

AGENDA
West Virginia State University
BOARD OF GOVERNORS
Erickson Alumni Center, Grand Hall
January 26, 2017
12:00 p.m.

1. Call to Order and Roll Call – Chair Dr. Ann Brothers Smith, presiding
2. Verification of Appropriate Notification of Public Meeting Action 2
3. Review and Approval of Agenda Action 1
4. Review and Approval of Minutes of Previous Meeting Action 3
5. Reports from Board Committees
 - a. Institutional Advancement
 - b. Presidential Review
 - c. Bylaws & Policy Review Special
 - d. Recruitment and Retention
 - e. Audit
 - f. Academic Policies
 - g. Finance
6. Possible Executive Session under the Authority of West Virginia Code §6-9A-4 to Discuss Legal, Personnel, and Property Matters
7. Report from the University President
 - a. University Reports Forwarded by Board Committees
 - i. BOG Budget Report – December Information 8
 - ii. Proposed Board Bylaws Revision Action 9
 - iii. Proposed BOG Policy #36 (Alcoholic Beverages) Action 18
 - iv. Proposed BOG Policy #61 (Employment and Evaluation of the President) Action 19
 - v. Approval of Utility Easement for Former Rehabilitation Property Action 29
8. Other Matters
9. Next Meeting Date – *March 16, 2017*
10. Adjournment

West Virginia State University
Board of Governors

Date/Time: 1/26/2017 -- 12:00 PM

Location:

West Virginia State University
Erickson Alumni Center
Grand Hall
Institute, WV

Purpose: To conduct the regular business of the Board.

Notes:

This is a compliant meeting.

Meeting was approved: 1/17/2017 8:08:52 AM

**West Virginia State University Board of Governors
Erickson Alumni Center, Grand Hall
November 10, 2016
Minutes**

1. Call to Order and Roll Call

Dr. Smith called the meeting of the West Virginia State University (WVSU) Board of Governors (BOG) to order at 12:14 p.m. She recognized new Board member Charles “Chuck” E. Jones and administered the ceremonial oath of office.

Present: Dr. Guetzloff, Mr. Jones, Mr. Konstanty, Mr. Lipscomb, Mrs. Pitchford, Dr. Smith, Mrs. Squirts, Mr. Swingle, and Mr. Williams. Several members of the administration, faculty, and staff were also present.

2. Verification of Appropriate Notice of Public Meeting

Dr. Smith announced the verification of appropriate notice of public meeting.

3. Review and Approval of Meeting Agenda

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

4. Review and Approval of Minutes of Previous Meetings

Mr. Konstanty motioned for approval of the minutes of the September 15, 2016 meeting, and Ms. Pitchford seconded the motion. The motion carried.

5. Reports from Board Committees

Institutional Advancement:

Dr. Smith chaired the Committee and presented the report.

- Two new employees were introduced to the Committee – Assistant Vice President for University Advancement Sue Woodward and Director of Annual Giving and Stewardship Ullysses Tucker.
- The Committee received a comparative gift report. The number of donors increased from 383 last year to 567.
- A cash flow report was presented, which showed the University received major gifts in the amount of \$25,000 and \$120,000. Several proposals are pending and mid-year appeals were mailed.
- University Advancement staff is working on initiatives to get faculty and staff more involved in giving. Fundraising training will be held for deans and academic department chairs.
- The Committee received an update on events. The Black and Gold Gala will take place on April 7, 2016. Staff is considering making the Fall Festival on the Quad (F²Q) an annual event and creating an endowed scholarship from the proceeds.
- Homecoming registration increased 25 percent. The National Alumni Association elected new officers. Dr. Lateef Saffore was elected as president, and Belinda Fuller was installed as the executive director.

- The Committee was informed about the new Yellow Jacket West Virginia statewide chapter. Carl Chadband is serving as the acting president, and the chapter's goals include networking, recruiting, and fundraising.

Presidential Review:

Mr. Konstanty chaired the Committee and presented the report.

- The Committee reviewed BOG Policy #36 and discussed the annual review process.
- Committee discussion was held about addressing the annual review for this year given that President Jenkins has been in the position for four months. Each institution is required to submit an annual review by the end of December each year.
- The Committee agreed to make a recommendation to the full Board that a communication be sent to the Chancellor outlining a plan to hold the annual review beginning in August 2017. Dr. Smith stated the letter should be from the Board chair and that the Committee chair draft the letter. Dr. Thralls motioned that the Board approve the recommendation from the Committee, and Mr. Jones seconded the motion. The motion carried. Mr. Konstanty said he would forward a draft letter to Dr. Smith by next week.

Bylaws and Policy Review:

Mr. Konstanty chaired the Committee and presented the report.

- The Committee elected Mr. Konstanty as chair and Mr. Williams as presiding officer in absence of the chair.
- The Committee is tasked with reviewing the bylaws as it relates to committee appointments, as well as reviewing BOG Policies #36 and #61.
- The Committee plans to meet again in December. Dr. Smith previously requested to have any potential revisions presented to the full Board in January. However, due to timeframes outlined in BOG Policy #1, the Committee may need additional time to bring revisions back to the Board.

Recruitment and Retention:

Mr. Konstanty chaired the Committee and presented the report.

- The Committee received a report on the 30-day census.
- Total enrollment for fall 2016 is 3,514, an increase of 11 percent over last year. There is enrollment growth in both graduate and undergraduate students. In-state enrollment is up by 7.6 percent and out-of-state increased 22.4 percent compared to fall 2015.
- The Committee discussed retention initiatives including more proactive advising of students, reviewing course scheduling, and utilizing more EMAS features to monitor students better.

Audit:

Mr. Williams participated by conference call. As a result, Ms. Pitchford chaired the Committee and presented the report.

- The Committee received an update on the financial statement audit. The University is awaiting information from the State of West Virginia to finalize the report for submission. To date, there are no findings.

- Committee discussion was held on auxiliary accounts, particularly Student Union Operation, Athletics, and Parking.

Academic Policies:

Ms. Pitchford chaired the Committee and presented the report.

- The Committee reviewed the updated draft Compact. Tom Bennett provided an overview on updates, which included the 30-day census information.
- The Committee approved changes to the Compact, and the updated document will be presented to the full Board later on the agenda.

Finance:

Mr. Williams participated by conference call. As a result, Mr. Swingle chaired the Committee and presented the report.

- The Committee received reports on auxiliary funds pertaining to the June 30 report. They also reviewed the draft financial statement audit.
- The Committee requested additional information from President Jenkins and the administration, specifically a report on various degree programs including headcount of students in the programs, the number of full-time and adjunct faculty, and revenue and costs of the programs.
- The BOG Budget Report will be presented to full Board later on agenda.

6. Possible Executive Session under the Authority of West Virginia Code §6-9A-4 to Discuss Legal, Personnel, and Property Matters

Mr. Konstanty motioned for approval to go into executive session, under the authority of West Virginia Code §6-9A-4 to discuss legal, personnel, and property matters. Mr. Lipscomb seconded the motion, and the motion carried.

A motion to arise from executive session and reconvene into regular session was made by Mr. Swingle, and Mr. Lipscomb seconded the motion. The motion carried. Dr. Smith asked for the record to reflect that the Board only discussed items related to the topics listed, that no decisions were made in executive session, and no motions or votes were taken.

7. Report from the University President

President Jenkins began his report by reflecting on Homecoming and acknowledged Pat Schumann and Belinda Fuller for their hard work in making it a success. He reported that the number of alumni participating in Homecoming continues to grow, with 425 registered participants, a 25 percent increase over 2015. More than 4,000 alumni and friends were on campus for the parade, tailgating and football game. President Jenkins also thanked members of the Board for participating in Homecoming.

a. University Reports Forwarded by Board Committees

Item 7.a.i: President Jenkins provided an update on new retention initiatives. This fall, a one-stop shop was created for first-time freshman to get all their questions answered and get assistance with Admissions, financial aid, academic advising, registration, and payment processing. The event was held on October 24, 2016, and 102 freshmen and 27 upperclassmen participated. President Jenkins said he is altering the Retention and Student

Success Council to ensure that the University has a retention plan with a coordinating enrollment plan in order to enroll, retain, and graduate more students.

Item 7.a.ii: President Jenkins asked Melvin Jones to provide the BOG Budget Report. Mr. Jones said the report is for July E&G expenses and revenue and is on a modified cash basis. He noted that staff was not able to run reports for August and September due to issues with payroll entries. Dr. Guetzloff asked if the revenue was adjusted. Mr. Jones stated the target is 8.33 percent for expenses and total income is 10.21 percent, which is ahead of target. Mr. Jones provided an update on expenses for each area. He reminded the Board that the report is preliminary and that some revenue had not been received since the semester had not begun and there are carry over items from June. For this reporting period, revenue is at 10.2 percent and expenses are at 9.6 percent, yielding a one-month surplus of \$134,000. For auxiliary accounts, Dining Food Services and Faculty Housing have positive net activity. Overall, the accounts have an \$111,000 surplus. Mr. Jones said Business and Finance staff are preparing for a potential mid-year cut by the State.

Item 7.a.iii: President Jenkins said he brings before the Board's review the HEPC Compact Submission found in the Appendix of the Board packet. As reported by Ms. Pitchford, the Academic Policies Committee has thoroughly reviewed the Compact for submission to the Higher Education Policy Commission by the December 1 deadline, thereby recommending it to the full Board for approval. Dr. Thralls noted that the Committee also approved authorizing staff to make necessary technical edits prior to the submission. In addition, Ms. Pitchford said a column will be added pertaining to information outlined on page 11 regarding student access for 2015-2016 and 2017-2018. Mr. Bennett explained that the 2016-17 data is not included because it comes from the HEPC; therefore, the figure is a combination of the University's data and the HEPC's data. He further explained that the University reports on institution-only data and the HEPC reports on statewide data. The information has not been updated because the HEPC just received the 30-day census, and the University is awaiting their data. Dr. Smith asked that the additional column and technical edits be included in the motion. In addition, she requested a footnote for the first graph on page 16 to explain that was prior to the separation of the community and technical college. Another footnote is to be added to indicate that enrollment data for fall 2015 included withdrawn students. Mr. Konstanty motioned that the Board approve the updated Compact submission as presented with the appropriate staff adding the column and footnotes as discussed and allow staff to make non substantive changes as needed. Dr. Thralls seconded the motion, and the motion carried.

8. Other Matters

Mr. Konstanty reminded the Board that the Earl Lloyd Classic and Wingate Classic would be held this weekend. Mr. Lipscomb added that Kevin Lloyd will be on campus and is still seeking signatures for a postage stamp in honor of his father.

9. Next Meeting Date

January 25-26, 2017. Dr. Smith said a new group photo will be taken on January 26.

10. Adjournment

With there being no further business, the meeting adjourned at 2:41 p.m.

Respectfully submitted,

Gail Pitchford
Secretary

Approved: _____
Dr. Ann Brothers Smith
Chair

Agenda Item 7.a.i.
January 26, 2017

Information

BOG Budget Report – December

Materials are still being developed and will be provided at the meeting.

Proposed Board Bylaws Revision

WEST VIRGINIA STATE UNIVERSITY
BOARD OF GOVERNORS BYLAWS

ARTICLE 1.
MEMBERS

Effective on the 1st day of July 2001, an institutional Board of Governors is established at West Virginia State University.

A. Membership

The membership of the Board shall consist of twelve persons.

1. A full-time member of the faculty holding the rank of instructor or above, duly elected by the faculty;
2. A member of the student body who is in good academic standing, enrolled for credit courses and duly elected by the student body;
3. A member of the institutional classified staff duly elected by the classified staff; and,
4. Nine lay members appointed by the Governor of West Virginia with the advice and consent of the State Senate.

B. Terms

1. The faculty member shall serve a term of two (2) years. The term beginning in July, 2001, shall end on the 30th day of June 2003. Thereafter, the term shall begin on the 1st day of July. Faculty members are eligible to succeed themselves for three (3) additional terms, not to exceed a total of eight (8) consecutive years.
2. The student member shall serve for a term of one (1) year. The term beginning in July, 2001, shall end on the 30th day of June, 2002. Thereafter, the term shall begin on the first day of July.
3. The classified staff member shall serve for a term of two (2) years. The term beginning in July, 2001, shall end on the 30th day of June, 2003. Thereafter, the term shall begin on the 1st day of July. The member representing classified staff is eligible to succeed themselves for three

(3) additional terms, not to exceed a total of eight (8) years.

4. The appointed lay members shall serve staggered terms. Of the original appointments by the Governor, two (2) shall be appointed for terms of one (1) year, two (2) shall be appointed for terms of two (2) years, two (2) shall be appointed for terms of three (3) years, and three (3) shall be appointed for terms of four (4) years. After the initial appointments, all appointees shall serve for terms of four (4) years.
5. A vacancy in an unexpired term of a member shall be filled for the unexpired term within thirty (30) days of the occurrence of the vacancy in the same manner as the original appointment or election.
6. Removal from Office. No member of a governing board appointed by the Governor may be removed from office by the Governor except for official misconduct, incompetence, neglect of duty or gross immorality and only in the manner prescribed by law for the removal of the state elective officer by the Governor.

C. Elections

1. All elections shall be held no later than the 30th day of June preceding the commencement of the term.
2. The Board of Governors shall elect one (1) of its appointed lay members to serve in the capacity of Chairperson in June of each year. No member may serve as chairperson for more than four (4) consecutive years.

D. Officers

1. The officers of the Board shall consist of Chair, Vice Chair, and Secretary.
2. Officers shall serve for a term of one (1) year, beginning July 1st and ending June 30th. The Chair may not serve more than four (4) consecutive years. The Vice Chair and Secretary may not serve more than two (2) consecutive terms in the same office.

E. Authority and Duties of Members

1. Members of the Board of Governors do not hold authority individually over the University or employees of the University. The Legislature invested such authority in the board as a body; that authority is exercised through policy adoption by a majority vote of the board in its statutory meetings. In all but extraordinary circumstances the board will

delegate the president of the University to execute such policy.

2. Individual members may have specific duties based on their committee membership or as officers of the board.

ARTICLE II. MEETINGS

A. Meetings

1. The Board of Governors shall hold a minimum of six (6) meetings during each fiscal year, to include an annual meeting each June.
2. Notice of meetings shall be in accordance with the Open Governmental Meetings Act.
3. Of the twelve (12) voting members of the Board of Governors, seven (7) shall constitute a quorum.
4. Special meetings may be convened by the Chair or upon petition of a majority of the members.
5. Meeting procedures shall be in accordance with Robert's Rules of Order subject to the suspension of any rule by a two-thirds vote of the Board.
6. An annual meeting shall be convened each June for the purpose of selecting a Chairperson and other officers.
7. The Board of Governors shall provide an opportunity for administrators, faculty, students and classified staff to discuss various issues no less than one (1) time per year. The viewpoints of the various constituencies should be presented by a person or persons selected by those constituencies. That person shall be someone other than the constituency's board representative.

ARTICLE III. POWERS AND DUTIES

Effective on the 1st day of July, 2001, the Governing Board shall have the following powers and duties:

1. Determine, control, supervise and manage the financial, business and education policies and affairs of the State institutions of higher education under its jurisdiction;
2. Develop compact and master plans for the institution;

3. Direct the preparation of a budget request for the institution. Consult, cooperate and work with the state treasurer and the state auditor to update as necessary and maintain an efficient cost effective system for the financial management and expenditure of special revenue and appropriated state funds;
4. Consider, revise and submit to the Higher Education Policy Commission a budget request;
5. Review, at least every five (5) years, all academic programs offered. The review shall address the viability, adequacy and necessity of the programs in relationship to the master plan, compact and the education and workforce needs of its responsibility district. As part of the review, the institution shall conduct periodic studies of its graduates and their employees to determine placement patterns and the effectiveness of the education experience;
6. Ensure that the sequence and viability of academic programs and courses offered by the institution is such that students have the maximum opportunity to complete programs in the time frame normally associated with program completion. The Board is responsible for ensuring that the needs of nontraditional institution-age students are appropriately addressed and, to the extent possible for the Board to control, to assure core course work completed at the institution is transferrable to any State institution of higher education for credit with the grade earned;
7. The Governing Board shall have exclusive authority to approve the teacher education programs offered;
8. Utilize faculty, students and classified employees in institutional-level planning and decision-making when those groups are affected;
9. Administer a system for the management of personnel. Transactions, including but not limited to hiring, dismissal, promotions and transfers, compensation, and discipline at the institution(s) under its jurisdiction;
10. Administer a system for the hearing of employee grievances and appeals in accordance with procedures established in Article 6a, Chapter 29 of the West Virginia Code;
11. Solicit, utilize and/or expend voluntary support, including financial contributions and support services;
12. Appoint a president or other administrative leader for the institution in accordance with the provisions of Chapter 18B of the West Virginia Code;

13. Conduct written performance evaluations of the institutional President pursuant to Chapter 18B of the West Virginia Code;
14. Submit to the Higher Education Policy Commission, no later than the 1st day of November of each year, an annual report of the performance of the institution during the previous fiscal year as compared to stated goals in its institutional compact and master plan;
15. Enter into contracts or consortium agreements with the public, schools, private schools or private industry to provide technical, vocational, institution-preparatory, remedial and customized training courses at either on campus or off-campus locations;
16. Delegate, with prescribed standards and limitations, the part of its power and control over the business affairs of the institution to enable it to function in a proper and expeditious manner to meet the requirements of the institutional compact. If the Governing board elects to delegate any of its power and control, it shall notify the Chancellor. Any such delegation of power and control may be rescinded by the appropriate Governing Board or the Chancellor at any time, in whole or in part, and,
17. The Board may acquire legal services as are considered necessary, including representation of the Governing Board, the institution, employees and officers before any court or administrative body.
 - a. The counsel may be employed on a salaried basis or on a reasonable fee basis.
 - b. The Governing Board may, but is not limited to, call upon the attorney general for legal assistance and representation.

ARTICLE IV. COMMITTEES

A. Committee of the Whole

The Board shall act as a whole for consideration of issues such as:

1. Institutional compacts and master plans;
2. Legislative recommendations;
3. Strategic plans;
4. HEPC recommendations;
5. Budget requests on behalf of the institution(s) and,
6. Other matters considered appropriate by the chair.

B. Executive Committee

1. The Executive Committee is comprised of the Chairperson, Vice Chair, and the Secretary of the Board who will:
2. Review the agenda for board meetings;
3. Review matters that are referred to them by the Board Chairperson;
4. Convene at the request of the Chairperson with simultaneous notices to all Board members;
5. Be empowered to transact limited business of the institution during the recess of the Board;
6. Provide copies of the Minutes of its meetings at the next regularly scheduled meeting of the Board;
7. Act in the name of the Board only on matters which need immediate action or are of an emergency nature that were not due to delays in reporting, preparation, or planning but shall not include election of new board members, appointments involving tenure, promotions, etc.;
8. Authorize expenditures, only during times of emergency or immediate need that were not due to delays in reporting preparation or planning; and,
9. All Board members may fully participate in executive committee meetings; however, voting will be limited to members of the executive committee.

C. Finance Committee

1. The Chair shall assign members to serve on the finance committee. The Chair of the Finance Committee shall be elected by the members of the committee ~~and will serve a two-year (2) term~~. The membership of this committee shall consist of a minimum of three (3) Board members assigned by the chair, one of which shall be the classified employee representative as an ex- officio member;
2. The committee shall review and make recommendations to the Board on the matters assigned by the executive committee or the chair regarding the following:
 - a. Budget;
 - b. General salary policy and personnel administration;
 - c. Tuition policy and enrollment objectives;
 - d. Capital plans and projects; and,
 - e. Land acquisition and land use.

Note: No Finance Committee member is precluded from serving on another committee.

D. Academic Policy Committee

1. The Chair shall assign members to serve on the committee. The chair of

the academic policy committee shall be elected by the members of the committee ~~to serve a two-year (2) term~~. The membership of this committee shall consist of a minimum of three (3) Board members assigned by the chair, one of which shall be the faculty representative as an ex-officio member.

2. The committee shall review and make recommendations on subjects assigned by the executive committee or the chair regarding the following:
 - a. New program approvals;
 - b. Program reviews;
 - c. Baccalaureate matters; and,
 - d. Graduate education matters.

E. Audit Committee

1. The committee shall be comprised of a majority of the Executive Committee and the Finance Committee. The chair of the audit committee shall be elected by the members of the committee ~~to serve a two-year (2) term~~;
2. The committee shall review and make recommendations regarding audit engagements and special reviews; and,
3. Ensure independence of audit functions.

F. Recruitment and Retention Committee

1. The Chair shall assign members to serve on this committee. The chair of the recruitment and retention committee shall be elected by the members of the committee ~~to serve a two-year (2) term~~;
2. The student representative to the board shall be an ex-officio member of the committee;
3. The committee shall review and draft policy recommendations concerning the quality and efficiency of the university's recruitment and retention of students; and,
4. The committee shall provide oversight of the university's recruitment and retention programs and review their effectiveness.

G. Institutional Advancement Committee

1. The Chair of the Board will serve as chairperson of this committee and shall assign members to serve a one-year (1) term;
2. The committee shall, at a minimum, be comprised of the Chair and two (2) other members of the Board, ~~one (1) board member who do not serve as chair on any other committee~~, and with one (1) of the board members being chosen from the following: faculty representative, classified staff representative, or student representative; and,
3. The committee shall provide oversight of the University's

advancement activities and provide recommendations to enhance institutional advancement efforts.

H. Presidential Review Committee

1. The Chair shall assign five (5) members to serve on this committee. The chair of the Presidential Review Committee shall be elected by the members to serve a one-year (1) term;~~The West Virginia State University Board of Governors shall yearly form a "Presidential Review Committee," appoint a chairperson, and elect four (4) additional members to the committee at the annual meeting to be held each June;~~ and
2. The committee shall provide oversight of the University's adherence to Board of Governors Policy #61, Employment and Evaluation of the President, specifically the annual, tri-annual or comprehensive review of the president.

I. Special Committees

1. Members may be appointed by the chair to special committees or ad hoc committees in addition to standing committees; and,
2. Tenure of these committees shall be for a prescribed time or until the specified task is completed.

ARTICLE V.

EXPENSES A. Expense Reimbursement

1. The Board shall serve without compensation; and,
2. Proper administration and travel expenses of the Board and its members shall be paid from institutional funds and shall be accounted for in accordance with acceptable accounting practices.

ARTICLE VI.

RECORDS A. Records

1. The Board shall provide, through the President's Office, the keeping of all Board records; and,
2. The Board may prescribe appropriate regulations with respect to access to said records.

ARTICLE VII. ADOPTION AND AMENDMENT OF BYLAWS

A. Adoption and Amendment

1. The Bylaws of the Board may be amended by a two-thirds vote of the Board at the annual meeting or at any regular or special meeting

provided that the proposed amendments are conveyed to the members of the Board at least ten (10) days in advance of the meeting in which they are to be acted upon; and,

2. The enactment of any statute by the West Virginia Legislature of the amendment of any existing statute, inconsistent with these Bylaws shall take precedence over the provisions hereof.

Adopted May 9, 2002
Amended February 5, 2004
Amended January 22, 2009
Amended November 11, 2010
Amended September 4, 2014
Amended _____

Proposed BOG Policy #36 (Alcoholic Beverages)

WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS

West Virginia State University

BOG Policy #36

Title: Alcoholic Beverages

Section 1. General

1.1 Scope: This establishes a policy for the use of alcoholic beverages on the campus of West Virginia State.

1.2 Authority: West Virginia Codes §18B-1-6 and 18B-1-8

1.3 Adopted Date: ~~February 24, 2014~~

1.4 Effective Date: ~~February 24, 2014~~

Section 2. Policy

2.1 The possession or use of alcoholic beverages is prohibited on property or in facilities (including student housing) of WVSU with an available exemption for special catered events ~~in the James C. Wilson University Union and the Convocation Center at Fleming Hall~~ with prior written approval of the President or ~~his~~ the President's designee(s) for events meeting the following minimum criteria:

2.1.1. A majority of event attendees must be non-students of legal drinking age and attendees who are not of legal age will not be served alcohol.

2.1.2 Catering staff must be at least 18 years old and have proper training in all applicable laws and regulations regarding the service of alcoholic beverages.

2.1.3 Food and non-alcoholic refreshments must be provided in addition to alcoholic beverages.

2.2 The possession or use is also prohibited in any of either institution's off-campus or leased facilities.

2.3 This policy does not apply to dwellings located on the campus of West Virginia State University or any of its off-campus or leased facilities which are occupied as a family residence, the Capitol Center, or facilities operated by the WVSU Foundation.

Proposed BOG Policy #61 (Alcoholic Beverages)

WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS

West Virginia State University

BOG Policy #61

TITLE: Employment and Evaluation of the President

Section 1. General

- 1.1 Scope: This policy establishes guidelines, processes, and procedures related to the selection, appointment, responsibilities, and evaluation of the President of the University.
- 1.2 Authority: West Virginia Code § 18B-1-6, § 18B-1B-6
- 1.3 Effective: ~~June 12, 2014~~
- 1.4 Adopted: ~~June 12, 2014~~

Section 2. Employment of the President

- 2.1 The President of West Virginia State University is appointed by and serves at the will and pleasure of the Board of Governors, pursuant to West Virginia Code § 18B-1B-6, Higher Education Policy Commission Title 133, Series 5; and West Virginia State University Board of Governors Bylaws Article III (12).
- 2.2 The Board of Governors, consistent with West Virginia Code and the Higher Education Policy Commission, shall be empowered to take all reasonable and necessary steps to search for a President in times of vacancy:
 - 2.2.1 A search committee shall be formed, comprised of interested persons appointed by the Chairman of the Board of Governors and consistent with the representatives outlined in Higher Education Policy Commission Title 133, Series 5, Section 2.2.2. If the Board of Governors approves it, the search committee may employ consultants or agents to assist with its mission.
 - 2.2.2 The search committee shall prepare a position announcement detailing the mission of the University, a summary of its goals and the characteristics and qualities sought in a new President, and distribute the same to appropriate

newspapers and other media sources, heads of higher education associations and organizations, and other appropriate individuals for the purpose of advertising the position.

- 2.2.3 Interviews with the finalists, as determined by the Board of Governors, shall be conducted on campus and, during the campus visits, students, classified employees, non-classified employees, faculty, campus administrators, community leaders, alumni, and other individuals shall be invited to meet with the candidates, and their comments shall be solicited and evaluated by the governing board.
- 2.2.4 The search committee may conduct, or direct the performance of a background check on each candidate prior to the interview, and a background check shall be conducted on finalists prior to any campus visit made at the invitation of the search committee, and also shall be conducted prior to any final selection by the search committee and Board of Governors. Background checks and procedures shall conform to the industry standard and best practices, but at a minimum shall include the confirmation of degrees, past employment, criminal history and credit checks.
- 2.2.5 On-site visits to the candidates' current and past places of employment may be conducted and is recommended for the final candidates.
- 2.2.6 Candidates may be considered through their own application or by nomination.
- 2.2.7 Members of the Board of Governors and the search committee may not provide information about the names or backgrounds of any candidates, without their consent, to anyone who is not a member of the governing board or search committee, or authorized agents or staff as designated in the search procedures approved by the Higher Education Policy Commission. In the event that candidates are invited to preliminary interviews with the search committee, they shall be notified that confidentiality may be waived as to background checks, and in the event that the candidate is invited to an on-campus interview, the candidate's name and background shall be publicly released at the time they accept an invitation for a formal campus visit.
- 2.2.8 The search committee may also retain the services of a professional search agency or consultant(s).
- 2.2.9 The Board of Governors may also retain the services of legal counsel to negotiate on behalf of the Board consistent with Bylaws Article III (17).

- 2.3 The Chairman of the Board of Governors, in consultation with the Executive Committee and the advice of the full Board of Governors, the search committee, search agency or

consultant(s), shall draft a memorandum outlining the terms, conditions, responsibilities and duties of the prospective President in a form consistent with the form contract recommended by the Higher Education Policy Commission, which shall be presented to the full Board for approval by majority vote prior to presentation to the prospective President.

- 2.4 The Board shall be guided by analysis of peer and market data in offering the terms, conditions, responsibilities and duties of the prospective President, whether for initial appointment or successive appointment following the initial appointment. The Board may, in its discretion, offer to award a prospective President academic rank and tenure at the University following consultation with the Provost and appropriate College Dean and Department Chair. The Board shall have the authority and latitude necessary to make all reasonable, necessary, and appropriate specific offers to the prospective President consistent with goals of the University and the training, education, experience, and status of the prospective President.
- 2.5 Following approval, by majority vote of the full Board of the memorandum outlining the terms, conditions, responsibilities, and duties of the prospective President as described above, the Chairman of the Board shall present a final written contract to the prospective President in the form prescribed by the Higher Education Policy Commission for execution; and thereafter, shall submit the same to the Higher Education Policy Commission and the Chancellor for approval.

Section 3. Duties and Responsibilities

- 3.1 The President is responsible to and shall report to the West Virginia State University Board of Governors. Consistent with the policies of the Board of Governors, the written contract executed with the President, and as approved by the Higher Education Policy Commission, the President is the Chief Executive Officer of the University and has general authority and the responsibility for the University as an institution. The President shall keep the Board fully apprised of matters affecting the University in a reasonable and timely manner.
- 3.2 The President is expected to exhibit such conduct, candor, and collegiality expected of a University President and shall not withhold information vital to the success and perpetuation of the University from the Board of Governors.
- 3.3 The President shall possess and use leadership skills necessary to advance the mission of the University and to vigorously pursue any specific goals and objectives outlined in the written contract executed with the Board of Governors. The President is expected to have a keen understanding of the University's role in serving higher education in the surrounding community and to work with the Board of Governors and the Higher Education Policy Commission to develop initiatives to meet those needs. This expectation includes the ability to lead the University community, foster a culture of cooperation among faculty, staff, administrators and students in fulfilling the University's teaching, research, and public service responsibilities.

- 3.4 The President, as the Chief Executive Officer of the University, shall consult with faculty, classified staff, administrators, and students at reasonable and appropriate times, in furtherance of discharging the duties and responsibilities conferred upon the President by the Board of Governors. The use and employment of yearly summit meetings, town hall meetings, summary addresses, or other opportunities for meaningful feedback is strongly encouraged to provide for the exchange of information and ideas from those constituents to the President; and to ensure that the policies, procedures, and actions of the Board of Governors are effectively communicated in a timely manner to those constituents. The President, from time to time, may be directed by the Board of Governors to make immediate communications with those constituents from the Board of Governors.
- 3.5 In addition to these general expectations, and those specifically enumerated within the President's written contract with the Board of Governors, the President shall also:
- 3.5.1 Implement the Mission Statement of the University as approved by the Board of Governors through effective leadership.
 - 3.5.2 Provide effective leadership and support for the academic programs of the University that are consistent with the mission of the University, the higher education needs of the surrounding community, while ensuring appropriate resources for attaining the highest standards of quality.
 - 3.5.3 Foster a culture and support for student life that compliments the mission of the University, the needs of a diverse campus population and which preserves the rich history of the University.
 - 3.5.4 Hire, retain, train, and develop a competent, cooperative, and collegial administrative organization and staff to ensure the effective, efficient, and professional management of University operations, or to discharge administrators or staff that fail or refuse to work toward those goals.
 - 3.5.5 Maintain lawful, equitable, and effective personnel programs, including the appointment of qualified persons to the faculty, adjunct faculty, staff, and administration and to promote, retain, or dismiss for cause for the same, with due regard to the best interests of the University and the State of West Virginia.
 - 3.5.6 In conjunction with the Chief Financial Officer of the University and with guidance provided by the Finance Committee of the Board of Governors, propose recommended annual operating and capital budgets and other financial plans for the effective and efficient operation of the University in order to support the mission of the University and the academic and athletic programs essential to the continued viability of the University. In discharging this obligation, the President should remain fully informed and be consistently mindful of the fluid funding allocated by the State of West Virginia to the University and shall have processes and procedures in place to react to budgetary events.

- 3.5.7 Effective collaboration with the Higher Education Policy Commission to communicate the University mission and needs of higher education to the Governor, State Legislators, other State and Local Government Officials, Local Community Leaders, and Stakeholders.
- 3.5.8 Maintain a proactive, effective and consistent presence at the State Capitol to impart the mission of the University and to advocate for the assistance necessary from the State of West Virginia for the continued viability of the University.
- 3.5.9 Interact and maintain a positive profile with all appropriate external bodies to achieve the mission of the University, consistent with Board of Governors policies, statutory and regulatory provisions, and sound academic principals.
- 3.5.10 Undertake reasonable and appropriate assignments as requested by the Board of Governors and the Higher Education Policy Commission.
- 3.5.11 With respect to the expectations enunciated in section 3.5.4 and section 3.5.5 above, the President is vested with the final institutional-level authority and responsibility for every personnel action within the University, with the exception of any decisions relating to the President's own employment or compensation. The President shall appropriately consult with the campus community and legal counsel as necessary, but shall retain the ultimate authority for such decisions.
- 3.5.12 The President shall address any deficiencies or concerns arising out of any annual, tri-annual or comprehensive review of performance to the satisfaction of the Board of Governors in order to continue employment, including any request for improvement or action not otherwise specified in the written contract then existing.

Section 4. Evaluation of the President

- 4.1 The West Virginia State University Board of Governors, by appointment from the Chairman of the Board, established a Presidential Review Ad Hoc Committee for the purpose of evaluating the President of the University in year 2013 and to develop the evaluation procedure outlined in this Section, consistent with West Virginia Code § 18B-1B-6.
- 4.2 The Higher Education Policy Commission, consistent with West Virginia Code, requires the evaluation of University Presidents annually, tri-annually, or at the conclusion of a contract cycle. The Presidential Review Ad Hoc Committee has endeavored to present a routine and consistent mechanism for those periodic reviews. The Presidential Review Ad Hoc Committee shall become a standing Committee of the Board of Governors whose sole purpose is to ensure the President of the University is evaluated consistent with the following guidelines.
- 4.3 The West Virginia State University Board of Governors shall ~~yearly~~ form a "Presidential Review Committee;" annually at its June Board meeting in a manner consistent with the

~~Board's Bylaws. appoint a chairperson, and elect four (4) additional members to the Committee from the Board of Governors.~~ The Board shall make such amendments to the Bylaws of the Board of Governors as necessary to effectuate this process. It is the original intent of the Presidential Review Ad Hoc Committee, in promulgating this mechanism for review of the University President, that it always preserve the confidentiality of the process, both for the University President, and the participants providing comments to effectively evaluate the University President. The summary reporting duties outlined below is meant to foster open communication from participants by maintaining their anonymity. The summary reporting duties outlined below are not meant to filter comments from any participants and it is the intent of this section that all comments be summarized in a non-cumulative or non-redundant fashion.

- 4.4 The "Presidential Review Committee" shall discharge the following duties, whether annually, tri-annually, or at the conclusion of a contract cycle. To the extent that a comprehensive review is conducted as a result of an end of contract cycle review which would be followed by a tri-annual review, the Board may seek approval from the Higher Education Policy Commission to dispense with the comprehensive tri-annual review and to conduct the annual review following a comprehensive review as the former would be redundant and an unnecessary use of time and resources. Any time a comprehensive review is performed of the President and would be followed by a mandatory comprehensive review by reason or tri-annual review, or end of contract cycle, the Board may seek approval of the Higher Education Policy Commission to dispense with a successive comprehensive review as redundant and an unnecessary use of time and resources.
- 4.5 The Annual Review
 - 4.5.1 The Higher Education Policy Commission, in conjunction with West Virginia Code, requires an annual review of the President of the University.
 - 4.5.2 The West Virginia State University Board of Governors acknowledges the obligation and inherent need to annually review the President of the University irrespective of the contract term of the current President.
 - 4.5.3 In view of the policy contained below related to the tri-annual comprehensive review and conclusion of contract cycle review, the annual review of the President shall be conducted in accordance with this section.
 - 4.5.4 The Presidential Review Committee shall convene during August/September of each academic year to begin the process of evaluating the President. The chairperson of the Committee, ~~as appointed by the Chairman of the Board,~~ shall coordinate the annual review with the assistance of the Committee members.
 - 4.5.5 The chairperson of the Presidential Review Committee, or the chairperson's designee, shall announce a thirty-day comment period to the campus and the community to solicit feedback regarding the President's performance. Such comments will be kept confidential and shared with the Presidential Review

Committee, and subsequently the Board of Governors, in a summary format without individually identifying any person or name associated with the information.

- 4.5.6 Once the thirty-day comment period has concluded, the Board of Governors will meet in executive session to receive the summary report of the Chairman of the Presidential Review Committee. The full Board shall hold a discussion to determine if there were sufficient comments received during the thirty-day period. To the extent that it is determined that sufficient comments were received to have a representative sample, the full Board shall then hold a discussion in executive session regarding President's performance, specifically to address and comment upon the President's leadership, assess the quality of written information disseminated by the President's office, assess the accomplishments or lack of progress toward the University's mission by the President during the review period, and note any concerns raised in comments received during the 30 day period. If it is determined that an insufficient number of comments were received during the thirty-day comment period, the Chairperson of the Presidential Review Committee, or a designee thereof, may request additional time to solicit further comment from any campus or community constituency that may be under-represented. Those comments shall be reported in the same manner as outlined herein, either at the next full Board meeting (in executive session) or at a specially called meeting. The Board shall then hold its discussion in executive session regarding the President's performance, specifically to address and comment upon the President's leadership, assess the quality of written information disseminated by the President's office, assess the accomplishments or lack of progress toward the University's mission by the President during the review period, and note any concerns expressed by any comments received during the thirty-day period or thereafter directly solicited by the Chairperson of the Presidential Review Committee.
- 4.5.7 A written summary report, based on the comment period, including any directly solicited comments by the Chairperson of the Presidential Review Committee, and the Board discussion held in executive session, shall be presented to the President and the Chairman of the Board and afford the President the opportunity to make any response, written or verbal, that the President deems appropriate.
- 4.5.8 The Chairman of the Board shall orally summarize the written summary report to the full Board during executive session to preserve the confidentiality of the comments and information, and in order to preserve the overall process as a personnel matter for the President.
- 4.5.9 The Chairman of the Board shall entertain a motion from the Board, outside of executive session, to accept the written summary report from the Presidential Review Committee, to place it in the personnel file of the President, and to report to the Higher Education Policy Commission that the annual review of the President was conducted, the dates it was conducted, the types of personnel involved in the review, and whether the conclusion of the review was favorable or unfavorable. To

the extent that the conclusion of the review was unfavorable, the Chairman of the Board, in conjunction with the President, shall agree upon such terms, actions or other procedures to address any deficiency or concerns identified; and those deficiencies or concerns shall be specifically addressed in the next annual, tri-annual, or end of contract cycle review.

4.5.10 The annual review of the President shall be concluded sufficiently in advance of the last calendar year Board of Governors meeting such that the Board may receive the information prior to the end of the calendar year and make any appropriate recommendations or take any appropriate actions. It is presumed that the annual review shall be completed prior to the December Board of Governors meeting such that the Board may receive the information and take any necessary action (or take no action when appropriate) at the December meeting.

4.6 The Tri-Annual Comprehensive Review and End of Contract Cycle Review

4.6.1 The Presidential Review Committee shall have the authority to contract with an external consultant to conduct the tri-annual comprehensive review or end of contract cycle review. Whether conducted by the Presidential Review Committee or an external consultant, the comprehensive review required by West Virginia Code and the Higher Education Policy Commission at this interval shall be conducted as follows:

4.6.2 The Presidential Review Committee shall convene during August/September of the applicable academic year to begin the process of conducting a comprehensive review evaluating the President. The chairperson of the Committee, ~~as appointed by the Chairman of the Board~~, shall coordinate the comprehensive review with the assistance of the Committee members; and the Committee may determine, by majority vote, that an external consultant is advisable. The Chairman shall approve the expense of retaining an external consultant.

4.6.3 The comprehensive review of the President shall consist of on-campus interviews ordinarily comprised of the following categories of personnel; however from time to time, and in the future, there may be a need to include a category or categories of personnel not yet existing that would be vital to this process, or conversely to dispense with the inclusion of a category or categories hereinafter mentioned that is no longer vital. In that way, the Presidential Review Committee shall have the implicit authority to amend these categories as necessary, but shall endeavor to be as inclusive as possible within these recommendations:

4.6.3.a The President;

4.6.3.b The President's Cabinet and all senior-level administrative support staff;

- 4.6.3.c The Faculty Senate;
 - 4.6.3.d An additional representative sample of other faculty members in a caucus (normally 5-10) not otherwise serving on the Faculty Senate;
 - 4.6.3.e A representative sample of classified staff representatives (normally 5-10 including members of the classified staff council, if available);
 - 4.6.3.f A representative sample of students (normally 5-10 including members of the Student Government Association, if available);
 - 4.6.3.g The Director of Athletics;
 - 4.6.3.h At least two Athletic Coaches;
 - 4.6.3.i The Director of Physical Facilities;
 - 4.6.3.j The Chief of Campus Police; and
 - 4.6.3.k A representative sample of local community leaders (normally 5-10, including a member of the Kanawha County Commission, if available); and
 - 4.6.3.l The entire Board of Governors (the faculty representative, the classified staff representative, and the student representative may choose whether to be interviewed in the Board of Governors' caucus, or their individual caucuses, but not both).
- 4.6.4 The on-campus interviews shall be led by the chairperson of the Presidential Review Committee, or an external consultant. The interviews shall be private within each specific caucus and the information obtained in the interviews shall remain confidential in order to foster an atmosphere of open and frank communication. Each specific caucus shall be asked specifically to address and comment upon the duties and responsibilities enumerated herein at sections 3.5.1 through 3.5.12, in addition to any benchmarks or goals established in the President's written contract. The President's written contract shall be made available to any external consultant retained for the purpose of conducting the comprehensive evaluation.
- 4.6.5 Following the on-campus interviews, the chairperson of the Presidential Review Committee, or the external consultant, shall prepare a written summary report of the on-campus interviews for the Chairman of the Board, identifying only the caucus from which the information is derived, and shall not individually identify any person or name associated with the information, and shall make a conclusion as to the performance of the President.
- 4.6.6 The written summary report shall be presented to the President and the Chairman of the Board and afford the President the opportunity to make any response, written or verbal, that the President deems appropriate.
- 4.6.7 The Chairman of the Board shall orally summarize the written summary report to the full Board during executive session to preserve the confidentiality of the comments and information and in order to preserve the overall process as a personnel matter for the President.

- 4.6.8 The Chairman of the Board shall entertain a motion from the Board, outside of executive session, to accept the written summary report from the Presidential Review Committee, to place it in the personnel file of the President, and to report to the Higher Education Policy Commission that the comprehensive review of the President was conducted for purposes of the tri-annual review, or the end of contract cycle review, the dates it was conducted, the types of personnel involved in the review, and whether the conclusion of the review was favorable or unfavorable. To the extent that the conclusion of the review was unfavorable, the Chairman of the Board, in conjunction with the President, shall agree upon such terms, actions or other procedures to address any deficiency or concerns identified; and those deficiencies or concerns shall be specifically addressed in the next annual review.
- 4.6.9 The comprehensive review of the President shall be concluded sufficiently in advance of the last calendar year Board of Governors meeting such that the Board may receive the information prior to the end of the calendar year and make any appropriate recommendations or take any appropriate actions. It is presumed that the annual review shall be completed prior to the December Board of Governors meeting such that the Board may receive the information and take any necessary action (or take no action when appropriate) at the December meeting.

Section 5. Resignation and Termination

- 5.1 A President may resign his or her appointment at any time upon written notification to the Board of Governors, addressed to the Chairman. The Board expects at least 60 days notice prior to the effective date of the resignation.
- 5.2 The Board of Governors may terminate the appointment of a President at any time, when in the Board's judgment, such action would be in the best interests of the University.
- 5.3 If the Board of Governors terminates the appointment of a President for any reason other than for "cause," the Board may offer the President a non-tenured, adjunct faculty position with the University, at a salary commensurate with that particular faculty position, not to extend beyond the remaining academic year; or if the President was conferred tenured status upon initial appointment, a tenured position not to extend beyond the remaining academic year, at a salary commensurate with tenured faculty, for that pro-rated period; or for a period of time agreed to between the Board of Governors and the President.
- 5.4 If the Board of Governors terminates the appointment of a President for "cause" that term is defined to include acts or inactions of malfeasance or misfeasance, may include commission or omission of acts, or acts in contravention of the policies of the Board or the direction of the Board of Governors, crimes involving moral turpitude, actions or inactions which denigrate the character and reputation of the University, or other such actions in contravention to the best interests of the University or Board of Governors policies.

**Agenda Item 7.a.v.
January 26, 2017**

Action

Approval of Utility Easement for Former Rehabilitation Property

As part of the renovation to the former rehabilitation property by the West Virginia State University Research and Development Corporation, Appalachian Power Company is requesting approval of an easement to provide electricity to the facility. Based on information provided by Appalachian Power Company officials, the requested easement must be approved by the full Board. Therefore, I bring the easement to the full Board for approval.