

# Board of Governors Rule

Governance  
Presidential Selection, Contract, and  
Evaluation  
Responsible Unit: Board of Governors  
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Review Date: TBD

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## **BOG GOVERNANCE RULE 1.3 PRESIDENTIAL SELECTION, CONTRACTS, AND EVALUATION**

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### **SECTION 1: PURPOSE & SCOPE.**

- 1.1 The West Virginia University Board of Governors (“Board”) is responsible for the oversight, selection, and evaluation of the President of West Virginia University.
- 1.2 This Rule outlines the guiding principles for the selection, employment, and evaluation of the President by the West Virginia University Board of Governors (“Board”).

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### **SECTION 2: PRESIDENTIAL SELECTION**

- 2.1 In accordance with the West Virginia Code, The Board shall select the President of West Virginia University, and the selection must be approved by a majority vote of the Board.
- 2.2 The Board shall conduct the search for a president using a committee-led search process. This is one in which a search committee reviews the initial candidate pool, conducts any initial interviews, participates in any potential campus visits of selected candidates, and recommends candidates for final interviews and selection by the Board. In exigent circumstances, the Board may choose to utilize an alternative method to conduct a presidential search. If the Board utilizes an alternative method, the reasons for such decision must be documented by the Board and made publicly available.
  - 2.2.1 A search committee composition and membership shall be determined and selected by the Board, in its sole discretion. However, its membership shall include representatives of the University community, including Board members, faculty,

- staff, and students. The Board shall solicit nominations for the search committee membership from faculty, staff, and student constituency groups. No candidate for the position of President may serve on the search committee.
- 2.2.2 A position announcement shall be prepared detailing the characteristics and qualities sought in a new President and be distributed to appropriate sources for advertising. Feedback from members of the University community shall be solicited in determining the characteristics sought in the new President. Candidates may be considered through their own application or by nomination.
- 2.2.3 The search committee is a recommending body only. The Board maintains ultimate authority over of the process, including the final approval of candidates selected for final interviews. Moreover, the Board may reject or suggest add additional candidates at its discretion throughout the process; provided, however, that any candidates the Board suggests must be reviewed by the search committee prior to final selection.
- 2.2.4 During the search process, members of the Board and its appointed search committee shall not disclose the names and/or backgrounds of any candidate, without the candidate's express consent, to those outside of the Board, search committee, and/or authorized agents or staff. The Board Chair may dismiss from the search committee any search committee member if there is evidence that the member has breached confidentiality. ~~The decision of whether to dismiss a search committee member and whether to replace the dismissed member shall be at the sole discretion of the Board's Officers.~~
- 2.3 The Board shall establish and publicly announce the process and timeline the search committee will follow for the selection of the President. In determining the process and timeline, the Board shall consider a process and timeline that is consistent with the values and mission of the University and will attract the most qualified candidates and other factors that may impact the recruitment and retention of high-quality candidates. The Board's Officers may modify the process and timeline at any time if the Board's Officers determine that such modification is in the best interest of the University. Any change to the timeline and the reasons for said change must be made publicly available.
- 2.4 At its election, the Board may retain a consultant(s) and/or an executive search firm to assist in the search process.
- 2.5 A background and reference check shall be conducted of the final candidate prior to contract finalization; however, the Board may conduct background checks at its discretion at any stage in the process. Such checks shall comply with current University procedures

and at a minimum include confirmation of degrees, past employment, and a criminal and credit check.

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### SECTION 3: IMMEDIATE VACANCY

- 3.1 Each year, the President shall designate one member of their senior team to serve, for continuity of operations, as chief executive officer of the University, in the event of the President's death, disability, or unavailability. The designation must be approved by the Board's Officers. That person shall serve in that role until an interim is appointed by the Board. The President may revoke the designation at any time and re-designate another member of their senior team. In the event that the President does not designate an individual to serve in this capacity or if the designee is unable to fill the immediate vacancy, the Provost shall serve as the chief executive officer of the University until the Board appoints an interim president.
- 3.2 The Board may appoint an interim president to temporarily fill a vacancy in the position for a term of up to one year with the option to extend the appointment for additional periods not to exceed two (2) years except in exigent circumstances. The Board is not required to follow the search processes outlined in Section 2 of this Rule when appointing an interim president. The appointment of an interim president must be approved by a majority vote of the Board. When appointing the permanent president, the Board must follow the process outlined in Section 2.
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### SECTION 4: PRESIDENTIAL CONTRACT

- 4.1 The Board's Chair, in consultation with the full Board, shall negotiate a contract with the individual selected by the Board to serve as the University's President. The Board may agree to a reasonable notice of intent not to renew the contract. The President's contract and any renewal or termination thereof must be approved by a majority vote of the Board.
- 4.2 The President shall serve at the will and pleasure of the Board.
- 4.3 Any contract shall include a provision that the President may be discharged for "cause" and that such a discharge nullifies any commitment to continued employment.

4.4 — ~~In accordance with the West Virginia Code, the~~ Board shall determine and approve by a majority vote of the Board the compensation, including any non-cash compensation paid using state funds such as vehicles, memberships, and deferred compensation, to be received by the President for duties and responsibilities performed as President. In determining the compensation, the Board may consider the performance of the President, presidential salaries at the University's peer institutions, relevant market data, and any other information deemed relevant by the Board.

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## SECTION 5: PRESIDENTIAL EVALUATION

- 5.1 The Board Chair shall provide the President a written performance evaluation each year in a manner and form determined appropriate by the Chair.
- 5.2 ~~In accordance with the West Virginia Code, the~~ Board shall conduct a formal, written performance evaluation of the President, at minimum, at the end of the initial contract period and then in every third year of employment as President thereafter.
- 5.2.1 In doing so, the Board shall appoint a committee of its own members to conduct the evaluation. Any evaluation shall include appropriate feedback from Board members, administrators, faculty, classified and non-classified staff, students, alumni, community members, and persons knowledgeable in higher education matters who are not otherwise employed by the Board.
- 5.2.2 The evaluation shall assess the President's performance in his or her duties and responsibilities; the success of the University in meeting the goals, objectives, and priorities outlined in the West Virginia Code recognizing the unique characteristics of the University; and other criteria as determined by the Board.
- 5.2.3 The Board shall use the report of the committee to review and finalize the President's formal, written evaluation and to make determinations regarding continuation of employment and compensation, if applicable, for the President as outlined in Section 4 of this Rule.

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## SECTION 6: REGIONAL CAMPUS PRESIDENTS

6.1 In accordance with the West Virginia Code, ~~t~~The President of West Virginia University shall appoint a campus president to be the administrative head of Potomac State College of West Virginia University and a campus president to be the administrative head of West Virginia University Institute of Technology. Except in exigent circumstances, the President shall conduct the search for regional campus presidents using a committee-led search process. The President shall consult with University stakeholders as appropriate when appointing a campus president.

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**SECTION 7: AUTHORITY.**

- 7.1 W. Va. Code §§ 18B-2A-4; 18B-1B-6
- 7.2 West Virginia University Board of Governors By-Laws, Article VI. Relationship of the Board and President.

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**SECTION 8: SUPERSEDES.**

- 8.1 This Rule supersedes and replaces Higher Education Policy Commission (“HEPC”) Series 5 (W. Va. Code St. R. 133-5-1 to -5), which was originally adopted May 14, 2009 and amended effective April 29, 2019; and any other Rule of the HEPC which relates to the subject matter contained within this Rule.