

**West Virginia State University Board of Governors  
 Bylaws & Policy Review Special Committee  
 Erickson Alumni Center, Grand Hall  
 March 16, 2017  
 8:30 a.m. – 9:20 a.m.  
 Agenda**

1. Call to Order and Roll Call -- Committee Chair Paul Konstanty, presiding
2. Verification of Appropriate Notice 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. Review of Comments, Discussion and Possible Recommendation on Proposed Amendments to the Full Board for:
  - 5.1 Board Policy #36
    - 5.1.1 Review of BOG Policy #36 Comments Discussion 5
    - 5.1.2 Discussion of BOG Policy #36 Revisions Discussion 10
    - 5.1.3 Possible Recommendation to Full Board Action
  - 5.2 Board Policy #61
    - 5.2.1 Discussion of BOG Policy #61 Revisions Discussion 11
    - 5.2.2 Possible Recommendation to Full Board Action
6. Next Meeting Date – *April 27, 2017*
7. Adjournment

West Virginia State University  
*Bylaws & Policy Review Special Committee*

Date/Time: 3/16/2017 -- 8:30 AM

Location:

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

Purpose: To conduct the regular business of the Committee in preparation for the March 16, 2017 Board of Governors meeting.

Notes:

This is a compliant meeting.

Meeting was approved: 3/6/2017 8:33:52 AM

**West Virginia State University Board of Governors  
Bylaws and Policy Review Special Committee  
Minutes  
January 26, 2017**

1. **Call to Order:** Mr. Konstanty called the meeting of the West Virginia State University Board of Governors Bylaws and Policy Review Special Committee to order at 9:03 a.m.

**Present:** Mr. Kelley, Mr. Konstanty, and Mr. Williams. Board members Dr. Guetzloff and Dr. Thralls attended. Tom Bennett was also present.

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

Mr. Konstanty announced the Verification of Notice of Public Meeting.

3. **Review and Approval of Agenda**

Mr. Williams motioned for approval of the agenda as presented, and Mr. Kelley seconded the motion. The motion carried.

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

Mr. Williams motioned for approval of the minutes for the December 7, 2016 meeting, and Mr. Kelley seconded the motion. The motion carried.

5. **Committee Recommendations and Report on Proposed Amendment**

Mr. Konstanty said the plan is to report to the Full board later today the revisions the Committee made to the Bylaws, BOG Policy #36, and BOG Policy #61 during its December 7, 2016 meeting and seek approval to distribute the changes for the public comment period. For the Bylaws, Mr. Williams inquired about the appointment of the Audit Committee members in addition to the Executive Committee serving on the Committee. He suggested that language be added to state that the chair shall assign members to the Committee. Mr. Kelley moved to amend Article IV, Section E. subsection 1 to include language that the chair shall assign members to serve on the Audit Committee. Mr. Williams seconded the motion, and the motion carried.

Dr. Guetzloff asked if the revisions to BOG Policy #36 would affect Homecoming events. Mr. Konstanty stated the policy would be reinforced by Public Safety and is not to encourage the consumption of alcohol, and Mr. Williams concurred. Mr. Kelley said the rationale behind the changes was to have flexibility for special events such as the Fall Festival on the Quad. If someone wants to have event during Homecoming, they must follow the policy and submit the form for approval. Dr. Guetzloff said his concerns were alleviated knowing there will still be structure in permitting events that allow alcohol during Homecoming. Dr. Thralls inquired about the President's designee and how or when would that person be involved in the approval process. Mr. Konstanty said the language about the President's designee was with the thought that an approval may be needed and signed when the President is away from campus for an extended time. Mr. Bennett clarified

that all copies of the requests go through him and if there are questions, the President follows up with the appropriate vice president.

**6. Next Meeting Date**

March 16, 2017

**7. Adjournment**

With there being no further business, the meeting adjourned at 9:20 a.m.

Respectfully submitted,

Crystal Walker  
Executive Assistant to the President  
Campus Events Coordinator

# COMMENT #1

Tom Bennett

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**From:** Lauren Hamrick  
**Sent:** Sunday, January 29, 2017 11:07 PM  
**To:** tbennett3@wvstateu.edu  
**Subject:** Question/Comment BOG Policy #36

Policy 36 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.

Why is the alcohol restricted to catered events where the majority of attendees are non students? If the department or University had deemed that the students have done something worthy of having a catered event, why should the students who are 21 and older not be able to drink. It would be better to let them drink at the event legally than for them to drink before hand (maybe to excess) or to leave and possibly drink and drive. Another thought is by allowing the students (who are 21 and older) to drink at events, this will teach them social drinking at an early age. This shows them that they do not have to drink to excess.

I understand that the idea of alcohol restriction is to keep it out of housing and to ensure that underage students are not drinking. However, it is going to happen. When you take the danger and rebelliousness out of it by letting them drink at events, the amount of students drinking on campus will reduce since it's not so glamorous anymore.

Tom Bennett

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**From:** Seth Tuemler  
**Sent:** Monday, February 06, 2017 7:34 PM  
**To:** Tom Bennett  
**Subject:** Re: BOG Policies #36 & 61

Tom,

Policy 36, needs to clarify there is no exception for the dormitories. West Virginia State University has been a leader in dry campuses and should remain to do so. I also believe the Library should be off limits. We never need alcohol in the library. This policy 36 update leave a lot of open ended places for alcohol consumption and should be revised with clear limits.

Sincerely,

Seth A. Tuemler  
Senior WVSU

On Mon, Feb 6, 2017 at 6:53 PM, Tom Bennett <[tbennett3@wvstateu.edu](mailto:tbennett3@wvstateu.edu)> wrote:

As the seven day notification period for changes to the West Virginia State University Board of Governors (BOG) Policy #36 and Policy #61 expired today, BOG Policy #36 and Policy #61 have been posted for a thirty-day public comment period ending Wednesday, March 8, 2017. Any comments should be e-mailed to [tbennett3@wvstateu.edu](mailto:tbennett3@wvstateu.edu) or delivered to the Office of the President (103 Ferrell Hall) by the deadline.

Sincerely,



Thomas R. Bennett, II  
Chief of Staff & Vice President  
for Legislative Affairs  
West Virginia State University  
103 Ferrell Hall PO Box 399  
Institute, WV 25112-0399  
(304) 766-3112  
[tbennett3@wvstateu.edu](mailto:tbennett3@wvstateu.edu)

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Tom Bennett

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**From:** Ami Smith  
**Sent:** Tuesday, February 07, 2017 8:44 AM  
**To:** Tom Bennett  
**Cc:** Orlando Mcmeans  
**Subject:** Re: [FacultyLS] BOG Policies #36 & 61

Hi Tom,

Regarding policy #36: if I am reading it correctly alcoholic beverages would continue to be prohibited at the Economic Development Center that Extension operates on the West Side. If the EDC were permitted to obtain prior approval for events in which alcohol would be served as outlined in 2.1 of the policy, then it would enable us to rent out the facility to a wider audience and bring in revenue to help cover the costs associated with daily building operations. That facility is quite costly to operate and office rentals alone do not bring in enough revenue to offset those costs.

Sincerely,

Ami M. Smith, Ph.D.  
Associate Vice President for Public Service  
Director of Extension  
Gus R. Douglass Institute  
West Virginia State University  
100 Curtis House  
Institute, WV 25112-1000  
Email: [smitham@wvstateu.edu](mailto:smitham@wvstateu.edu)  
Office: 304-204-4305



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Sincerely,



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# 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.

# 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.