

BOG GOVERNANCE RULE 1.3 – OFFICIAL COMMENTS SUMMARY & DETERMINATIONS MADE

| Comment No. | Date Received | Proposed Rule | Comment | Determination Made |
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| 1 | 3/19/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>BOG Rule 1.3 states, "However, its membership shall include representatives of the University community, including Board members, faculty, staff, and students."</p> <p>Revise to specifically include a representative from the Alumni Association. The WVU Alumni Association represents the largest group of stakeholders for the university, its graduates. Consequently, a representative from the Alumni Association should be necessary.</p> <p>Revise BOG Rule 1.3 to state, "However, its membership shall include representatives of the University community, including Board members, faculty, staff, Alumni Association, and students."</p> | <p>It was determined that no modification to WVU BOG Governance Rule 1.3 was needed in response to this comment. However, please note that the Board has determined that a representative from the WVU Alumni Association will be included on the search committee for the upcoming presidential search.</p> |
| 2 | 3/19/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>Part 2.2.3 'Moreover, the Board may reject or add additional candidates at its discretion throughout the process'. In particular the ability to add candidates of their own is problematic. Why have a search committee at all?</p> <p>Suggested change:</p> <p>'Moreover, the Board may reject or suggest additional candidates at its discretion throughout the process'.</p> | <p>The following modification was made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>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; <u>provided, however, that any candidates the Board suggests must be reviewed by the search committee prior to final selection.</u></p> |

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| 3 | 3/19/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>The policy would be strengthened by including the composition of the search committee.</p> <p>Here is a possible formula: 15 members 4 from BoG 1 Staff Council Rep 1 Grad Student 1 Undergraduate 4 Faculty members (1 from HSC, 3 from non-HSC) 2 VPs or equivalent 1 Dean 1 Community member</p> <p>For reference here is a survey of what other schools did from Texas Tech (a bit dated) but I'm sure the BoG can have someone refresh this information: https://www.depts.ttu.edu/senate/archives/2012-2013/reports/Presidential%20search%20committees%20-%20AppendixHeld10-10-12317.pdf</p> | <p>It was determined that no modification to WVU BOG Governance Rule 1.3 was needed in response to this comment. However, please note that the Board has determined that the search committee for the upcoming presidential search will consist of representatives from the following areas:</p> <ul style="list-style-type: none"> • Board of Governors • Faculty • Classified Staff • Students • Deans • WVU Athletics • WVU Medicine • WVU Foundation • WVU Alumni Association • Regional Campuses • At-Large Member(s) |
| 4 | 3/21/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>The search committee is set up as an impotent entity & the Board is given far too much power to ignore the faculty, staff, and students. suggest adding the text in < > below</p> <p>2.2.1. A search committee composition and membership shall be determined and selected by the Board <and approved by the Faculty Senate>. However, its membership shall include <eleven> representatives of the University community, including <1> Board member, <4> faculty, <4> staff, and <2> students. No candidate for the position of President may serve on the search committee.</p> <p>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. Candidates may be considered <only> through their own application (no nominations allowed).</p> | <p>In response to this comment, please note that pursuant to West Virginia Code Sections 18B-2A-4(n), (o), and 18B-1B-6, the governing boards of institutions of higher education are required to (1) appoint the president of the institution under its jurisdiction and make determinations regarding continuation of employment, (2) conduct the required evaluations of the president, and (3) determine the compensation level of the president. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not given itself any new authority; rather, it is exercising upon the authority previously given to it under West Virginia law. Providing another group or entity a</p> |

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| | | | <p>2.2.3. The search committee <will make a recommendation for up to three candidates selected for interview by majority vote to the Board. The Board will invite those candidates selected by the committee for final interviews. If the Board wishes to add additional candidates, they must attain majority approval of the search committee.></p> <p>Section 4 also gives the Board too much authority without shared governance with the faculty, staff & students. Suggestions in < ></p> <p>4.1. The Board's Chair, in consultation with the full Board < and the search committee>, 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 <and the search committee (in the case of a new hire) or the Faculty Senate (in the case of a renewal or termination)>.</p> <p>4.2. The President shall serve at the will and pleasure of the Board <and the Faculty Senate></p> <p>4.4. The Board <and the search committee (in the case of a new hire) or the Faculty Senate (in the case of a renewal or termination)> shall determine and approve by a majority vote the 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 <and the search committee (in the case of a new hire) or the Faculty Senate (in the case of a renewal or termination)>.</p> | <p>determinative vote on who will be selected as the president would be contrary to state law.</p> <p>The following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment to ensure broader representation and input by the University community:</p> <p>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. <u>The Board shall solicit nominations for the search committee membership from faculty, staff, and student constituency groups.</u> No candidate for the position of President may serve on the search committee.</p> <p>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. <u>Feedback from members of the University community shall be solicited in determining the characteristics sought in the new President.</u> Candidates may be considered through their own application or by nomination.</p> <p>Additionally, please note that the Board has determined that the search committee for the upcoming presidential search will consist of representatives from the following areas:</p> <ul style="list-style-type: none"> • Board of Governors • Faculty • Classified Staff • Students • Deans • WVU Athletics |

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| | | | | <ul style="list-style-type: none"> • WVU Medicine • WVU Foundation • WVU Alumni Association • Regional Campuses • At-Large Member(s) <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |
| 5 | 3/25/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | In the section related to the selection of campus presidents, language should be added requiring that a search be conducted except in exigent circumstances. | <p>The following modification was made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>6.1 <u>In accordance with the West Virginia Code, 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.</u> The President shall consult with University stakeholders as appropriate when appointing a campus president.</p> |
| 6 | 4/15/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | The new presidential candidates should make their tax returns and affiliations (board memberships, advisory committees, etc) public so that the community is fully aware of their obligations to other organizations. | It was determined that no modification to WVU BOG Governance Rule 1.3 was needed in response to this comment. |

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| 7 | 4/15/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | The changes reduce shared governance and further deteriorate the integrity of the university and its standing among its peers. The presidential search must include (and ideally driven by) its stakeholders and members (aka. students, faculty, staff, and alumni). The president should be seen as the 'Primus inter pares' (first among equals) and as such must have credentials that earn him/her respect through action and dedication to service. The changes award more power to the BOG and reduce the inclusion of the members of the university and therefore should be rejected. | <p>Please note that the Board has determined that the search committee for the upcoming presidential search will consist of representatives from the following areas:</p> <ul style="list-style-type: none"> • Board of Governors • Faculty • Classified Staff • Students • Deans • WVU Athletics • WVU Medicine • WVU Foundation • WVU Alumni Association • Regional Campuses • At-Large Member(s) <p>Additionally, please note that pursuant to West Virginia Code Sections 18B-2A-4(n), (o), and 18B-1B-6, the governing boards of institutions of higher education are required to (1) appoint the president of the institution under its jurisdiction and make determinations regarding continuation of employment, (2) conduct the required evaluations of the president, and (3) determine the compensation level of the president. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not given itself any new authority; rather, it is exercising upon the authority previously given to it under West Virginia law. Providing another group or entity a determinative vote on who will be selected as the president would be contrary to state law.</p> <p>The following modifications were made to WVU BOG Governance Rule 1.3 to ensure broader representation and input by the University community:</p> |

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| | | | | <p>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. <u>The Board shall solicit nominations for the search committee membership from faculty, staff, and student constituency groups.</u> No candidate for the position of President may serve on the search committee.</p> <p>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. <u>Feedback from members of the University community shall be solicited in determining the characteristics sought in the new President.</u> Candidates may be considered through their own application or by nomination.</p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |
| 8 | 4/15/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | I strongly recommend that this proposed policy be changed to reflect a more transparent, candidate-informed, and democratic process. This rule should be changed to give the presidential search committee more than just advisory powers. Rather than merely making a recommendation, the search committee members should each be granted an equal vote along with members of the BoG in the selection of the final candidate. Ultimately, the search committee and the BoG members will have the most intensive interactions with the finalists across a variety of settings, so both search committee and BoG should carry equal weight in the final selection vote. Since the search committee is comprised of directly elected members representing key university constituencies and act as conduits between the BoG and campus stakeholders, this enfranchisement of the search committee will lead to a more democratic process that still maintains confidentiality for ensuring a robust pool of executive candidates. Given how opaque and siloed presidential searches have become, granting votes to the | <p>In response to this comment, please note that West Virginia Code Section 18B-2A-4 requires the governing boards of institutions of higher education to appoint the president of the institution under its jurisdiction. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not given itself any new authority; rather, it is exercising upon the authority previously given to it under West Virginia law. Providing another group or entity a determinative vote on who will be selected as the president would be contrary to state law.</p> <p>The following modifications were made to WVU BOG Governance Rule 1.3 to ensure broader representation and input by the University community:</p> |

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| | | | <p>representatives sitting on the search committee is necessary for increasing transparency, authentically valuing campus stakeholder input, and actualizing the BoG's commitment to shared governance. The search committee and board should each be deeply engaged in the candidate vetting process, including an equitable vote for the final candidate. To do otherwise, would be to rob WVU of a well-rounded, thorough, and inclusive presidential selection process.</p> | <p>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. <u>The Board shall solicit nominations for the search committee membership from faculty, staff, and student constituency groups.</u> No candidate for the position of President may serve on the search committee.</p> <p>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. <u>Feedback from members of the University community shall be solicited in determining the characteristics sought in the new President.</u> Candidates may be considered through their own application or by nomination.</p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |
| 9 | 4/15/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | The next president needs to be voted upon and approved by the students, faculty, and staff | West Virginia Code Section 18B-2A-4 requires the governing boards of institutions of higher education to appoint the president of the institution under its jurisdiction. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not given itself any new authority; rather, it is exercising upon the authority previously given to it under West Virginia law. Providing another group or entity a determinative vote on who will be selected as the president would be contrary to state law. As such, the following modification has been made to Section 2.1 for clarification: |

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| | | | | <p>2.1 <u>In accordance with the West Virginia Code</u>, the Board shall select the President of West Virginia University, and the selection must be approved by a majority vote of the Board.</p> |
| 10 | 4/15/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>2.1 Rather than majority vote, suggestion to require a 2/3 majority vote. This would ensure that the person selected for the role is not only marginally supported, or is not a "controversial" choice. Given the proportionally small makeup of students, staff and faculty on the board, this would also ensure that such perspectives are seriously considered.</p> <p>2.2.2 Suggestion to add a note that the criteria for judging candidates ought to be listed in the announcement.</p> <p>2.2.3 I'm concerned about the note that the Board can unilaterally add candidates at their discretion throughout the process. Some limitations, whether in terms of which parts of the process or their process for doing so—to include student, staff, faculty input—would reassure confidence and trust in the Board.</p> <p>3.2 Suggestion to add a limit to “for a term of up to one year with the option to extend the appointment for additional periods,” as we would not want this to continue for an indeterminate amount of time. Up to three additional periods seems reasonable.</p> | <p>The following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>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 <u>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.</u></p> <p>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 <u>not to exceed two (2) years except in exigent circumstances.</u> 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.</p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |

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| 11 | 4/15/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>The revisions to this rule make shared governance optional at a state flagship, land-grant, public university (antithetical to what this institution should be about and who it serves) and only opens space for cronyism.</p> <p>My comments include the following revisions to the proposed rule:</p> <ol style="list-style-type: none"> 1. On-campus interviews are required. As the president of a public, flagship institution, we need a person with immense buy-in and dedication to the state and its people. Having an in-person interview is the beginning means for someone to demonstrate that. 2. Input from faculty, staff, and students must be collected and should be given an explicit space in the process. These are the people that make WVU happen - shouldn't their input be a priority? Again, who are we serving? 3. Additional candidates should not be able to be added at any time. This is simply an irregular practice where the only outcome is cronyism. 4. Faculty, staff, and students should have some sort of proportional representation on the search committee. It should be transparent (up-front) as to how these representatives will be chosen. Additionally, it would be expected that this proportional representation is maintained throughout the process. (If someone is removed, a replacement is named according to process). <p>At the end of the day, this proposal does NOTHING to build back trust with the people of WVU. A change of presidency should be a time of hope and renewal ... and these proposed changes lead it hard to believe that there is hope at WVU.</p> | <p>The following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>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. <u>The Board shall solicit nominations for the search committee membership from faculty, staff, and student constituency groups.</u> No candidate for the position of President may serve on the search committee.</p> <p>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. <u>Feedback from members of the University community shall be solicited in determining the characteristics sought in the new President.</u> Candidates may be considered through their own application or by nomination.</p> <p>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 <u>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.</u></p> <p>Additionally, please note that the Board has determined that the search committee for the upcoming presidential search will consist of representatives from the following areas:</p> <ul style="list-style-type: none"> • Board of Governors • Faculty |

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| | | | | <ul style="list-style-type: none"> • Classified Staff • Students • Deans • WVU Athletics • WVU Medicine • WVU Foundation • WVU Alumni Association • Regional Campuses • At-Large Member(s) <p>Finally, the Rule creates a general framework intended to provide flexibility to the candidates, search committee, and the Board to bring the best candidates to West Virginia University. The specific process for interviews and any campus visits will be determined this fall by the Board and search committee, in consultation with the search firm.</p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |
| 12 | 4/15/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>To whom it may concern,</p> <p>I am a Class of 2023 alumnus and Outstanding Senior, a proud West Virginian, and a fiercely proud Mountaineer. I would like to submit my strong disapproval for the proposed BOG Rule 1.3 Change. I believe that eliminating principles of shared governance by giving sole voting power to the BOG denies the importance of the voices of the people of WVU. The staff, faculty, and students of WVU feel the downstream effects of the actions of the president far more than the BOG, and should be active participants in the choosing of a new president. There are mechanisms in place for choosing trustworthy students who have the university's best interest in mind, and scores of faculty and staff who have dedicated years of service to this institution. Cutting out their expertise, passion, and opinions is frankly an insult. This process will become undemocratic in a time when trust building is essential. Please reconsider this decision. Choose someone who believes in a better future, and make that decision with us, not against us.</p> | <p>West Virginia Code Section 18B-2A-4 requires the governing boards of institutions of higher education to appoint the president of the institution under its jurisdiction. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not given itself any new authority; rather, it is exercising upon the authority previously given to it under West Virginia law. Providing another group or entity a determinative vote on who will be selected as the president would be contrary to state law.</p> <p>The following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment to ensure broader representation and input by the University community:</p> |

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| | | | | <p>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. <u>The Board shall solicit nominations for the search committee membership from faculty, staff, and student constituency groups.</u> No candidate for the position of President may serve on the search committee.</p> <p>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. <u>Feedback from members of the University community shall be solicited in determining the characteristics sought in the new President.</u> Candidates may be considered through their own application or by nomination.</p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |
| 13 | 4/16/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | Please require on-campus interviews for candidates, and time to meet with campus leaders (student, faculty, and admin). Also, students and faculty should be given a vote on the final selection. This is a choice that affects campus personnel directly and they must have a voice in the process. | <p>The Rule creates a general framework intended to provide flexibility to the candidates, search committee, and the Board to bring the best candidates to West Virginia University. The specific process for interviews and any campus visits will be determined this fall by the Board and search committee, in consultation with the search firm.</p> <p>Further, West Virginia Code Section 18B-2A-4 requires the governing boards of institutions of higher education to appoint the president of the institution under its jurisdiction. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not given itself any new authority; rather, it is exercising upon the authority previously</p> |

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| | | | | <p>given to it under West Virginia law. Providing another group or entity a determinative vote on who will be selected as the president would be contrary to state law.</p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |
| 14 | 4/16/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | WVU faculty should have input in selecting candidates for consideration as well as the final candidate selection. | <p>Please note that the Board has determined that the search committee for the upcoming presidential search will consist of representatives from the following areas:</p> <ul style="list-style-type: none"> • Board of Governors • Faculty • Classified Staff • Students • Deans • WVU Athletics • WVU Medicine • WVU Foundation • WVU Alumni Association • Regional Campuses • At-Large Member(s) <p>Additionally, West Virginia Code Section 18B-2A-4 requires the governing boards of institutions of higher education to appoint the president of the institution under its jurisdiction. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not given itself any new authority; rather, it is exercising upon the authority previously given to it under West Virginia law. Providing another group or entity a determinative vote on who will be selected as the president would be contrary to state law.</p> |

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| | | | | No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment. |
| 15 | 4/16/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | I have deep concerns about this proposal. It reads that the intention of the proposal is to give the "board ... ultimate authority over the process." The board handpicks the search committee, which may include faculty, staff, and students, but otherwise, 99% of the faculty, staff, and student body do not have input. We, the faculty, staff, and students, deserve a voice in who will lead this great university. | <p>West Virginia Code Section 18B-2A-4 requires the governing boards of institutions of higher education to appoint the president of the institution under its jurisdiction. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not given itself any new authority; rather, it is exercising upon the authority previously given to it under West Virginia law. Providing another group or entity a determinative vote on who will be selected as the president would be contrary to state law.</p> <p>That said, the following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment to ensure broader representation and input by the University community:</p> <p>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. <u>The Board shall solicit nominations for the search committee membership from faculty, staff, and student constituency groups.</u> No candidate for the position of President may serve on the search committee.</p> <p>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. <u>Feedback from members of the University community shall be solicited in determining the characteristics sought in the new President.</u> Candidates may be considered through their own application or by nomination.</p> |

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| | | | | No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment. |
| 16 | 4/16/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | Democracy is a very important part of our society. Nearly every public official is elected in order to allow everyone to let their voice be heard in major decisions. So why shouldn't the students, who are taught that democracy is ideal, be allowed to have their voices be heard on this decision? Why should these students pay such a high (and continuously growing) price to attend school here when they are not even allowed the opportunity to elect the official who makes important decisions on their behalf? Please let the students have a voice in this process, help us prove that democracy is the correct way to run this university. | West Virginia Code Section 18B-2A-4 requires the governing boards of institutions of higher education to appoint the president of the institution under its jurisdiction. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not given itself any new authority; rather, it is exercising upon the authority previously given to it under West Virginia law. Providing another group or entity a determinative vote on who will be selected as the president would be contrary to state law. No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment. |
| 17 | 4/17/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>ON SECTION 2.1 — I, and others, wish to see the selection for the President of West Virginia University approved by a campus community-wide vote that includes all faculty, staff, and students. Selecting the president this way would restore the trust that was crushed in a massive and incredibly unpopular way during the summer and fall of 2023. The future of WVU depends on trust among all pieces of the puzzle, especially faculty, staff, and students. If the BOG allowed our entire campus community to have a direct say (a vote) in the matter, the resulting gratitude would be beyond words.</p> <p>ON SECTION 2.2.1 — Many believe that utilizing a search committee that includes faculty, staff, and student representatives in this process is a step in the appropriate direction. However, this section is extremely vague and does not explicitly state how these representatives are selected. For this reason, there are concerns that this committee could be at risk of serving as nothing more than a virtue signal or rubber stamp (or both). This section must be more transparent about how these representatives are selected. Furthermore, as a student, I know that it will be difficult logistically for the committee's student representative to represent all students adequately, so</p> | <p>The following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>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 <u>add</u> additional candidates at its discretion throughout the process; <u>provided, however, that any candidates the Board suggests must be reviewed by the search committee prior to final selection.</u></p> <p>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</p> |

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| | | | <p>I argue that multiple student representatives should be included to provide a better representation ratio AND that these students should come from different student cohorts on campus to ascertain the thoughts representative of our diverse student body. The same can be said for faculty and staff representation.</p> <p>ON SECTION 2.2.3 — The status of the search committee as a "recommending body only" reverses the progress made in Section 2.2.1. The BOG's ability to completely circumvent the search committee by adding additional candidates at its discretion throughout the process trashes any positive feature Section 2.2.1 offers. The BOG should not be granted the ability to add candidates at its own discretion if the search committee is to maintain its status as our community's voice. By removing this ability from Section 2.2.3, we are guaranteed that the BOG won't circumvent the committee, and some degree of trust is secured. If the Board's ability to add candidates at its own discretion is upheld, then the search committee will struggle to defend its legitimacy.</p> <p>ON SECTION 2.2.4 — As it stands, this section states that it is not a requirement to replace dismissed members of the search committee. This section weighs down the legitimacy of the search committee as our community's voice and will. Failure to replace a dismissed member of the search committee means disrupting standards of representation (which, again, have yet to be set in explicit writing in this rule). For whatever representation standards are set, they should be upheld. No part of our community should lose representative power because one of their representatives on the search committee was dismissed. Whether to replace a dismissed member should not be a decision at all—it should be mandated by this rule that dismissed members be replaced.</p> <p>---</p> <p>SUGGESTIONS — As a student, I have suggestions for the system of student representation on the search committee.</p> | <p>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.</p> <p>Please note that pursuant to West Virginia Code Sections 18B-2A-4(n), (o), and 18B-1B-6, the governing boards of institutions of higher education are required to (1) appoint the president of the institution under its jurisdiction and make determinations regarding continuation of employment, (2) conduct the required evaluations of the president, and (3) determine the compensation level of the president. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not given itself any new authority; rather, it is exercising upon the authority previously given to it under West Virginia law. Providing another group or entity a determinative vote on who will be selected as the president would be contrary to state law.</p> <p>That said, the following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment to ensure broader representation and input by the University community:</p> <p>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. <u>The Board shall solicit nominations for the search committee membership from faculty, staff, and student constituency groups.</u> No candidate for the position of President may serve on the search committee.</p> |

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| | | | <p>First, there are roughly 26,000 students, and our representation should reflect that. There should be no less than ten student representatives on the committee, with each coming from a different subpopulation of students (whether those subpopulations are defined by colleges, income, activities, or all of the above). Anything less than five student representatives would be criminal.</p> <p>We predict that at least some student representation on the search committee will be pulled from the Student Government Association. Still, most representatives should come from elsewhere because 1) very few students vote in student government elections, 2) it is not at all a common expectation that the people elected to student government would serve in the process of selecting the next university president (the already very few voters don't elect them with that in mind), and most importantly 3) our student government already fails to provide representation that mirrors our student body. Ultimately, our student representation on the committee deserves to mirror our student body, and selecting from the student government alone won't allow that.</p> | <p>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. <u>Feedback from members of the University community shall be solicited in determining the characteristics sought in the new President.</u> Candidates may be considered through their own application or by nomination.</p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |
| 18 | 4/17/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>I am providing the following comments on behalf of the Faculty Senate Shared Governance Committee as chair of that committee:</p> <p>The Faculty Senate Shared Governance Committee (FSSGC) is committed to robust participation of faculty through the presidential search process.</p> <p>The committee strongly supports on-campus interviews of the top three candidates with opportunities for faculty, staff, and students to meet face-to-face directly with the candidates and believes that on-campus interviews should be the preferred interview process. BOG Rule 1.3 should explicitly identify on-campus interviews as the default and preferred process. The FSSGC recognizes that some high-quality candidates may be discouraged from applying if their candidacy for the position will be made public early in the search process. We recognize that there may be limited circumstances where on-campus interviews are not feasible. In the absence of on-campus interviews, the FSSGC requests that the BOG rule explicitly includes mechanisms by which stakeholder groups comprising faculty, staff, and</p> | <p>The following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>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. <u>The Board shall solicit nominations for the search committee membership from faculty, staff, and student constituency groups.</u> No candidate for the position of President may serve on the search committee.</p> <p>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. <u>Feedback from members of the University community shall</u></p> |

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| | | | <p>students can engage with the top candidates, ask questions, and receive responses from the candidates. For example, the FSSGC is preparing a brief list of questions for the top candidates to answer in writing. The candidate responses can then be shared with the stakeholder group, deidentified if necessary. Stakeholder groups can then use the candidates written responses to provide stakeholder input to the search process through their representative on the search committee.</p> <p>The FSSGC also supports robust mechanisms through which input from faculty, staff, and students is gathered following candidate interviews as is customary practice in searches for faculty, chair, dean, provosts and presidents in academia. The existence of such mechanisms should be required as part of BOG Rule 1.3.</p> <p>Stakeholder groups including faculty, staff, and students must be allowed to nominate search committee members to represent their constituency by a process that they deem appropriate. Furthermore, should a member representing a stakeholder group step down or be removed from the search committee, the committee member shall be replaced by an alternate candidate selected by the stakeholder group.</p> <p>Finally, stakeholder groups should be engaged and given the opportunity to provide input throughout the hiring process from identifying desirable characteristic of candidates for the position, developing the position posting, engaging with the top candidate and providing feedback and input regarding the candidate to the search committee. For example, the FSSCG has developed a list of preferred characteristics/qualities of the next WVU president, has solicited input from the University Faculty Assembly to rank the importance of the characteristics, and given the faculty community an opportunity to comment on additional characteristics that the candidates should possess. The Committee will soon provide this ranked list of characteristics to the Board of Governors, the Search Committee, and the faculty's representatives on the search committee.</p> <p>We appreciate the Board's consideration of these comments.</p> | <p><u>be solicited in determining the characteristics sought in the new President.</u> Candidates may be considered through their own application or by nomination.</p> <p>Please note that the Rule creates a general framework intended to provide flexibility to the candidates, search committee, and the Board to bring the best candidates to West Virginia University. The specific process for interviews and any campus visits will be determined this fall by the Board and search committee, in consultation with the search firm.</p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |

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| 19 | 4/17/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | Students, faculty, and staff should be able to put the proposed presidential hire or prospective hires up to a vote of confidence. IF BOG does not officially do this, we will organize a student-led vote. | <p>West Virginia Code Section 18B-2A-4 requires the governing boards of institutions of higher education to appoint the president of the institution under its jurisdiction. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not given itself any new authority; rather, it is exercising upon the authority previously given to it under West Virginia law. Providing another group or entity a determinative vote on who will be selected as the president would be contrary to state law.</p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |
| 20 | 4/17/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>Four Concerns:</p> <p>2.2 ...In exigent circumstances, the Board may choose to utilize an alternative method to conduct a presidential search. (Concern related to deviating from process)</p> <p>2.2.3 ... Moreover, the Board may reject or add additional candidates at its discretion throughout the process. (Concern related to adding additional candidates at its discretion - not following process)</p> <p>2.3 ...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. (Concern related to modifying the process)</p> <p>6.1 ... 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. (Concern related to not following the same process/ inequity in the process)</p> | <p>The following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>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 <u>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.</u></p> <p>6.1 <u>In accordance with the West Virginia Code, 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.</u> The President shall consult with University stakeholders as appropriate when appointing a campus president.</p> |

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| | | | | No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment. |
| 21 | 4/17/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>I've worked at WVU for decades, and I'm dismayed to see this presented as a Rule. In actuality approving this will institutionalize the ability of the Board to act however it wants, whenever it wants, wholly ignoring the expertise and concerns of students, staff, faculty, and the broader WVU and WV communities. Any Rule that states the "Board's Officers may modify the process and timeline at any time" and the Board may "add additional candidates at its discretion throughout the process" is basically a Rule to do away with rules. WVU deserves better. We are not a private school, we are a public institution, an engine of economic development and a pillar of society in the state that serves students from across our 55 counties (and of course many out-of-state students). As such, we should be transparent and inclusive of the people we serve - and this Rule is a step backward from doing that. We should return to an open, professional process, in line with the old HEPC policy. This Rule should treat leadership at WVU as the public service it is. Candidates who find it too great an inconvenience to divulge their application or who would be embarrassed by putting themselves forward for the job should be rule out - and so should a Rule that coddles such people as opposed to encouraging the application of those that we can be sure are seriously committed to WVU, who believe in WVU, and who would always be proud to be associated with WVU, whether or not they got the job. This Rule comes across as being written with an eye doing things behind closed doors, with the best interests of the candidates in mind. It should be re-written, putting the best interests of the institution, not the candidates, first.</p> <p>Specific changes that should occur in the proposed Rule - 1) there should be a set, professional process; a "Rule" saying both the process and the candidates can be changed at any time is institutionalizing unprofessionalism; 2) on-campus interviews with feedback from students, staff, and faculty should be a required part of the process, as has been the case up until now; these should be retained for both upholding professional</p> | <p>The following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>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. <u>The Board shall solicit nominations for the search committee membership from faculty, staff, and student constituency groups.</u> No candidate for the position of President may serve on the search committee.</p> <p>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. <u>Feedback from members of the University community shall be solicited in determining the characteristics sought in the new President.</u> Candidates may be considered through their own application or by nomination.</p> <p>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 <u>suggest add</u> additional candidates at its discretion throughout the process; <u>provided, however, that any candidates the Board suggests must be reviewed by the search committee prior to final selection.</u></p> |

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| | | | <p>norms/WVU's reputation and campus morale, and also because these tend to provide a crucial opportunity for the next president to communicate their vision to the campus; 3) students, staff, and faculty should be allowed to select their own representatives on the search committee; especially since that committee isn't given hiring power, the Board doesn't lose any control by allowing that and Board-appointed students, staff, and faculty representatives will only delegitimize the process in the eyes of students, staff, and faculty; and those would further widen the gulf that currently exists between the Board and those university communities given how poorly the Gee-Reed administration has mishandled campus relations over the last year.</p> | <p>Finally, the Rule creates a general framework intended to provide flexibility to the candidates, search committee, and the Board to bring the best candidates to West Virginia University. The specific process for interviews and any campus visits will be determined this fall by the Board and search committee, in consultation with the search firm.</p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |
| 22 | 4/17/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>Rule 2.2.3 "The search committee is a recommending body only..." makes a farce of Rule 2.2 "The Board shall conduct the search for a president using a committee-led search process." The Board should not appoint a president that has not been approved by the search committee.</p> <p>Rule 2.2.4 "During the search process, members of the Board and its appointed search committee shall not disclose..." is contrary to the land-grant mission of WVU. The search process should be fully transparent.</p> <p>Rule 2.3 The board should not make rule changes midstream in the search process without opening such changes for public comment first. Any such changes should be made after serious consideration as they will impact the fairness of the search process.</p> | <p>The following modification was made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>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 <u>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.</u></p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |
| 23 | 4/17/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>The numbering reflects the section of the proposed rule which I am addressing:</p> <p>Section 2.2: The committee-based process should be the only option for hiring a president. The language allowing the use of an alternative search method must be deleted. It is important for the success of the new hire that there be a broad consensus they are the best possible candidate. This cannot happen if shortcuts are used in their hiring.</p> | <p>The following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>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. <u>The Board shall solicit nominations for the search committee membership from</u></p> |

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| | | | <p>Section 2.2.1: There should be seats on the committee set aside for "regular" alumni (i.e., those who are not large donors and/or politically connected) and for members of the public who are also not large donors and/or politically connected to incorporate feedback from the wider audience WVU serves across the state and region.</p> <p>Section 2.2.1: Each WVU-affiliated constituency (faculty, staff, students, alumni, etc.) should be able to vote on their own representatives to the search committee so they have a true voice. It is easy to bias the search when the board decides who is appointed to the search committee.</p> <p>Section 2.2.3: The board should not be able to remove candidates from those selected by the search committee. Likewise, it should not be able to add candidates who have not been vetted by the normal search committee process. To allow the board to make arbitrary changes undermines the reasoning for having a search committee in the first place.</p> <p>Section 2.2.4: Replacing search committee members should be a decision of the search committee itself, not the board officers. If the board is to be involved, it should be a decision of the full board to remove any search committee member. Any search committee member who is removed must be replaced by someone from the same constituency, chosen by that constituency. It is troubling that the proposed rule deletes the language found in HEPC Series 5 Section 2.4.1 mandating replacement of removed individuals with a person from the same constituency.</p> <p>Section 2.3: Changes to the process and timeline must be made by the full board, not just board officers, to ensure full transparency and fairness.</p> <p>Section 3.1: The designation of the person selected in the president's stead should be approved by the full board, not just board officers.</p> <p>Section 3.2: There must be a time limit on interim appointments to prevent abuse of this option. An interim should be in office no more than 18 months, which is sufficient time to launch and conduct a search for a permanent president.</p> | <p><u>faculty, staff, and student constituency groups</u>. No candidate for the position of President may serve on the search committee.</p> <p>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. <u>Feedback from members of the University community shall be solicited in determining the characteristics sought in the new President</u>. Candidates may be considered through their own application or by nomination.</p> <p>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 <u>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.</u></p> <p>4.4 <u>In accordance with the West Virginia Code</u>, the Board shall determine and approve by a majority vote of the Board the compensation, <u>including any non-cash compensation paid using state funds such as vehicles, memberships, and deferred compensation</u>, 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.</p> <p>6.1 <u>In accordance with the West Virginia Code</u>, 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</p> |

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| | | | <p>Section 4: There should be a section that addresses lengths of contracts. I suggest following the language from HEPC Series 5 Section 3.2.1, allowing a 2-year initial contract and 5-year renewals. It is important the university not lock itself into a long-term contract with an unproven individual.</p> <p>Section 4.1: There should be some bounds provided on a "reasonable notice of intent not to renew." I suggest the language from HEPC Series 5 Section 3.2.1.</p> <p>Section 4.4: The rule should be clarified that the board must approve all compensation to the president, including from any non-state or non-university sources. It should also be clarified that this requirement applies to non-cash compensation, including but not limited to vehicles, expense accounts, and memberships, and any retirement, bonus, or deferred compensation incentives.</p> <p>Section 5.1: In the interest of transparency, this annual performance evaluation should be made public.</p> <p>Section 5.2: The board-conducted reviews should also be made public.</p> <p>Section 5.2: HEPC staff and/or individuals from other West Virginia or peer institutions should be involved in performance review of the president. This would facilitate comparing the WVU president's performance to that of leaders from other universities.</p> <p>Section 6.1: The regional campuses should follow the same search process used for the overall WVU system president. The president should not have sole ability to appoint campus presidents, provosts, or chancellors without an open and public search process.</p> <p>Comments regarding the rule in general:</p> <ol style="list-style-type: none"> 1. There needs to be a formal mechanism for the university community at-large to provide feedback on candidates, both in the form of free-form text | <p>to be the administrative head of West Virginia University Institute of Technology. <u>Except in exigent circumstances, the President shall conduct the search for regional campus presidents using a committee-led search process.</u> The President shall consult with University stakeholders as appropriate when appointing a campus president.</p> <p>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 <u>not to exceed two (2) years except in exigent circumstances.</u> 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.</p> <p>Please note that WVU is not required to follow the West Virginia Higher Education Policy Commission ("HEPC") Series 5 for selecting a president. In 2017, the W. Va. Code was changed to give WVU, Marshall, and the West Virginia School of Osteopathic Medicine the ability to adapt and manage their institutions in a more modern manner and to recognize that our needs are different than other regional state institutions. That said, the University reviewed and considered HEPC Series 5 as part of the Rule development and incorporated many provisions into this Rule.</p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |

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| | | | <p>comments and via Likert or numeric-scale surveys. The results of these surveys should be released, at least in statistical aggregate form, for each candidate.</p> <p>2. While faculty and staff undergo annual reviews from their supervisors, there is not a mechanism for those same faculty and staff to review any of the layers of administration above them. The university should conduct an annual survey of students, faculty, and staff regarding the performance of the president. These responses should be aggregated and publicly distributed.</p> <p>3. Unlike in HEPC Series 5 Section 2.2.4, there is nothing in the proposed rule requiring the board to consider comments of the public or university community in its hiring decision. This should be required.</p> <p>4. In-person on-campus visits and meetings should be required of all finalist candidates, as in HEPC Series 5 Section 2.2.4, so that the university community and public may be able to meet and ask questions of all finalists.</p> <p>5. For the integrity of the search process, it is important that the person who is hired have come through the full search process and have been vetted by the search committee and public campus community.</p> <p>6. Over the past year, there has been a strong perception by the public and members of the university community that the board is uninterested in meaningfully incorporating and acting upon feedback from outside its ranks and that of the current administration. The obvious weakening of guardrails from the HEPC Series 5 rule only heightens this perception. For the sake of WVU's reputation and its ability to recruit and retain students, staff, and faculty, the board needs to correct this problem by providing meaningful opportunities for the public and university community to provide feedback and ensure that feedback plays a significant role in shaping the outcome.</p> <p>7. WVU has a history of irregular presidential searches in recent years with political interference leading to the selection of Michael Garrison and with the hiring of a person who not supposed to be a candidate for the position,</p> | |

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| | | | <p>Gordon Gee. The widely rumored interests of Sen. Joe Manchin and WV House Speaker Roger Hanshaw in the WVU presidency enhance fears that there will be similar irregularities in this hiring process. It is the board's responsibility to address these concerns by enacting strong procedures devoid of the shortcuts seen in the current proposed rule.</p> <p>8. Enacting the text of the HEPC Series 5 rule would be preferable to the weakened rule that has been proposed.</p> | |
| 24 | 4/17/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>Thank you for the transparency with the upcoming search for a new President of West Virginia University and the forum to provide comments. It would appear the Board is well positioned to accomplish a thorough search. My primary comment on the proposed rule regard section 2.5:</p> <p>Why wait until a final candidate is identified before conducting a background/reference check? Perhaps this would be accomplished earlier by a search firm, but it seems the policy for due diligence for a candidate would be done prior to paring the list to a final choice.</p> <p>Also, I may have missed this.... Has Dr. Gee announced his retirement or did the BOG opt not to renew his contract?</p> <p>I look forward to news of your further progress.</p> | <p>The following modification was made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>2.5 A background and reference check shall be conducted of the final candidate prior to contract finalization; <u>however, the Board may conduct background checks at its discretion at any stage in the process.</u> Such checks shall comply with current University procedures and at a minimum include confirmation of degrees, past employment, and a criminal and credit check.</p> |
| 25 | 4/17/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>There needs to be more faculty, students, and staff involvement in the selection and maintenance of the university president. This gives the BOG a lot of authority—including authority to overrule a search committee. As the president is someone representing everyone working for or enrolled at WVU, faculty, staff, and students should have greater involvement in identifying good candidates and identifying if the president should continue to lead the university.</p> | <p>West Virginia Code Section 18B-2A-4 requires the governing boards of institutions of higher education to appoint the president of the institution under its jurisdiction. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not given itself any new authority; rather, it is exercising upon the authority previously given to it under West Virginia law. Providing another group or entity a determinative vote on who will be selected as the president would be contrary to state law.</p> <p>That said, the following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment:</p> |

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| | | | | <p>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. <u>The Board shall solicit nominations for the search committee membership from faculty, staff, and student constituency groups.</u> No candidate for the position of President may serve on the search committee.</p> <p>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. <u>Feedback from members of the University community shall be solicited in determining the characteristics sought in the new President.</u> Candidates may be considered through their own application or by nomination.</p> <p>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 <u>suggest add</u> additional candidates at its discretion throughout the process; <u>provided, however, that any candidates the Board suggests must be reviewed by the search committee prior to final selection.</u></p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |
| 26 | 4/17/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | The proposed rule would reduce transparency in presidential searches at WVU and reduce the extent to which stakeholders---including students, faculty, staff, and residents of the state not affiliated with the university---are able to engage with and influence the search process. As both a faculty member and a resident of the state of West Virginia, I find this highly problematic. | <p>The following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>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</p> |

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| | | | <p>Morale among university faculty could not be much lower than it is following the disastrous "academic transformation" process that the current administration has spearheaded with the support of the Board of Governors, a process during which both the university administration and the Board of Governors have displayed a stunning degree of contempt for both the concept of shared governance and basic professional norms. In selecting a new university president, the Board has an opportunity to start to repair some of the damage the current administration has done, but this proposed rule strongly suggests that the Board will not do so.</p> <p>The current procedure that WVU presidential searches follow, Higher Education Policy Commission ("HEPC") Series 5, requires that the Board "conduct on-campus visits with [presidential search finalists] at which students, classified employees, non-classified employees, faculty, campus administrators, community leaders, alumni, and other individuals shall be invited to meet with the candidates." No provision of the proposed rule requires the Board to conduct on-campus visits with finalists at all, much less visits in which the types of stakeholders described above are given the chance to meet and interact with the finalists. It is unclear why the Board does not think such interaction between finalists and stakeholders should be required as it is under the currently governing policy, but the omission of such a requirement is particularly troubling given the lack of regard for shared governance displayed by the current administration.</p> <p>Many universities and university systems require campus visits for presidential searches, and WVU should continue to be required to host such visits. University systems in states as diverse as Wisconsin, Tennessee, and New York require campus visits with broad community involvement in most of all searches for presidents of chancellors. An example of the types of forums that WVU should hold can be found at https://illinoisstate.edu/trustees/candidate-forums/. WVU should be encouraging more community input on the presidential search process, not removing requirements for community involvement.</p> | <p>representatives of the University community, including Board members, faculty, staff, and students. <u>The Board shall solicit nominations for the search committee membership from faculty, staff, and student constituency groups.</u> No candidate for the position of President may serve on the search committee.</p> <p>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. <u>Feedback from members of the University community shall be solicited in determining the characteristics sought in the new President.</u> Candidates may be considered through their own application or by nomination.</p> <p>The Rule creates a general framework intended to provide flexibility to the candidates, search committee, and the Board to bring the best candidates to West Virginia University. The specific process for interviews and any campus visits will be determined this fall by the Board and search committee, in consultation with the search firm.</p> <p>Additionally, please note that WVU is not required to follow the West Virginia Higher Education Policy Commission ("HEPC") Series 5 for selecting a president. In 2017, the W. Va. Code was changed to give WVU, Marshall, and the West Virginia School of Osteopathic Medicine the ability to adapt and manage their institutions in a more modern manner and to recognize that our needs are different than other regional state institutions. That said, the University reviewed and considered HEPC Series 5 as part of the Rule development and incorporated many provisions into this Rule.</p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |

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| | | | <p>When universities host campus visits for candidates, the names of finalists are obviously made public. Even in lieu of campus visits, though, any rule regarding presidential searches should require that (A) the names of finalists be made public, and (B) the community be given a chance to provide input on their views of the suitability of the finalists for the position.</p> <p>Beyond the omission of a requirement for finalists to visit campus and interact with the broad campus community, section 2.2 of the proposed rule contains a startling statement that "In exigent circumstances, the Board may choose to utilize an alternative method to conduct a presidential search." The phrase 'exigent circumstances' is not defined, and the only condition placed upon this statement is that the Board must make reasons for using a different procedure available to the public. This provision in the proposed rule does no less than allow the Board to use whatever procedure it wishes to use to select a president. Outside of perhaps fulfilling the letter, but not the spirit, of some state law requiring that a written policy be in place, there is little point to even having a policy if the Board can simply ignore it and proceed with a search however it wishes to proceed.</p> <p>Overall, the proposed rule would reduce transparency and reduce the level of stakeholder involvement in the search process that is required. This sends a signal to those of us who remain at the university that the state of the university is not likely to improve any time soon. After witnessing the unjust and unwise mass firing of productive, dedicated colleagues in other units and the misguided discontinuation of many important programs, I have watched as extremely talented, productive, and, in many cases, tenured colleagues in my unit and other units have decided to take positions at other universities due to their dissatisfaction with the environment that the current administration and the Board of Governors has created here at WVU. The proposal of rules such as this one will only encourage further departures</p> | |

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| 27 | 4/18/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | Thank you for an opportunity to comment. The selection committee should be broadly representative of the values and views of West Virginians about the goals of higher education in the Mountain State. The committee should include parents of former and prospective WVU students who are clearly stakeholders. The committee should be broadly representative of the political spectrum in West Virginia. I appreciate your consideration of my comments. | <p>It was determined that no modification to WVU BOG Governance Rule 1.3 was needed in response to this comment. However, please note that the Board has determined that the search committee for the upcoming presidential search will consist of representatives from the following areas:</p> <ul style="list-style-type: none"> • Board of Governors • Faculty • Classified Staff • Students • Deans • WVU Athletics • WVU Medicine • WVU Foundation • WVU Alumni Association • Regional Campuses • At-Large Member(s) |
| 28 | 4/18/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>Please incorporate faculty input, suggest adding the text in < > below</p> <p>2.2.1. A search committee composition and membership shall be determined and selected by the Board <and approved by the Faculty Senate>. However, its membership shall include <eleven> representatives of the University community, including <1> Board member, <4> faculty, <4> staff, and <2> students. No candidate for the position of President may serve on the search committee.</p> <p>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. Candidates may be considered <only> through their own application (no nominations allowed).</p> <p>2.2.3. The search committee <will make a recommendation for up to three candidates selected for interview by majority vote to the Board. The Board</p> | <p>In response to this comment, please note that pursuant to West Virginia Code Sections 18B-2A-4(n), (o), and 18B-1B-6, the governing boards of institutions of higher education are required to (1) appoint the president of the institution under its jurisdiction and make determinations regarding continuation of employment, (2) conduct the required evaluations of the president, and (3) determine the compensation level of the president. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not given itself any new authority; rather, it is exercising upon the authority previously given to it under West Virginia law. Providing another group or entity a</p> |

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| | | | <p>will invite those candidates selected by the committee for final interviews. If the Board wishes to add additional candidates, they must attain majority approval of the search committee.></p> <p>Section 4 also gives the Board too much authority without shared governance with the faculty, staff & students. Suggestions in < ></p> <p>4.1. The Board's Chair, in consultation with the full Board < and the search committee>, 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 <and the search committee (in the case of a new hire) or the Faculty Senate (in the case of a renewal or termination)>.</p> <p>4.2. The President shall serve at the will and pleasure of the Board <and the Faculty Senate></p> <p>4.4. The Board <and the search committee (in the case of a new hire) or the Faculty Senate (in the case of a renewal or termination)> shall determine and approve by a majority vote the 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 <and the search committee (in the case of a new hire) or the Faculty Senate (in the case of a renewal or termination)>.</p> | <p>determinative vote on who will be selected as the president would be contrary to state law.</p> <p>The following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment to ensure broader representation and input by the University community:</p> <p>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. <u>The Board shall solicit nominations for the search committee membership from faculty, staff, and student constituency groups.</u> No candidate for the position of President may serve on the search committee.</p> <p>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. <u>Feedback from members of the University community shall be solicited in determining the characteristics sought in the new President.</u> Candidates may be considered through their own application or by nomination.</p> <p>Additionally, please note that the Board has determined that the search committee for the upcoming presidential search will consist of representatives from the following areas:</p> <ul style="list-style-type: none"> • Board of Governors • Faculty • Classified Staff • Students • Deans • WVU Athletics |

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| | | | | <ul style="list-style-type: none"> • WVU Medicine • WVU Foundation • WVU Alumni Association • Regional Campuses • At-Large Member(s) <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |
| 29 | 4/18/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | The board of governors has all of the power in an important decision that represents all of the university. Approximately 15 people should not be solely responsible for a decision that impacts more than 30,000 students, staff and faculty. Another entity should have additional power over the decision. Additionally, the boards ability to nominate their own individuals has an inclination for nepotism. | <p>West Virginia Code Section 18B-2A-4 requires the governing boards of institutions of higher education to appoint the president of the institution under its jurisdiction. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not given itself any new authority; rather, it is exercising upon the authority previously given to it under West Virginia law. Providing another group or entity a determinative vote on who will be selected as the president would be contrary to state law. As such, the following modification has been made to Section 2.1 for clarification:</p> <p>2.1 <u>In accordance with the West Virginia Code</u>, the Board shall select the President of West Virginia University, and the selection must be approved by a majority vote of the Board.</p> |
| 30 | 4/18/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | First, I think there should be a campus-wide vote to get an actual, tangible indicator of opinion from the students, faculty, and staff who make up the bulk of our campuses. While I appreciate there will be student, faculty, and staff representatives on the search committee, these individuals will, ultimately, still be selected by the board from a pool of individuals. And, based on the BOG and Administration's actions throughout the last year, trust in these entities to make informed, fair, and representative decisions has been severely diminished. This is an opportunity for these entities to support shared governance and democracy on our campus. | <p>The following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>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. <u>The Board shall solicit nominations for the search committee membership from</u></p> |

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| | | | <p>Second, the ability for the board to add candidates at any point in the process seems unprofessional, unfair, shady, and not in the spirit of campus-wide involvement and inclusion. This should not be allowable—there should be a cutoff for when new applicants can be accepted.</p> <p>Lastly, there should be a requirement for the candidates to visit campus. That has been the practice in the past per HEPC and there isn't a good reason why we should be writing into policy rules that supersede the HEPC. It isn't just or fair that someone could become our President if they have never set foot on campus and haven't engaged with our community. If private flights from Morgantown to Charleston can be afforded for members of the current university administration, I would think we could afford to bring in a few candidates for campus visits/interviews.</p> | <p><u>faculty, staff, and student constituency groups</u>. No candidate for the position of President may serve on the search committee.</p> <p>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. <u>Feedback from members of the University community shall be solicited in determining the characteristics sought in the new President</u>. Candidates may be considered through their own application or by nomination.</p> <p>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 <u>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</u>.</p> <p>Please note that West Virginia Code Section 18B-2A-4 requires the governing boards of institutions of higher education to appoint the president of the institution under its jurisdiction. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not given itself any new authority; rather, it is exercising upon the authority previously given to it under West Virginia law. Providing another group or entity a determinative vote on who will be selected as the president would be contrary to state law.</p> <p>Further, WVU is not required to follow the West Virginia Higher Education Policy Commission (“HEPC”) Series 5 for selecting a president. In 2017, the W. Va. Code was changed</p> |

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| | | | | <p>to give WVU, Marshall, and the West Virginia School of Osteopathic Medicine the ability to adapt and manage their institutions in a more modern manner and to recognize that our needs are different than other regional state institutions. That said, the University reviewed and considered HEPC Series 5 as part of the Rule development and incorporated many provisions into this Rule.</p> <p>Finally, the Rule creates a general framework intended to provide flexibility to the candidates, search committee, and the Board to bring the best candidates to West Virginia University. The specific process for interviews and any campus visits will be determined this fall by the Board and search committee, in consultation with the search firm.</p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |
| 31 | 4/18/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>This comment pertains to this part of 2.2.3: "Moreover, the Board may reject or add additional candidates at its discretion throughout the process."</p> <p>What does it mean to "reject additional candidates"? To what extent is this statement needed in the rule? If the Board is the ultimate authority, and decides who is given a final interview, then why does there need to be a separate statement saying that they can reject candidates, since they already appear to have that authority?</p> <p>What is the process for "adding additional candidates"? More specifically, does the search committee get a chance to review these additional candidates? Or do these additional candidates bypass the search committee? To keep the search committee engaged, it would be preferable for the search committee to be given an opportunity to review any additional candidates added by the Board.</p> | <p>The following modification was made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>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 <u>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.</u></p> |

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| 32 | 4/18/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>Following the various missteps in WVU's recent Academic Transformation, as perceived - most importantly - by students, faculty, and staff, the Proposed BOG Rule 1.3 is a shocking doubling-down on the divergence from an equitable shared governance of the University. By line item, the Proposed BOG Rule 1.3 fails to establish a responsible Presidential Search Process responsible to those it affects most, in the following ways:</p> <p>Proposed BOG Rule 1.3:</p> <p>§ 2.2.1 - While including representatives of the University community (including faculty, staff, and students) is commendable, not specifically allocating their positions within Committee composition when compared to BOG members and those others they deem belonging to the Committee leaves the possibility of their Committee membership being tokenized and or marginalized. Moreover, the section does not outline the method by which the Committee is selected, other than the BOG's discretion. The University community deserves input at every stage of the search process, including the Committee selection.</p> <p>§ 2.2.3 - Naming the Search Committee a "recommending body only" is an undemocratic exercise leaving the University community no unalienable voice in the University governance. As such, students, staff, and faculty are relegated to their 3 respective representatives on the 17-member BOG as their only recourse for grievances or recommendations in this process. Staff Council, the Faculty Senate, and the Student Government are likewise only recommending bodies, and the Academic Transformation revealed that their recommendations can be outright ignored, even when unanimous. Furthermore, the caveat allowing the BOG to "reject or add additional candidates at its discretion throughout the process" both negates the purpose of a Search Committee of any composition, and opens the door to potential instances of cronyism.</p> <p>§ 2.4 - The option hiring of outside consultancies at a time of budgetary instability and deficiency when existing University community bodies are likely to already be underrepresented in this process is as fiscally irresponsible as it is undemocratic, echoing back to the multi-million dollars</p> | <p>The following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>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. <u>The Board shall solicit nominations for the search committee membership from faculty, staff, and student constituency groups.</u> No candidate for the position of President may serve on the search committee.</p> <p>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. <u>Feedback from members of the University community shall be solicited in determining the characteristics sought in the new President.</u> Candidates may be considered through their own application or by nomination.</p> <p>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 <u>suggest add</u> additional candidates at its discretion throughout the process; <u>provided, however, that any candidates the Board suggests must be reviewed by the search committee prior to final selection.</u></p> <p>Please note that West Virginia Code Section 18B-2A-4 requires the governing boards of institutions of higher education to appoint the president of the institution under its jurisdiction. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not</p> |

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| | | | <p>contract to the RPK Group and their actions within the University's Academic Transformation.</p> <p>§ 4.1 - Perennially, the salary of the University President ranks among the top salaries of any public employee within the state, and is typically of a sum rivalling many of the program budgets active at the University. Negotiating said contract between "The Board's Chair, in consultation with the full Board" - and, notably, not the Search Committee comprised of a fully University community representation, or the larger University representative bodies - further detracts from transparency and the knowledgeable distribution of University resources.</p> <p>The Proposed BOG Rule 1.3 replaces WV HEPC Series 5. Found in HEPC Series 5 but missing from the Proposed BOG Rule is the following:</p> <p>§ 2.2.1 - HEPC Series 5 enumerates a mechanism to receive input from "faculty, staff, and student representatives". While both HEPCS5 and the Proposed BOG Rule 1.3 stipulate that these groups will be present on the Search Committee, the Proposed Rule eliminates the requirement of this mechanism throughout the process.</p> <p>§ 2.2.4 - Further, the Proposed BOG Rule 1.3 eliminates the HEPCS5 requirement of Presidential candidacy finalists to visit campus and meet with members of the University community, including faculty, staff, students, and community leaders. While, on its face, not requiring a campus visit is a concession for accessibility, it eliminates this required community evaluation opportunity without naming a replacement, such as a Campus Conversation with the candidate.</p> <p>Proposed BOG Rule 1.3 replaces WVHEPC Series 5 and eliminates many of its concessions to shared University governance. Amending the Proposed BOG Rule 1.3 to:</p> <p>- name an equitable number of University community representatives (compared to BOG members and outside community members) to the Search Committee,</p> | <p>given itself any new authority; rather, it is exercising upon the authority previously given to it under West Virginia law. Providing another group or entity a determinative vote on who will be selected as the president would be contrary to state law.</p> <p>Additionally, WVU is not required to follow the West Virginia Higher Education Policy Commission ("HEPC") Series 5 for selecting a president. In 2017, the W. Va. Code was changed to give WVU, Marshall, and the West Virginia School of Osteopathic Medicine the ability to adapt and manage their institutions in a more modern manner and to recognize that our needs are different than other regional state institutions. That said, the University reviewed and considered HEPC Series 5 as part of the Rule development and incorporated many provisions into this Rule.</p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |

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| | | | <ul style="list-style-type: none"> - provide for binding recommendations and stipulations from said University community, - remove the BOG's ability to add or reject candidates at their sole discretion anytime throughout the process, - remove the opportunity for outside consultancies, - allow the University community to publicly participate in any potential contract negotiations, and - provide for University community input and evaluation of any final Presidential candidates; <p>would greatly democratize the process in line with University's shared governance responsibility.</p> | |
| 33 | 4/18/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>The rule as proposed has a concerning lack of involvement or even input by the university community in the selection of a new president:</p> <ul style="list-style-type: none"> -There is no required mechanism for soliciting input of faculty, administrators, staff, students, etc., except for those individuals who are selected to serve on the search committee. I recommend mechanisms for university community involvement be added. -Section 2.2.1: "A search committee composition and membership shall be determined and selected by the Board, in its sole discretion." This sounds like exclusive hand-picking of committee members only in alignment with the BOG's views. I recommend adding mechanism for nominations and perhaps even election of committee members from the groups within the university committee member (for example, one member to be elected by the Faculty Senate), even if the BOG has right to refusal for any nominated/elected committee members. -Section 2.2.3: "Moreover, the Board may reject or add additional candidates at its discretion throughout the process." This is too open-ended and undermines the supposed "committee-led" nature of the search. I recommend inserting a requirement that while the BOG may add candidates, this must be done before selection of finalists for final interviews. In addition, the list of finalists should require the approval of both the BOG executive committee and the search committee. -As written, there is no mechanism for soliciting feedback from the university community or stakeholders on the specific finalists. When I was at another institution, finalists gave a public talk with a Q and A section and then | <p>The following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>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. <u>The Board shall solicit nominations for the search committee membership from faculty, staff, and student constituency groups.</u> No candidate for the position of President may serve on the search committee.</p> <p>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. <u>Feedback from members of the University community shall be solicited in determining the characteristics sought in the new President.</u> Candidates may be considered through their own application or by nomination.</p> <p>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</p> |

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| | | | <p>afterward feedback was solicited. A similar protocol should be intrinsic to the search process here, and therefore be defined in the search rule.</p> <p>-Section 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. The Board is not required to follow the search processes outlined in Section 2 of this Rule when appointing an interim president." As proposed, this creates a dangerous mechanism for the board to sidestep the prescribed search process, as an interim president can be continuously re-appointed annually (actually, the rule is unclear if the "additional periods" are limited to one year or if they can be longer defined periods) for an indefinite period. To prevent abuse of the interim appointments, I recommend placing a limit on the number of possible interim extensions. For example, change the rule to "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 a single additional period of up to one year." This will provide ample time for a comprehensive search even in the event of unexpected vacancies.</p> <p>-Section 5.2.1: "In doing so, the Board shall appoint a committee of its own members to conduct the evaluation." While I am pleased to see that feedback must be solicited from members of the university community, it is troublesome that they are not represented on the committee. I recommended changing the prescribed composition of the committee such that it resembles that required for a presidential search committee, thereby ensuring effective representation of university community experiences and sentiments in the evaluation.</p> | <p>interviews. Moreover, the Board may reject or <u>suggest add</u> additional candidates at its discretion throughout the process; <u>provided, however, that any candidates the Board suggests must be reviewed by the search committee prior to final selection.</u></p> <p>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 <u>not to exceed two (2) years except in exigent circumstances.</u> 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.</p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |
| 34 | 4/18/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>Under the old policy: the board shall “conduct on-campus visits with them at which students, classified employees, non-classified employees, faculty, campus administrators, community leaders, alumni, and other individuals shall be invited to meet with the candidates. The constituent groups shall submit their comments to the governing board, and the governing board shall consider those comments in its evaluation of the finalists.”</p> <p>Under the proposed Rule: the search committee “participates in any potential campus visits of selected candidates”.</p> | <p>The following modifications were made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>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. <u>The Board shall solicit nominations for the search committee membership from faculty, staff, and student constituency groups.</u> No candidate</p> |

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| | | | <p>That is, the proposed rule would change policy from there shall be on-campus visits and to there may be on-campus visits. And the proposed rule, in stark contrast to the preexisting HEPC policy, is silent on requiring the Board to solicit and consider comments from constituent groups. This is a profound change in attitude about the nature of the appropriate hiring process of one of West Virginia’s premier public servants and highest-paid state employees.</p> <p>Other parts of the proposed rule that are notable:</p> <p>The Board can add finalists for the position at any point in the hiring process, which raises serious concerns about whether the Board will seriously carry out a professional hiring process (separately, the proposed rule notes that under undefined “exigent circumstances” the Board can skip a professional, committee-based hiring process entirely; and even outside of “exigent circumstances” the proposed rule allows the Board to alter the process and timeline at any time).</p> <p>While the search committee will include faculty, staff, and students, nothing is said about whether faculty, staff, or students, will get a voice in the selection of their own representatives.</p> <p>While the previous HEPC rule stated that if a faculty, staff, or student search committee member was removed from the committee that person would be replaced by someone representing the same constituency, that assurance of representation is not in the proposed rule.</p> <p>As to Potomac State and Tech, the proposed rule states that the WVU president will appoint presidents for each and “shall consult with University stakeholders as appropriate when appointing a campus president”. It appears to be left entirely to the WVU president and/or the Board to define “as appropriate”.</p> <p>The process for selecting the new president must be open, transparent, and inclusive of all stakeholders. Faculty, staff, and students must have meaningful and robust representation of their own choosing, not people chosen by administration. If WVU is to have any hope to return to being a normal university with meaningful oversight and shared governance, faculty, staff, and students must play a pivotal role in selecting the institution's next</p> | <p>for the position of President may serve on the search committee.</p> <p>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 <u>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.</u></p> <p>6.1 <u>In accordance with the West Virginia Code, 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.</u> The President shall consult with University stakeholders as appropriate when appointing a campus president.</p> <p>Finally, the Rule creates a general framework intended to provide flexibility to the candidates, search committee, and the Board to bring the best candidates to West Virginia University. The specific process for interviews and any campus visits will be determined this fall by the Board and search committee, in consultation with the search firm.</p> <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |

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| | | | leader, who will hopefully clean out the Aegean Stables of incompetent sycophants currently running the place. | |
| 35 | 4/18/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>The events of the past year have shown that the decisions of the Board of Governors do not even begin to represent the will of the students, faculty, and staff of WVU. Requests, feedback, and pleas from the university community have repeatedly been ignored and disrespected by a group of people who "know better" despite not actually engaging in university life. If the Board of Governors is able to completely disregard the actions of the Presidential Search Committee and add or reject candidates at any time, then this will just be yet another example of the Board "hearing out" the university community only to ignore them and follow their own whims. The people who make up the university must have a say in university leadership. The Board itself desperately needs to include more representation of faculty and staff rather than unaffiliated appointees, but that is a discussion for a later date.</p> | <p>The following modification was made to WVU BOG Governance Rule 1.3 in response to this comment:</p> <p>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 <u>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.</u></p> |
| 36 | 4/21/24 | BOG Governance Rule 1.3 – Presidential Selection, Contracts, and Evaluation | <p>I am a History masters student and a member of West Virginia united students union as well as West Virginia Campus workers. Today I am here to ask the board of governors to reconsider their position as the sole voting body in the presidential selection process. I recently read Dr. Patrice Harris' words in WVU today regarding the boards feeling that the WVU community should be involved in the search process. Considering last year's events, this acknowledgment that the board must work "collaboratively" is a step in the right direction. While I welcome this spirit of cooperation I am still dissatisfied that at the end of the day, the members of this body will be the only people with the actual power to decide who will succeed Gordon Gee. While it is nice to be included in the candidate search, what we request today is a vote. Receiving suggestions from faculty staff and students is one thing, giving us the power to determine who our next president will be, is another. It has become apparent that the state is not interested in funding this institution and whoever takes the job as president will still have to navigate difficult financial waters. There will still be tough decisions to be made and we as workers and students want a president who is committed to a new vision for this university, one that does not involve departments being forced</p> | <p>West Virginia Code Section 18B-2A-4 requires the governing boards of institutions of higher education to appoint the president of the institution under its jurisdiction. The West Virginia Code has invested these duties and responsibilities with the governing body, not other groups or entities. The WVU Board of Governors has not given itself any new authority; rather, it is exercising upon the authority previously given to it under West Virginia law. Providing another group or entity a determinative vote on who will be selected as the president would be contrary to state law. As such, the following modification has been made to Section 2.1 for clarification:</p> <p>2.1 <u>In accordance with the West Virginia Code,</u> the Board shall select the President of West Virginia University, and the selection must be approved by a majority vote of the Board.</p> |

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| | | | <p>to churn out profits, hiked up tuition rates that push students into majors that do not align with their passions, online language learning, and cosmetic renovations that come at the expense of providing a robust education. The Gee administration's model that values students based on how much tuition they can pay and teachers based on how well they can attract capital has been by all measurements a failed experiment. That model may be suited for your businesses but it is not one that should be applied to education. Our next president must be able to think outside of this mindset which seeks to marketize spheres in our society where the market has no place. They must be able to budget in a way that values all students, all departments, and all workers here equally. I respectfully remind you that your paychecks and educations are not tied to WVU's next president, ours are. So with that in mind, give us a vote.</p> | <p>No additional modifications were made to WVU BOG Governance Rule 1.3 in response to this comment.</p> |