

**WEST LIBERTY UNIVERSITY
BOARD OF GOVERNORS**

**February 6, 2013
5:00 p.m.
Shaw Hall Board Room
WLU**

AGENDA

1. Call to Order
2. Chairperson Comments
3. Consent Agenda* 5 Min
 - a. Minutes of the Full Board 12/12/12
 - b. Minutes of the Executive Committee 01/23/13
4. Informational Items:
 - Study Abroad Program 15 Min
 - President's Report 30 Min
5. Action Items*:
 - a. Additional Locations for the Bachelor of Arts in Organizational Leadership and Administration 10 Min
 - b. Gary E. West Property 15 Min
 - c. Revision to Policy 2 – Presidential Appointments, Responsibilities, and Evaluation – 30-Day Comment Period..... 5 Min
6. Adjournment

*Action Items

**West Liberty University
Board of Governors**

Minutes

December 12, 2012

Attendance:

Beverly Burke, Richard Carter, George Couch, Rob Marks, Ann Thomas, Carrie White,

Unable to Attend:

Lisa Allen, Brian Joseph, Patrick Kelly, Paul Limbert, LeeAnne Yeater

Administration/Faculty/Staff:

Christopher Barrick, Sheli Bernstein-Goff, Hollie Buchanan, Robin Capehart, Judy Carney, Lihma Chen, Scott Cook, Linda Cowan, John Davis, Mary Ann Edwards, John Gompers, Shannon Halicki, Sylvia Hawranick-Senften, Aaron Huffman, John McCullough, Ryan McCullough, Richard West, Jack Wright

1. Call to Order:

Chair Carter called the meeting to order at 5:12 p.m.

2. Chairperson Comments:

Chair Carter stated that over the past week there were events here at West Liberty, one of them a DUI, which was a person on the basketball team, and that is certainly an event that got publicity that we are not very happy about; the University is handling that issue. The second event is what Chair Carter considered to be an unconscionable display of the investigative process by the Florida and Ohio County police, and does not know which department is more to blame. The fact that people came to this campus, cuffed this young man and took him to jail to sit for several days when there hadn't been proper, sufficient investigation and no due diligence done.

The only saving grace to come out of this traumatic experience is that it was, maybe, lessened by the fact that the University administration provided information immediately and tried to show where the allegations were not correct; he was finally exonerated. We all know news happens and it's on the front page; if something is found out later to be incorrect it's usually pushed somewhere back behind the Macy's ad. This time it received front page coverage and kudos goes out to the administration to make certain that, what was considered to be a significant defamation of character, was attempted to be minimized. We don't know if the trauma to this individual could ever be minimized. The University responded very well in support of its student to try and make certain the facts and accuracy prevailed rather than the emotion of the moment.

We finished the first semester of the 2012 school year and though Chair Carter is not on campus every day, he realizes this is a big week; finals week. This week culminates on Saturday with tradition and knows that faculty are probably happy about that, along with the students. Chair Carter stated that this semester, from what he's seen and heard, has gone pretty well for West Liberty.

3. Consent Agenda*:

Chair Carter asked for a motion to approve the consent agenda items, those being the minutes of the full Board of October 17, 2012, minutes of the Executive Committee of October 3 and November 28, 2012, and the honorary degree.

A motion that the West Liberty University Board of Governors approve the Consent Agenda items was then made by George Couch and seconded by Rob Marks; motion passed unanimously.

4. Informational Items:

a. Faculty Senate Update

Chair Carter welcomed the members of Faculty Senate to the Board meeting and apologized for not doing so earlier. He thanked Faculty Senate Chair Dr. Linda Cowan and stated that faculty are the ones who create the product, education, for West Liberty University.

Dr. Cowan introduced herself began the presentation by stating this is a young Senate who are learning policies and procedures, and currently working on some green initiatives to try and save money on campus. Senate is also working on a complete policy revision of how they are evaluated and the tenure/ promotion process. The policy will be taken down to bare bones and redone, taking an integral role in this process because that's what they do. The Senate is an advisory body and doesn't create policies; they report directly to the Provost and President and are happy they were invited this evening. Richard West introduced himself and he and Dr. Cowan continued with the presentation.

At the conclusion of the presentation they asked if there were any questions. Chair Carter, on behalf of the Board, thanked them for their presentation. He noted that this is a University that consists of many different disciplines; those who collect money, people who are out there trying to keep up enrollment, and all types of administration. It's very important that faculty realize how necessary they are and their performance in order to produce quality students so they are able to go out into the world and be prepared, and also to keep the reputation of the University high to keep enrollment up and to keep paying bills and enable increases for employees. The role of faculty is absolutely extremely important and you might want to preach on Chair Carter's behalf at Faculty Senate; you have a very important role in the short-term and long-term success of this University. Everything else is here to help service you in this role, but you're making the product and if that product isn't delivered efficient and in a quality manner, things will start to deteriorate for the whole and everyone will be unhappy. Chair Carter stated to keep up the good work and felt confident in seeing the way faculty approach what they do, why they do it, and their interaction with the community. He feels confident that WLU has a good Faculty Senate who is out there representing the whole faculty and won't be afraid to preach to their fellow employee just how important their role is.

Dr. Cowan had those members of Faculty Senate attending introduce themselves to the Board, those being Aaron Huffman, Judy Carney, Hollie Buchanan, Sylvia Hawranick-Senften, Sheli Bernstein-Goff, Ryan McCullough, and Christopher Barrick.

Dr. McCullough added that Faculty Senate and the Senators take their job very seriously and do an excellent job as an advisory body, keeping check and balance for all involved on the academic side. They are a sounding board, a voice, and a very important part of WLU, taking that role and those they represent very seriously. Chair Carter stated that when he took this term as Chair he made the remark that he just wanted to act as a steward and oversee what the administration does and that he certainly did not want to get into trying to run the University. He stated it's very important that Dr. McCullough, as Interim Provost, communicate with Faculty Senate and what's developing; he is the common link to the President. The President, if requested, goes to Faculty Senate meetings and has many hats to wear. The Provost also wears many hats and he keeps his finger on the pulse of the faculty and the pulse comes through the Faculty Senate. Chair Carter strongly suggests that the common link be a good link. Chair Carter thanked Faculty Senate for their update this evening.

b. President's Report

President Capehart thanked the Faculty Senate members for their presentation and echoed the remarks made this evening, stating that he is excited about the fact that Faculty Senate is picking up projects that have been lying around for years, such as policies that have been battered back and forth for years dealing with evaluation, promotion and tenure. President Capehart then continued with his report to the Board.

President Capehart discussed the proposed outcome based funding. This funding is going to bring West Virginia soring into the 1980's. The Select Committee for this outcome based model is legislators. This is an outcome based model where you take a portion of the State appropriation received from the legislature through the budget process and dedicate it to some kind of outcome based model, which we are working on to determine how to divide it between the different schools.

The State appropriation was changed around 2001, wanting to change from the per student FTE model. The State appropriation has been frozen in time since 2001. The idea then was that the total amount of money given to the HEPC, when formed in 2001, was to divide the lump of money into five different pots. The money was to be used for fulfilling State policy goals, research, etc. For the last two years the Legislature put everything the same as the previous year but, instead of a lump sum to the HEPC to divide, they started putting institutions as line items. This took away the ability of the HEPC to develop a plan to have things divided among the different institutions based on their outcomes, etc.

When you look at WLU compared to Shepherd or WVU Tech, there is a real disparity that is not being addressed. Five percent of the total amount for colleges and universities plugs into the outcome based formula, which will be increased over a period of years.

If the president of a university picks up the phone and calls their legislators about this funding the call will be taken and they will be very polite. If the Board and faculty members make calls, since there are more of them than anybody, something might get done about this proposal; if we can actually get the Legislature and the Governor to listen. The key is that we need to sit down and work together to come up with a simple, succinct proposal to send to the Legislature.

President Capehart thanked the Board and wanted to say, with regard to the Graduate Entrepreneurship Certificate Program action item, that Carrie White has done such a wonderful job picking up a lot of ideas and laying-out this program. It has gone forward in so many directions; it's more than a certificate, it's community engagement and students from all disciplines are getting involved. This program was talked about for many years when President Capehart first came to West Liberty.

5. Action Items:

a. Graduate Entrepreneurship Certificate Program*

Dr. McCullough stated that this is an innovative program of which Carrie White has been the driving force. This is not an academic degree nor a stand-alone program, but serves as a track/concentration under the existing Master of Arts in Education degree. This is a great collaboration between Education and the Center for Entrepreneurship. It is directed toward K-12 teachers and supported by the State Department of Education, and will provide the knowledge base for teachers to successfully incorporate into their program for those who have an interest in entrepreneurship and all aspects that go along with the program. This operates as a stand-alone graduate certificate and courses will be offered in the summer only. The program is quite innovative and has been approved by the Curriculum Committee and Faculty Senate. Carrie White stated that they are excited about the program and it came about from information received from the State Department of Education. One of their initiatives right now is entrepreneurship education in K-12. It has been endorsed by the State and teachers who enter the program are eligible for a pay increase when completed. This program is not being done anywhere else in the State; WLU will be able to set the standard. Dr. McCullough stated that this is a low-cost program. Other than adjunct faculty or faculty on an overload basis there are no new costs associated with the program.

Chair Carter stated that he likes the concept; he is a mercenary type person and likes the fact that people are going to buy 15 credit hours to get the certificate. We have a revenue generator, an opportunity for people to increase their salary and at very little cost to the University.

A motion that the West Liberty University Board of Governors approve the creation of a new graduate Entrepreneurship certificate program within the Master of Arts in Education degree program of the College of Education was then made by Carrie White and seconded by George Couch; motion passed unanimously.

b. Change in Designation of English Liberal Arts Tracks to Majors*

Dr. McCullough stated that this is a real perfunctory action. At the last Board meeting we had the same action with a program in Social Science. The HEPC has allowed us to change the nomenclature from what was called a track or concentration to now use the phraseology of major. This markets and promotes a little better and is better understood by the prospective students and parents. This change conforms to HEPC guidelines and again and is a nomenclature only change.

A motion that the West Liberty University Board of Governors approve the conversion of two tracks (English Literature and English: Rhetoric and Writing) within the English Liberal Arts degree program to majors was then made by Ann Thomas and seconded by Carrie White; motion passed unanimously.

c. Refinancing of the 2003 Bonds*

Mr. Wright stated that in the last three months bids went out for refinancing of the 2003 bonds and the RFI for counsel, which will be Fred Williams with Steptoe & Johnson. Most Board members met Fred when he was here on the new bond issue. The information went out to four banks; WesBanco, Huntington, United, and Chase. Chase for the second time declined at the last minute. WesBanco came in at a fixed interest rate of 2.42, United at 3.22, and Huntington at 2.70, and all were willing to accept existing capital fees. No one wanted to continue the room and board rent and Coke machine pledge. The one big advantage of WesBanco, along with the low rate, is we have no penalty for payments; the other two did want a certain number of years guaranteed before repayment.

The current repayment is \$16,458,597; the new repayment would be \$11,478,285 for an overall savings on the three bonds of almost \$5 million. This is a savings of \$330,000 a year. Another item is that as long as the capital fees cover the principal and interest times 1.25, any remaining capital fee over and above can be pledged to future bonds. The borrowing that we are looking at right now is \$9.5 to \$9.6 million. The resolution which Fred will run down through is attached to the Board packet.

Mr. Williams noted that the existing bonds were sold in 2003 and they were sold as three separate series, separately secured and done that way because it was the way you typically did things under the system in place in 2003. In 2004 legislation modernized and significantly changed the higher education bond financing provisions. What we're seeing now is that instead of having the three separate series type effect pledges; you have a pledge of all three revenues together to secure a single bond issue that would refinance the existing bonds that are outstanding.

One other positive about this transaction is that when the bonds were done in 2003 they were publically offered and the underwriting required that reserves be financed for a little over \$1 million and financed with proceeds from original bonds. Whenever refunding occurs, WesBanco has not required that there be reserve funds like that so that \$1 million will be used to pay off existing bonds and would not be present. That's one reason why the outstanding amount of bonds is dropping to \$9.5 million. The benefit is that the interest WLU paid on the serve fund is in essence the bond rate on one existing bond. In today's market you're not able to invest those reserves in anything close to those interest rates. Under this transaction the only revenue pledge would be capital fees exclusive of the 2012 capital fee in the recent bond issue. Theoretically those monies would be separately pledged to some future borrowing. If passed WLU would basically be going through the same process they went through in the spring. If approved here this evening, the HEPC would then approve a resolution approving the issuance of the bond, the Governor would sign off, and once we have both approvals we would move forward and close the transaction around the first week of January.

In addition, this resolution designates these new refunding bonds as bank qualified, which gives the bank purchaser a better tax benefit from owning the bond. In order to have this designation the Board has to reasonably expect the amount of terms would not exceed \$10 million, which is not anticipated to occur. In looking at the resolution itself, the first couple pages lay out facts of the existing bond, provision for new bonds, and the pledge of the existing capital fee.

Mr. Williams continued to review the Resolution, and the various sections and information contained in the document. WesBanco is appointed by the Board to serve as the trustee, the same as the 2012 bond. It is customary that the trust department handles the trusteeship of the bond; it's easier when you make payments. Since the bonds are only secured by revenues pledged none of the individuals involved have any personal liability associated with the bonds.

Section 10-Post Issuance Compliance Procedures, is different than in the past. The IRS has been pushing every issuer of bonds, when they issue the bonds, to go ahead and have post issuance compliance procedures in place so someone looks at the bonds over the years in the

future to make sure some action isn't taken to cause the bonds to be taxable; inadvertently. Reasons any bond issue becomes taxable, when it starts out okay, is somehow using money in a way they're not supposed to or lease a building out to a private company; these cause problems with a bond. Standard compliance procedures are not too much to worry about because all proceeds will be spent quickly and we don't expect to lease a bond-financed building to a private company to use for private business. Mr. Williams reviewed the remainder of the document, stating that this was the short summary of the resolution and asked if there were any questions.

Mr. Wright thanked Mr. Williams for an excellent job in distilling the information to the Board. The issue is whether WLU wants to refinance the three bonds for an amount of money not to exceed \$10 million. A benefit to WLU is \$330,000 per year for 15 years, generating a total savings of \$4,980,312; that's the issue at hand. Chair Carter asked for a motion to refinance these bonds.

A motion that the West Liberty University Board of Governors authorize the refunding of certain outstanding bonds previously issued by the Board of Governors on behalf of West Liberty University; authorizing the financing of the costs of such refunding, and related expenses through the issuance by the West Liberty University Board of Governors of a series of revenue bonds in the aggregate principal amount of not more than \$10,000,000; authorizing the execution of a trust indenture with respect to the bonds; authorizing the sale of the bonds to WesBanco Bank, Inc. pursuant to a commitment with respect to the bonds and the execution and delivery of such commitment letter; authorizing the execution and delivery of other documents and agreements in connection with the bonds, including but not limited to a depository trust agreement and a tax certificate; appointing a trustee for the bonds; delegating to the President and the Chief Financial Officer of West Liberty University and the Chairman and Vice-Chairman of the West Liberty University Board of Governors certain responsibilities in connection with the sale and issuance of the bonds and the investment of bond proceeds; designating the bonds as qualified tax-exempt obligations; adoption of post issuance tax compliance procedures and taking other actions in connection with the sale and issuance of the bonds was then made by Ann Thomas and seconded by Carrie White; motion passed unanimously.

6. Adjournment:

A motion to adjourn was made by Beverly Burke and seconded by Ann Thomas; motion passed unanimously. Chair Carter wished a happy holiday to faculty and administration.

The meeting adjourned at 6:33 p.m.

Richard Carter

Chair

Paul Limbert

Secretary

**West Liberty University
Board of Governors**

**Executive Committee
Minutes
January 23, 2013**

Executive Committee Members: Richard Carter, George Couch, Brian Joseph

WLU Administrators: Robin Capehart, John Davis, John Gompers, John McCullough, Jack Wright

1. Chair Carter called the meeting to order at 8:10 a.m.
2. BOG Business - The next Board meeting will be held at the Board Conference Room at 5:00 p.m. on Wednesday, February 6, 2013. The BOG Finance Committee will meet at 4:00 p.m. in the Provost's (East) Conference Room.
3. FOCUS 2020 - President Capehart provided an update on the FOCUS 2020 strategic planning initiative. A campus-wide stakeholders' meeting will be held later this morning, with a report on the SmartCampus initiative, along with updates on the related projects. Rich Carter commented on the need for improved productivity and a continuing review of increased efficiencies—to which this undertaking could contribute.
4. Gary E. West Property - Jack Wright presented background information, along with details of the closing in December. The contract of pledge would limit the utilization of the property by WLU, and the contract of pledge will need to be revised somewhat. John Gompers explained some of the proposed changes to the contract of pledge, and Jack will be speaking directly with Gary West in Florida.
5. Evaluation of President (3-Year Evaluation) - John Gompers explained the need for the BOG policy on presidential evaluation to be revised in order to conform with HEPC policy. The Executive Committee directed John Gompers and John Davis to make appropriate revisions to the BOG policy on presidential evaluation.
6. Additional Locations for Delivery of Bachelor of Arts in Organizational Leadership and Administration (BLA) Program - John McCullough discussed the rationale and advantages of offering the BLA Program on the campuses of West Virginia Northern Community College in New Martinsville and Weirton. A final step in the approval process will involve the Higher Learning Commission.
7. President's Council on Sustainability - President Capehart explained the purpose of the Council and what will be its focus on a "Triple Bottom Line"—social, economic, and environmental sustainability at WLU. The 15-member Council will be comprised of five members each from faculty, classified staff, and non-classified staff.
8. President's Report - President Capehart updated the Executive Committee on the search for a new Provost. After a nationwide search, three finalists will be brought to campus next week and will be interviewed by him and by the Steering Committee and by faculty as part of an open-to-the-campus forum. The President will update the Board on other items on February 6.
9. The meeting adjourned at 9:15 a.m.

Richard Carter _____
Chair

Paul Limbert _____
Secretary

West Liberty University Board of Governors
February 6, 2013

**Additional Locations for the Bachelor of Arts in Organizational Leadership and
Administration**

West Virginia Northern Community College, New Martinsville, WV
West Virginia Northern Community College, Weirton, WV

The Board of Governors is asked to approve the expansion of the Bachelor of Arts in Organizational Leadership and Administration (BLA) to two additional locations, the campus of West Virginia Northern Community College in New Martinsville, WV and the campus of West Virginia Northern Community College in Weirton, WV.

The BLA degree is designed as an adult degree completion program providing the opportunity for working adults to earn a Bachelor of Arts degree using prior college coursework and work experience as a foundation. As such, course offerings within the BLA degree program must be readily accessible to working adults. The expansion of the program to two additional sites and maintaining the original site for the program at the WLU Highlands Center will provide increased opportunity for working adults at the furthest reaches of the northern panhandle and adjacent areas in neighboring states to access the additional coursework for degree completion.

**POLICY 2 (PRESIDENTIAL APPOINTMENTS, RESPONSIBILITIES, AND EVALUATION)
REVISION RESOLUTION
WEST LIBERTY UNIVERSITY**

Action Item

The Board of Governors is asked to authorize a 30-day period during which campus constituencies (faculty, staff, and students) may review and comment on a revision to Policy 2, Presidential Appointments, Responsibilities, and Evaluation.

The current policy stipulates that the every-three-years evaluation of the president be conducted by a visiting team comprised of two college or university presidents from outside West Virginia and a member of the Board.

In 2009, HEPC broadened its legislative rule regarding evaluation of presidents to allow governing boards to evaluate presidents “in house” – that is, by Board members - if they wish to do so. If a governing board prefers to retain the “visiting team” (of presidents from outside the state) model, it still has that authority.

The revision to Policy 2 would allow the Board more latitude in deciding how to evaluate the president.

Proposed Resolution: *Resolved*, that the West Liberty University Board of Governors approves the dissemination – for 30-day review and comment - of a revision to Policy 2, Presidential Appointments, Responsibilities, and Evaluation.

WEST LIBERTY ~~STATE COLLEGE~~UNIVERSITY BOARD OF GOVERNORS

POLICY 2: PRESIDENTIAL APPOINTMENTS, RESPONSIBILITIES, AND EVALUATION

Section 1: General.

- 1.1 Scope - This ~~rule~~policy establishes ~~the Board's~~policy guidelines on presidential appointments, responsibilities, and evaluation.
- 1.2 Authority - West Virginia Code § 18B-1-6, 18B-2A-4, and 18B-1B-6; Higher Education Policy Commission Title 133, Series 5.

Section 2: Appointment.

- 2.1 The president of West Liberty ~~State College~~University is appointed by the West Liberty ~~State College~~University Board of Governors, consistent with the provisions of West Virginia Code 18B-1B-6 and 18B-2A-4 and of the board's presidential search and selection procedures.
- 2.2 The president serves at the will and pleasure of the Board.
- 2.3 The Board establishes the presidential salary based on the annual review and analysis of peer and market data.
- 2.4 Upon appointment, a president may be awarded academic rank and tenure at the ~~College~~University by the Board.

Section 3: Duties and Responsibilities.

- 3.1 The president is responsible to the Board through the Chair. Within the policies and regulations of the Board and of other state and federal authorities, the president, as chief executive officer, has general authority and responsibility for the institution and for keeping the Board informed regarding the institution in a timely and appropriate manner.
- 3.2 The president is expected to demonstrate those leadership skills necessary for the vibrant, dynamic pursuit of the goals and objectives embodied in the mission of the institution. The president is also expected to understand the higher education needs of the institution's region, work with the Board and the Higher Education Policy Commission to develop proposals for meeting those needs, and provide leadership to foster cooperation between campus and community in fulfilling the institution's teaching, research, and public service responsibilities.
- 3.3 The president is expected to consult appropriately with faculty, students, classified staff, and administrators in discharging the responsibilities of the office. The president is also

expected to ensure that the policies, procedures and actions of the Board are communicated to appropriate constituencies of the institution in a timely manner.

- 3.4 As the chief executive of the institution, the president is charged with the following specific responsibilities:
 - 3.4.1 Exercising effective leadership in a joint effort to implement the mission of the institution, as delineated in role and scope statements approved by the Board.
 - 3.4.2 Providing effective leadership and support for an academic program that is consistent with the institutional mission, the needs of those being served, sound standards of quality, and available resources.
 - 3.4.3 Providing effective leadership and support for a program of student life that complements the academic program and recognizes the diverse interests and needs of the student body.
 - 3.4.4 Developing a competent administrative organization and staff to ensure effective and efficient management of the institution.
 - 3.4.5 Maintaining lawful, equitable and efficient personnel programs, including appointment of qualified persons to the faculty and staff and promotion, retention or dismissal for cause of the same, with due regard for the best interests of higher education and the taxpayers of the State of West Virginia.
 - 3.4.6 In addition to any budget formula established by the Board, recommending to the Board annual operating and capital budgets and other plans, financial and otherwise, for realizing the institutional mission, and providing sound management of the approved budgets and plans.
 - 3.4.7 In collaboration with the Higher Education Policy Commission, communicating the needs of higher education to the governor, legislators, other state and local officials, and citizens of the state.
 - 3.4.8 Interacting with appropriate external bodies to achieve the mission of the institution in a manner consistent with Board policy, statutory and regulatory provisions, and sound academic principles.
 - 3.4.9 Undertaking assignments requested by the Board and the Higher Education Policy Commission.
- 3.5 With regard to section 3.4.5 above, the president has final institutional-level authority and responsibility for every personnel action at the institution, with the exception of decisions relating to his or her own employment and compensation.
- 3.6 The president is expected to consult appropriately within the campus community on personnel decisions, but shall retain ultimate authority for such decisions.

Section 4: Presidential Evaluation.

4.1 Consistent with the requirements of West Virginia Code 18B-1B-6, the process described below is designed to evaluate presidential performance in relation to criteria established by the Board and those requirements as set forth in W.Va. Code 18B-1B-6(c)(1). It seeks to identify both areas of strength and those in which improvement would appear to be appropriate in order to assist the president in improving his or her effectiveness.

4.2 The basis for assessing presidential performance shall be the "Duties and Responsibilities" listed in section 3.4 of this document. This performance evaluation shall be conducted every third year and shall be structured as follows:

4.2.1 The chair of the Board, after consultation with the president, shall establish a schedule for the performance evaluation activities. In no case shall the process exceed four (4) months. The ~~on-site~~ schedule shall be developed for a period during the regular academic year when the institution is in operation. However, preparatory activities may be completed during the summer months.

~~4.2.1.2~~ 4.2.2 The Board shall appoint a committee of its own members, a visiting team, or any combination thereof (hereinafter, the "evaluation committee") for the purpose of evaluating the president. The evaluation committee may utilize institutional personnel including faculty and staff as well as students and persons who are knowledgeable of higher education matters who are not otherwise directly employed by a governing board to assist in its evaluation of the president.

~~4.2.1.3~~ 4.2.3 The president shall prepare and submit to the chair of the Board at least four (4) weeks prior to the ~~on-site visit~~ start of the evaluation process a "Statement of Presidential Assessment" consisting of his/her assessment of his/her performance as president in relation to each of the "Duties and Responsibilities of the President and his/her assessment of the success of the institution in meeting the requirements of its institutional compact and in achieving its goals, objectives, and priorities." The statement shall be no longer than fifteen (15) pages. The president may append necessary and appropriate materials, including such documents as the president's annual report and the current North Central Association self-study report.

~~4.2.3~~ The Board shall appoint a visiting team of three (3) individuals. Two (2) shall be college or university presidents, or comparably experienced peers selected by the Board after reviewing with the president the list of those considered. Such persons shall be from outside West Virginia and be free from conflict of interest. The third person shall be a public (appointed by the governor) member of the Board other than the chair.

4.2.4 The ~~chair of the~~ Board shall appoint one (1) member of the ~~visiting team~~ evaluation committee to serve as chairperson. The ~~team~~ committee shall be given the "Statement of Presidential Assessment" and such other documents deemed to be appropriate.

- 4.2.5 The Board shall be responsible for arranging a schedule for the visiting team evaluation committee, including interviews and meetings with campus personnel, that will assure a careful assessment of leadership and the condition of the campus.
- 4.2.6 To obtain an accurate and objective impression of the performance of the president, the team committee shall visit the campus for up to two (2) days to talk with and receive the views of the president, members of the Board, and a representative number of administrators, faculty members, non-classified employees, classified employees, students, alumni, and community leaders, including the elected leaders of each campus constituent group. ~~Evaluative information thus obtained, either in oral or written form, if included in the report, must be attributable.~~ Confidentiality beyond the visiting team evaluation committee of individual assessments of presidential performance shall be assured.
- 4.2.7 The team committee chairperson shall be responsible for drafting and submitting a team committee report to the chair of the Board within thirty (30) days of the on-site visit. ~~The general approach and format for the report shall be similar to, but not identical with, a North Central team visit and report, including commentary on the performance of the president in relation to each of the "Duties and Responsibilities of the President" adopted by the Board.~~ There shall be an oral report by the visiting team evaluation committee to the president and the chair of the Board ~~prior to leaving the campus~~ within thirty (30) days of submission of the report.
- 4.2.8 The chair of the board shall forward a copy of the report to the immediate past chair, members of the executive committee of the Board and to the president who was evaluated, inviting the latter to offer comments within two (2) weeks. Copies of the report shall be sent to the chancellor and the chair of the Higher Education Policy Commission.
- 4.2.9 A copy of comments received from the president shall be forwarded to the chair of the Board, the immediate past chair, and to members of the executive committee of the Board. Copies of the comments may be sent to the chancellor and the chair of the Higher Education Policy Commission.
- 4.2.10 The president shall be invited to discuss the process and results of the evaluation with the chair of the Board, the immediate past chair, and the executive committee of the Board, during which discussion areas of strength and those appearing to need improvement (if any) shall be identified for particular attention by the president prior to the next evaluation.
- 4.2.11 Following its review of the evaluation with the president, the executive committee shall report its conclusions in writing to the Board, to the chancellor, and to the chair of the Higher Education Policy Commission. At all stages of the evaluation process, the president shall be involved and informed and be afforded an opportunity to respond as he or she deems appropriate. Confidentiality consistent with state laws shall be maintained throughout the evaluation process.

Section 5: Annual Review.

- 5.1 It is the responsibility of the Board to continually monitor and evaluate the performance of the president through campus visits, discussions with the president, assessment of the quality of written information submitted to the Board, assessment of the accomplishment of institutional and statewide goals, and discussions with members of the Board, as well as students, faculty, staff, other administrators, legislators, and business and civic leaders associated with the institution. Prior to June 1 of each year, the president shall provide the Board chair with his or her goals and objectives for the ensuing twelve months and the progress made on accomplishing the goals and objectives of the previous twelve months. The chair is responsible for informing the Board of any concerns regarding the performance of the president.

Section 6: Professional Leave.

- 6.1 College and university presidents need an opportunity to engage in professional renewal activities from time to time in order to maintain enthusiasm and effectiveness in the role of institutional chief executive officers. In recognition of this, the president shall be eligible after each seven (7) year period of service as a president to take a leave of absence at full pay for up to three months for purposes of professional renewal.
- 6.2 The leave must be taken within the first three (3) years after the seven-year anniversary date as president.
- 6.3 The dates of the leave, the professional renewal activity to be pursued during the leave, and the appointment of an acting president shall be approved in advance by the executive committee of the Board in accordance with existing policy and procedures.
- 6.4 The professional renewal activity shall be directly related to the president's academic discipline or to the administration of higher education. A written report of the experience shall be provided by the president to the chair of the Board at the conclusion of the leave, and copies shall be provided by the chair to the Board.

Section 7: Resignation and Terminations.

- 7.1 A president may resign his or her appointment at any time upon written notification to the board, addressed to the Board chair. The Board expects at least thirty (30) days' notice prior to the effective date of the resignation.
- 7.2 The board may terminate an appointment as president at any time when, in the Board's judgment, such action would be in the best interest of the institution.

- 7.2.1 If the board terminates for any reason other than for "cause" the employment of a president who has academic tenure, that individual shall be eligible to assume a tenured faculty position at the institution at an initial salary set by the Board and at the academic rank established upon, or subsequent to, appointment as president. "Cause" is defined to include acts of malfeasance or misfeasance, and may include acts of commission or omission, or acts in contravention of the policies or direction of the Board and its designees.
- 7.2.2 If the Board terminates for any reason other than for "cause" the employment of a president who does not have academic tenure, the individual shall be eligible to be appointed by the Board as a full-time adjunct faculty member. The appointment shall be effective from the date of the release until the first day of the first academic semester at the institution following the one-year anniversary of the date of termination. The salary shall be set by the Board.

Section 8: Grievance Procedure.

- 8.1 If the president senses a problem with members of the Board, the president should first attempt to solve it through a discussion with the Board chair. If the problem seems to persist, the next appropriate step would be discussion of the problem with the executive committee of the Board. As the final step in this process, the aggrieved president may request a meeting with the full Board to discuss the matter. If the problem involves the Board chair, the president should attempt to resolve it through a discussion with the chancellor of the Higher Education Policy Commission and then with the Board.

Approved by the WLSC Board of Governors on 1/16/02.
Revised by WLU Board of Governors on 4/21/10.