

**NEW RIVER COMMUNITY AND TECHNICAL COLLEGE**  
**OPERATING RULE 19 (OR-19)**  
**Effective Date - August 3, 2012**

**RULE:** Employing, Evaluating and Responsibilities of the President

**RATIONALE:** To establish guidelines for New River Community and Technical College Board of Governors to use in employing and evaluating the president of the college. Establish duties and responsibilities of the president.

**OPERATING RULE STATEMENT**

**1. Presidential Appointment**

- a. Upon the occurrence of a vacancy in the position of president, the governing board of the college shall undertake a search for a new president. The governing board is responsible for the search, both procedurally and financially.
  - i. A statement of characteristics and qualities which the new president should possess shall be adopted by the governing board and utilized in soliciting and evaluating the candidates.
  - ii. If a search committee is appointed by the governing board, it shall include representation of faculty, students, and staff, and other constituencies of the institution. The number and consistency of the membership of the committee shall be at the discretion of the governing board. The committee shall appoint a chair and vice chair who shall be selected from among the members of the Board of Governors, who were appointed by the Governor. A maximum of three Governor-appointed Board members shall be on the search committee. The chair and vice chair shall be entitled to vote. The chair of the search committee, or the chair's designee, shall be the only spokesperson for the work of the committee.
  - iii. A position announcement shall be adopted by the governing board detailing the characteristics and qualities sought in a new president and distributed to appropriate newspapers and other media sources, heads of higher education associations and organizations, and other appropriate individuals for the purpose of advertising the position.
  - iv. Interviews with the finalists, as determined by the governing board, shall be conducted on campus and, during the campus visits, students, classified employees, non-classified employees, faculty, campus administrators, community leaders, alumni, and other individuals shall be invited to meet with the candidates and their comments shall be solicited by the governing board.
  - v. Background checks may be conducted on each candidate prior to

interviewing with the search committee or governing board. Background checks should be conducted on finalists prior to any campus visit made at the invitation of the search committee or governing board and shall be conducted before any final selection by the search committee or governing board. On-site visits to the candidates' current and past places of employment may be conducted and are recommended for the final candidates. Standard industry practices shall be utilized in conducting background checks and, at a minimum, shall include confirmation of degrees and past employment, and criminal and credit checks.

- vi. Candidates may be considered through their own application or by nomination.
- vii. Members of the governing board, or any search committee appointed, may not provide information about the names or backgrounds of any candidates without their consent to anyone who is not a member of the governing board or search committee or authorized agents or staff. When candidates are invited to a preliminary interview with the search committee, they shall be notified of the conditions under which confidentiality may be waived as to background checks and that in the event they are invited for a campus interview, their names and backgrounds shall be publicly released at the time they accept an invitation for a formal campus visit.
- viii. At the institution's request, the Council may provide the governing board with staff assistance to manage the search process, or the governing board may enter into a contract with a consultant or executive search firm to identify potential candidates in addition to those who have applied or been nominated or to assist in the search.
- ix. The governing board shall confer with the Chancellor and agree to a method and process for Council members to interview the finalists when brought to campus, or the Council may schedule its own interviews with the finalists before approving the final selection of a president. The agreed upon process shall not permit Council members to serve on the institutional presidential search committee. The governing board, or any search committee appointed by it, shall promptly transmit to the Chancellor a copy of the procedure adopted to govern the search and provide agendas and minutes of meetings involving the search.
- x. All meetings shall comply with the West Virginia Open Governmental Meetings Act.
- xi. Terms of compensation and contracts discussed with or offered to candidates shall be consistent with the sections of this rule regarding presidential compensation and contracts.
- xii. Interim presidents appointed by a governing board shall be approved by the Council.

## 2. Presidential Contracts

- a. The governing board shall receive the approval of the Council of the total compensation package from all sources for the president when the president is initially hired and for any subsequent changes in the total compensation package.
- b. The president will serve at the will and pleasure of the governing board.
- c. A presidential contract exceeding a term of one year shall conform to the following:
  - i. an initial offer of employment as president, or guarantee of employment in that or another position, may not exceed two years. After the initial contract, the governing board may offer contracts of up to five years. If the president is assigned to an alternative position during a guaranteed term of employment, the president shall perform substantive duties on behalf of the institution in order to collect his or her salary; and
  - ii. all contracts with a term greater than one fiscal year shall be conditioned upon availability of funding.
- d. Provisions in contracts existing on the effective date of this rule that are inconsistent with this rule may remain in effect at the discretion of the governing board unless the provisions are in violation of statute.

## 3. Compensation

- a. The total compensation of the president, from all sources, shall receive prior approval of the Council. Forms of compensation which require prior approval include: annual salary derived from whatever funding source, deferred compensation, and housing or vehicle allowances. The governing board may require approval of other compensation such as non-state funded discretionary funds, compensation from other employment or for service on a corporate board of directors, and payment of dues or assessments for membership in non-professional related clubs or associations. Any such compensation received shall be reported to the Chancellor. If approval of deferred compensation is being sought, the institution shall submit an actuarial report to the Council detailing the present cash value of the deferred compensation and conditions for eligibility or receipt of the deferred compensation.
- b. The total salary from all funding sources for the president should be based on a comparison of the presidential salaries at comparable institutions as reported by the College and University Professional Association for Human Resources (CUPA-HR), and should be between the salary listed for the 20th percentile and that listed in the 80th percentile. If the governing board desires to pay the presidential salary in excess of the 80th percentile, it shall submit a detailed rationale to the Council justifying the action. Other national data sources may be utilized by the governing board, as appropriate, to establish salary ranges.

- c. A percentage presidential salary increase in excess of the average percentage salary increase for all personnel at the institution within the last calendar year must be accompanied with a detailed rationale of the governing board justifying the increase when submitted to the Council.
- d. Housing allowances granted to the president not provided housing by the institution is not considered as part of the presidential salary.
- e. The Chancellor annually will make available to the governing board the most recent CUPA-HR or other comparable national data applicable to the institution.

#### **4. Presidential Duties and Responsibilities**

- a. The president is responsible to and reports to the governing 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 governing board and its Executive Committee informed regarding the institution in a timely and appropriate manner.
- b. 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 governing 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.
- c. The president is expected to consult appropriately with faculty, students, classified staff and administrators in discharging the responsibilities of the position. The president is also expected to ensure that the policies, procedures and actions of the governing board are communicated to appropriate constituencies of the institution in a timely manner.
- d. As the chief executive officer of the institution, the president is charged with the specific responsibilities outlined in the New River Community and Technical College Board of Governors *Delegation of Powers*.
- e. With regard to the responsibilities as outlined above and in the *Delegation of Powers*, the president has final institutional-level authority and responsibility for every personnel action at the institution, and the governing board hereby delegates all authority for such decision-making, with the exception of decisions relating to his or her own employment and compensation.

#### **5. Presidential Evaluation**

- a. The governing board shall conduct a formal and structured written performance evaluation of the president every third year of the president's employment. The president's performance shall be evaluated in relation to the duties and responsibilities assigned the president by the governing board, the success of the institution in meeting each requirement of its institutional

- compact, and any other criteria previously established by the governing board.
- b. The governing board shall appoint a committee of its own members, a visiting team, or any combination thereof, and utilize institutional personnel, including faculty, staff, and students, and persons who are knowledgeable of higher education matters who are not otherwise directly employed by a governing board to assist in its evaluation of the president.
  - c. The governing board committee, visiting team, or other body chosen by the governing board, shall visit the campus to receive the views of the president, governing board members, administrators, faculty, classified employees, non-classified employees, students, alumni, and community leaders. A schedule of interviews, meetings, and open forums that will assure a careful assessment of leadership and condition of the campus shall be arranged.
  - d. The governing board shall use the report of its committee, visiting team, or other body chosen by the governing board to assist in its own written evaluation of the president. The governing board's evaluation shall be reported to the president, the Chancellor, and the Chair of the Council.
  - e. The Chancellor will provide the governing boards, upon request, with evaluative tools, guidelines, and procedures recommended for the assessment and evaluation of college and university presidents and provide any assistance requested by a governing board in performing the evaluations.
  - f. The governing board shall conduct a written evaluation of its president at the end of the initial contract period. In addition to the formal and structured evaluation every three years and at the end of the initial contract period, the president shall receive a written yearly evaluation.

## **6. Annual Evaluation**

- a. It is the responsibility of the Executive Committee, under the leadership of the Board 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.
- b. The annual review will specifically include 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, prior to June 1 of each year, as an Annual Report, her/his goals and objectives for the ensuing twelve months and the progress made on accomplishing the goals and objectives of the previous twelve months.
- c. The annual review may include one or more of the following components, as the Executive Committee may choose to monitor and evaluate the performance of the president:
  - i. campus visits; discussions with the president; assessment of the quality of written information submitted to the Board; and
  - ii. assessment of the accomplishment of institutional and statewide goals; and discussions with members of the Board, as well as students,

faculty, staff, other administrators, legislators, and business and civic leaders associated with the institution.

## **7. Resignation or Termination**

- a. The president may resign his or her appointment at any time upon written notification to the governing board, addressed to the Board chair. The governing board expects at least sixty (60) days notice prior to the effective date of the resignation.
- b. The governing board may terminate an appointment as president at any time when, in the Board's judgment, such action would be in the best interest of the institution.
- c. If the governing board terminates for any reason other than for "cause" during a guaranteed term of employment, the president shall perform substantive duties on behalf of the institution in order to collect his or her salary. "Cause" includes, but is not limited to, official misconduct, incompetence, neglect of duty, gross immorality, malfeasance, misfeasance, insubordination, and acts of commission or omission in violation of the governing board's directives or policies.
- d. If during any period of reassignment, it is determined that while serving as president, the individual engaged in material acts of moral turpitude, dishonesty in the performance of professional duties, personal conduct which substantially impaired the fulfillment of college responsibilities or was materially detrimental to the college or intentionally committed a substantive violation of the West Virginia Ethics Act, the governing board may terminate the individual's employment immediately.

## **8. Grievance Procedure**

- a. If the president senses a problem with members of the Board, the president should first attempt to resolve it through a discussion with the Board chair.
- b. If the problem persists, the next appropriate step would be discussion of the problem with the Executive Committee of the Board.
- c. As the final step in this process, the president may request a meeting with the full governing board to discuss the matter. If the problem involves the Board chair, the president should attempt to resolve it through a discussion with the Chancellor of the Community and Technical College System and then with the governing board.

**DATE APPROVED: May 2012**

**DATE REVISED:**

**REPEAL: New River Board of Governor Policy 24 and New River Board of Governor Policy 40**

**RELATED RULES/POLICIES/PROCEDURES:** West Virginia Code §18B-2B-6, 18B-1B-6, WVCTCS Series 5

**RESPONSIBLE OFFICE:** New River Board of Governors