his concerns surrounding this section of the policy. I also consulted with Bruce Walker, legal advisor to the HEPC.*

*I also wish to make absolutely clear on the record that, as the drafter of this policy, I did not draft the Grievance Procedure section with the intent to remove any current Board member, whether elected by their peers or appointed by the Governor, and any person that continues to make such accusations is simply wrong.*

*The Grievance Procedure exists in half of the other policies surveyed (West Liberty and Glenville), and was recognized by HEPC as appropriate. In my conversation with Bruce Walker, he indicated that these institutions with such policies found that it kept the BOG accountable to each other and the institution to keep the mission of the institution in mind and to act ethically and honestly while serving on the Board. With that said, Bruce Walker said that the policy is entirely unnecessary because formal removal procedures for appointed members are available in West Virginia Code, and there is nothing to prohibit a President or fellow Board of Governors member from utilizing the process outlined without a policy related to any Board of Governors member, appointed or elected.*

*With that in mind and because of the comments received – although statistically small in comparison (we received a similar amount of comments about the service of alcohol in the Convocation Center), I would entertain a motion to remove Section 6 entirely, because whether it is in the policy or not, those actions are available to a president or Board of Governors member.*

Mr. Konstanty provided an overview of the sections on which comments were received – Comment 1 from Mr. Simuel Bowles pertained to Section 5.4; Comment 2 from Professor Susan Marrash-Minnerly pertained to Sections 4.3, 5.3, and 6.1; Comment 3 from Dr. Tim Ruhnke pertained to Section 6.1; Comment 4 from Mr. L. Vincent Williams pertained to Sections 2.2.1, 2.2.2, 2.2.4, 2.2.7, 2.4, and 6.1; Comment 5 from Ms. Laura Matthews pertained to Section 6.1; and Comment 6 from Dr. Tom Guetzloff pertained to Section 6.1.

**6. Discussion of Possible BOG Policy #61 Revisions**

The Committee discussed Mr. Konstanty's comments. Dr. Thralls moved to remove Section 6 in its entirety and adopt the remainder of the policy, with the acceptance of the technical changes suggested for pages 1-3. Mr. Swingle seconded the motion. The motion carried.

**7. Possible Recommendation to the Full Board of BOG Policy #61**

For the full Board meeting on June 12, 2014, Mr. Konstanty suggested the Committee report that the comments were reviewed and taken seriously, and technical changes were made to the policy. Dr. Thralls asked for clarification on whether the policy would have to go back out for further comment. There was a consensus among the Committee that, due to the public comment period and revisions that were made to the policy, further comments would not be required. Mr. Konstanty asked Dr. Guetzloff to draft a message to the faculty regarding the serious review of comments received. Mr. Swingle motioned for Committee approval to recommend BOG Policy #61, as amended, to the full Board for consideration. Dr. Thralls seconded the motion, and the motion carried.

Mr. Swingle asked for the record to reflect an acknowledgement of the assistance and leadership by Mr. Konstanty in drafting the policy and lending his legal expertise throughout the process. Fellow Committee members joined Mr. Swingle in giving kudos to Mr. Konstanty on an outstanding job. Mr. Konstanty expressed his appreciation for their comments.

**8. Adjournment**

With there being no further business, the meeting adjourned at 4:20 p.m.

Respectfully submitted,

Ashley L. Schumaker  
Chief of Staff  
Special Assistant to the President