

Shepherd University Board of Governors
March 10, 2005
Agenda Item No. 3

POLICY 29
EMPLOYMENT AND EVALUATION OF
THE PRESIDENT

Consistent with applicable statutory provisions and the Higher Education Policy Commission Series 5, which regulates employment of presidents, a draft Board Policy has been circulated for public comment for a 30-day period. As of the publication of the Agenda Book, no comments have been received.

This draft closely resembles the former Series 59 of the old State College System, relating to employment and evaluation of presidents, adapted to apply to the new governance structure.

The following resolution is recommended for adoption by the Board:

RESOLVED, That the Shepherd University Board of Governors approves Policy 29, *Employment and Evaluation of the President*, as presented in the agenda book, to become effective immediately.

**SHEPHERD UNIVERSITY
BOARD OF GOVERNORS
POLICY 29**

TITLE: EMPLOYMENT AND EVALUATION OF THE PRESIDENT

SECTION 1. GENERAL

- 1.1 Scope - This policy establishes rules relating to the terms and conditions of the employment of a president and the procedures relating to presidential evaluation.
- 1.2 Authority - West Virginia Code §18B-1-6, §18B-1B-6
- 1.3 Effective Date –

SECTION 2. EMPLOYMENT OF PRESIDENT

- 2.1 The Board shall employ, at its will and pleasure, a President pursuant to WV Code §18B-1B-6.
- 2.2 The Board may review and approve the terms and conditions of the President's appointment or, by formal resolution, may delegate to either the Chair or the Executive Committee the authority to establish terms and conditions which will be included in an annual Letter of Appointment.
- 2.3 Upon initial appointment, the terms and conditions of appointment may include award of academic rank and tenure by the Board.
- 2.4 The Board will issue a Letter of Appointment for the President for each fiscal year of service, regardless of the length of employment offered by the Board.

SECTION 3. DUTIES AND RESPONSIBILITIES

- 3.1 The President is responsible to and reports to the Board. Within the policies and regulations of the Board and of other state and federal authorities, the President, as chief executive officer, has general authority and responsibility for the institution and for keeping the Board and its Executive Committee informed regarding the institution in a timely and appropriate manner.

- 3.2 The President is expected to demonstrate those leadership skills necessary for the vibrant, dynamic pursuit of the goals and objectives embodied in the mission of the institution. The President is also expected to understand the higher education needs of the institution's service region, work with the Board to develop proposals for meeting those needs, and provide leadership to foster cooperation between campus and community in fulfilling the institution's teaching, research, and public service responsibilities.
- 3.3 The President is expected to consult appropriately with faculty, students, classified staff and administrators in discharging the responsibilities of the office. The President is also expected to ensure that the policies, procedures and actions of the Board are communicated to appropriate constituencies of the institution in a timely manner.
- 3.4 As the chief executive of the institution, the President is charged with the following specific responsibilities:
 - 3.4.1 Exercising effective leadership in a joint effort to implement the mission of the institution, as delineated in the Mission Statement, planning documents of the institution, and any other role and scope statements approved by the Board.
 - 3.4.2 Providing effective leadership and support for an academic program that is consistent with the institutional mission, the needs of those being served, sound standards of quality, and available resources.
 - 3.4.3 Providing effective leadership and support for a program of student life that complements the academic program and recognizes as an institutional priority the diverse interests and needs of the student body.
 - 3.4.4 Developing a competent administrative organization and staff to ensure effective and efficient management of the institution.
 - 3.4.5 Maintaining lawful, equitable and efficient personnel programs, including appointment of qualified persons to the faculty and staff and promotion, retention or dismissal for cause of the same, with due regard for the best interests of the university.
 - 3.4.6 Direct and cause the annual operating and capital budgets and other plans, financial and otherwise, for realizing the institutional mission to be prepared, and providing sound management of the approved budgets and plans.

- 3.4.7 In coordination with the Board, communicating the needs of the university to the governor, legislators, other state and local officials, and citizens of the state.
- 3.4.8 Interacting with appropriate external bodies to achieve the mission of the institution in a manner consistent with Board policy, statutory and regulatory provisions, and sound academic principles.
- 3.4.9 Implementing assignments requested by the Board.
- 3.5 With regard to 3.4.5 above, the President has final institutional-level authority and responsibility for every personnel action at the institution, and the Board hereby delegates all authority for such decision-making, with the exception of decisions relating to his or her own employment and compensation.
- 3.6 The President is expected to consult, when appropriate, within the campus community on personnel decisions, but shall retain ultimate authority for such decisions.

SECTION 4. PRESIDENTIAL REVIEW

- 4.1 It is the responsibility of the Executive Committee, under the leadership of the Chair, to continually monitor and evaluate the performance of the President. Throughout the year, the Chair is responsible for informing the Executive Committee, or the entire Board when appropriate, of any concerns regarding the performance of the President.
- 4.2 **ANNUAL REVIEW**
The annual review may include one or more of the following components, as the Committee may choose: campus visits, discussions with the President, assessment of the quality of written information submitted by the President, assessment of the accomplishment of institutional and system goals, and/or discussions with members of the Board, as well as with students, faculty, staff, other administrators, legislators, and business and civic leaders associated with the institution. The annual review will specifically include direct and private conversations between the Executive Committee and the elected constituent representatives who are members of the Board. In addition, the President shall provide to the Chair near the end of each fiscal year, as an Annual Report, the President's goals and objectives for the ensuing twelve months and the progress made on accomplishing the goals and objectives of the previous twelve months.

The Chair shall complete the annual review of the President, following one or more of the above referenced consultation and processes and by adding any additional processes that the Executive Committee finds appropriate. At the conclusion, the President shall receive the annual evaluation in writing from the Chair.

4.3 QUADRENIAL EVALUATION

- 4.3.1 Consistent with the requirements of West Virginia Code §18B-1B-6, the process described below is designed to evaluate presidential performance in relation to criteria established by the Board. It seeks to identify both areas of strength and those in which improvement would appear to be appropriate in order to assist the President in improving his or her effectiveness. All of the actions to be taken by the Executive Committee or the Board in this process shall be in Executive Session.
- 4.3.2 The basis for assessing presidential performance shall be the "Duties and Responsibilities" listed in Section 3 of this document. This performance evaluation shall be conducted every fourth year and shall be structured as follows:
- 4.3.2.1 The Chair, after consultation with the President, shall establish a schedule for the performance evaluation activities. In no case shall the process exceed four (4) months. The on-site schedule shall be developed for a period during the regular academic year when the institution is in operation. However, preparatory or concluding activities may be completed during the summer months.
- 4.3.2.2 The President shall prepare and submit to the Chair at least four (4) weeks prior to the on-site visit a "Statement of Presidential Assessment" consisting of his/her assessment of his/her performance as President in relation to each of the "Duties and Responsibilities of the President". The statement should generally be no longer than fifteen (15) pages. The President may append necessary and appropriate materials, including such documents as the President's annual report and the current North Central Association self-study report.
- 4.3.2.3 The Chair shall form a Visiting Team of three (3) individuals. One shall be a college or university president/chancellor, or comparably experienced peers selected by the Chair from a list of four nominees submitted by the President. Such persons shall be from outside West Virginia, shall be free from conflict of interest, and shall chair the Visiting Team. One shall be the immediate past Chair of the Board of Governors, and the third shall be the Board Chair. If either the Chair or the immediate past Chair of the Board shall be unable to serve on the Visiting Team, the Board shall elect a replacement from among the lay members.

- 4.3.2.4 The Visiting Team shall be given the "Statement of Presidential Assessment" and such other documents deemed to be appropriate by the Visiting Team.
- 4.3.2.5 The Chair of the Visiting Team shall be responsible for arranging a schedule for the Visiting Team, including interviews and meetings with campus personnel, that will assure a careful assessment of leadership and condition of the campus.
- 4.3.2.6 To obtain an accurate and objective impression of the performance of the President, the Visiting Team shall visit the campus for up to two (2) days to talk with and receive the views of the President, members of the Board, and a representative number of administrators, faculty members, classified employees, students, alumni, and community leaders, including the elected leaders of each campus constituent group. Evaluative information thus obtained, either in oral or written form, if included in the report, must be attributable. Confidentiality, beyond the Visiting Team and the Executive Committee, of individual assessments of presidential performance shall be assured.
- 4.3.2.7 There shall be an oral report by the visiting team to the President and the Executive Committee at the end of the on-site visit. The team chairperson shall have lead responsibility for drafting a written team report promptly after the on-site visit concludes and for coordinating such discussion among the team members as may be necessary to conclude the report. The team chair shall submit the completed team report to the Chair within thirty (30) days of the on-site visit. The general approach and format for the report shall be similar to, but not identical with, a North Central team visit and report, including commentary on the performance of the President in relation to each of the "Duties and Responsibilities of the President" in Section 3 herein.
- 4.3.2.8 The Chair shall forward a copy of the report to the members of the Executive Committee of the Board and to the President, inviting the latter to offer comments within two (2) weeks.
- 4.3.2.9 A copy of comments received from the President shall be promptly forwarded to the members of the Executive Committee of the Board.

- 4.3.2.10 The President shall be invited to discuss the process and results of the evaluation with the Executive Committee of the Board, in which areas of strength and those appearing to need improvement (if any) shall be identified for particular attention by the President prior to the next evaluation.
- 4.3.2.11 Following its review of the evaluation with the President, the Executive Committee shall report its conclusions to the Board. At all stages of the evaluation process, the President shall be involved and informed and be afforded an opportunity to respond as he/she deems appropriate. Confidentiality consistent with state laws shall be maintained throughout the evaluation process.
- 4.3.2.12 The Executive Committee shall thereafter submit the final Quadrennial Evaluation Report to the President and the Chair of the Higher Education Policy Commission.

SECTION 5. RESIGNATION AND TERMINATION

- 5.1 A president may resign appointment as President at any time, by written notice to the Chair of the Board.
- 5.2 The Board may terminate a presidential appointment at any time when, in the Board's judgment, such action is in the best interests of Shepherd University.
 - 5.2.1 If the Board terminates a presidential appointment of a President, who has academic tenure, for reasons other than "For Cause" relating to faculty or instructional duties, as defined in Section 12 of Policy 19 of the Board, that individual shall be eligible to assume a tenured faculty position at the University at such salary as is indicated by the original notice of tenure.
 - 5.2.2 If the board terminates a presidential appointment of a President for reasons other than "For Cause" as defined in Section 5.2.3 hereafter, that individual shall be eligible for such post-appointment compensation and/or benefits as may be provided for in the annual appointment(s). Academic tenure, if any, may only be exercised as a mutually exclusive alternative to continuing administrative employment, if any.
 - 5.2.3 "Cause" for the termination of a presidential appointment is defined as acts of malfeasance or misfeasance, through acts of commission or omission, and any action in violation of federal or state law, acts in contravention of the policies of or a directive (expressed through an adopted resolution) of the Board, or any act which would be "cause" under Section 12 of Policy 19 of the Board.