



Board of Trustees

Executive Committee

April 7, 2020

8:30 AM

Meeting held virtually via Zoom

In accordance with Governor Baker's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20 dated March 12, 2020.

A live stream of the meeting for public viewing will take place on YouTube at the following links:

The NON-CAPTIONED version:

<https://www.youtube.com/channel/UCLa8ys5DwVgVTSdmOgoV9pQ/live>

The CAPTIONED version:

<https://www.youtube.com/user/WestfieldStateU/live>

Agenda

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|---|---------------|
| 1. Call to Order | Chair Queenin |
| 2. Approval of Minutes
a) November 26, 2019 | Chair Queenin |
| 3. Items for Information
a) Current Campus Conditions Update
b) Interim Presidential Search Update | Chair Queenin |
| 4. Item for Information and Discussion
a) Presidential Search Process | Chair Queenin |

Attachment(s):

- a. Draft Minutes of November 26, 2019
- b. Massachusetts Board of Higher Education Guidelines and Procedures for the Search, Selection, Appointment and Removal of State University and Community College Presidents, June 2013
- c. Draft Presidential Search 2020-2021 Process Sheet



Board of Trustees

Executive Committee

Minutes

President's Boardroom, The Horace Mann Center

November 26, 2019

MEMBERS PRESENT: Committee Chair Kevin Queenin, Vice Chair Edward Sullivan, and Trustee James Hagan, past Chair

MEMBERS EXCUSED: Secretary Lydia Martinez-Alvarez

TRUSTEE GUESTS PRESENT: Trustees Melissa Alvarado, Madeline Landrau, Robert Martin and Thalita Neves

The meeting was called to order at 3:01 PM by Chair Queenin, who welcomed the union representatives and visitors to the meeting.

Chair Queenin stated the following:

- A more comprehensive assessment for the presidential evaluation was done this year to align with the Board of Higher Education (BHE) guidelines.
- Trustees Martin and Martinez-Alvarez drafted the evaluation per the Executive Committee's request and Trustee Martin will give an overview of the draft, highlighting the areas in the report, and explain the process taken.
- The committee may suggest any changes and approve a final draft to be presented to the full Board at their next meeting.

MOTION made by Trustee Sullivan, seconded by Trustee Hagan, to approve the minutes of the August 19, 2019 meeting. **Motion passed unanimously.**

Trustee Martin outlined the evaluation process and findings section by section:

- The BHE guidelines specify that every five years, and three years after an initial hire, the Board of Trustees should do a more comprehensive evaluation of their president.
- Being mindful of the difficult spring semester on campus resulting in a vote of no confidence, it seemed propitious to do a fuller evaluation this year.
- Because of concerns involved, it seemed wise to have an independent person solicit feedback from the campus at large.
- The American Association of State Colleges and Universities' (AASCU) Penson Center for Professional Development is an independent affiliated organization consisting largely of former presidents that offer consultation to universities on many issues such as strategic plans and presidential evaluations.

- The Penson Center connected the Board with Dr. John Anderson, former president of Millersville University (PA) and Alfred State College (NY), to be an independent assessor. He would not take on the Board's responsibility for doing the evaluation, but would be the Board's ears in obtaining information from a large selection of the campus.
- Both Dr. Anderson and President Torrecilha disclaimed any professional or personal relationship with each other. President Torrecilha has had no responsibility for the governance of the Penson Center. Commissioner Santiago and the Ethics Commission were consulted about using someone referred by the Penson Center.
- Dr. Anderson followed a protocol standard from the Penson Center in doing his assessment, which describes people to be interviewed either by their position or chosen randomly. Names to be interviewed were chosen per Penson protocol.
- Dr. Anderson was instructed by Trustee Martin to reflect in his report the diversity of opinions given to him.

Next, Trustee Martin summarized the Dr. Anderson report, which will be an appendix to the Board evaluation.

- Dr. Anderson's report was not evaluative, but stated "what he heard." One highlight is that it seems there are at least two audiences at the University (external and internal) expressing opinions about President Torrecilha.
- The external audience made comments such as:
 - Thoughtful in approach, visionary and innovative, willingness to develop partnerships, knows where Higher Ed is going; and
 - Not a warm and fuzzy, not a lot of collaboration. That echoes, but with less intensity, the comments of internal audience members, which are a serious concern.
- The internal audience is decidedly mixed to negative. Stylistic issues reflect the same concerns as external:
 - His way or no way, overly direct, punitive climate, personality variable, messaged rather than genuine, message to change not perceived as genuine. Some stated that the President was trying to change.
- Respondents identified concerns:
 - Issues of style;
 - Whether the President had respect for shared governance; and
 - No explanation of senior administration bonuses, lack of transparency on the budget, and the Westfield Experience.
- Trustee Martin summarized that the President is striving to balance internal and external needs and in large part is doing what a president is expected to do and what we as a Board expect him to do. At the same time, there is a sense that the internal environment is not cohesive, there are forces pulling the institution apart, and that tension needs to get resolved. The conclusion is that the President is being very successful externally, is making changes internally which the Board has supported and continues to support, yet at the same time needs to focus on pulling together the internal institution.

The next part of the evaluation focuses on the President's performance pertaining to goals and objectives. Data is largely based on the President's self-evaluation of goals and objectives as well as data Trustee Martin gathered and verified.

- The Strategic Plan was demonstrably well received by the BHE. The process for creating the Plan was inclusive and transparent and hopefully yields a broad University-wide commitment to pursue the goals and objectives of it. The Strategic Plan identifies action items, metrics, and individuals responsible for achieving those things.

- Demographic challenges with decreased housing, enrollment and retention are being focused on.
- In connection with the equity agenda, the enrollment of Latinx and African American students was viewed. Trend lines are positive, moving in the right direction at the same rate as our sister institutions. Gaps in retention and graduation of Latinx and African American students are still large and need to be focused on.
- The University was successful in getting a \$21 million award from the state for the Parenzo Hall renovation. No other university except the University of Massachusetts received near that amount. The President excelled strategically, politically and communicatively in making the case to representatives in Boston, the BHE and the Division of Capital Asset Management and Maintenance (DCAMM) to receive those funds. A case was also made to the partners who signed on to the project with us, so in the Board's judgment the renovation funds are particularly reflective of the President's successes in driving a strategic agenda. The proposal itself was largely administrator-driven. Since the acceptance of the proposal, there has been much input, transparency and involvement on behalf of the broader University as plans for the renovation proceed.
- The college structure came to fruition this last year. The initial process to put the structure in place was initially a very open and inclusive process. An Advisory Committee on Academic Planning (ACAP) delivered a unanimous recommendation to the President for a four- to five-college structure. After open forums, the President ultimately adopted a three-college structure, along with the College of Continuing and Graduate Education. Support for the college structure is not yet where it needs to be. There was an exchange between Trustee Martin and guests about how many colleges were recommended in the ACAP report. Trustee Martin stated that the lack of shared understanding of the ACAP document is demonstrative of the tensions on campus.
- The Westfield State Experience does not have sufficient buy-in for the program to sustain itself. It requires more involvement of faculty and staff.
- The President has done exceedingly well with fiscal and financial stewardship as follows:
 - Working to diversify revenue streams;
 - Success in Institutional Advancement;
 - A change in how the University uses and handles its investments;
 - The initiative to study the organization of the office of grants has not yet been done, but will assist to diversify and improve revenue; and
 - Efforts to share more information about the budgetary process with the University community have increased. That needs to continue, together with more members of the campus in the process.

By many external measures and according to what the Board has expected him to do, the President is doing very well. At the same time, this evaluation recognizes that there are signs of considerable discord on campus. The President has been careful to follow shared governance process specified in collective bargaining agreements, but more consideration needs to be given to how support can be built for different initiatives.

The last section of the evaluation focuses on the BHE Equity Agenda of accessibility, student completion and fiscal stewardship. Relative to our sister institutions and national peer group, the University does very well. Still, we need to keep working on these areas.

- Relative to fiscal stewardship, the BHE had some data on their Performance Measurement Reporting System (PMRS) on fiscal stewardship, showing how many instructional dollars each university commits relative to institutional support dollars. For the last reporting year of 2017, Westfield State contributed \$6.22 of instructional and student support for every dollar of institutional support. No other state university is close to that figure. The average is \$4.30 among Massachusetts state universities. The level of our student indebtedness is among the lowest in state universities.

- In the US News & World Report rankings, Westfield State University was 86th among regional universities in the north, a positive change of 30 places in the University's ranking. These rankings are based on many different data points.

Chair Queenin asked if there were any questions. There being none, he stated there would be a vote to approve the evaluation and then it would be brought to the full board at the December meeting and then forwarded to Commissioner Santiago at the Department of Higher Ed. Chair Queenin continued that during the comprehensive review, the Board tried to be sensitive to all constituents on campus. The Board is working with the President and cabinet and all are listening to campus concerns.

MOTION made by Trustee Queenin, seconded by Trustee Sullivan, to approve the presidential evaluation for the 2018-2019 academic year as presented to the Executive Committee on the above date and the submission of said evaluation to the Commissioner of the Department of Higher Education.

Discussion: Trustee Sullivan stated this was a tremendous job. He questioned the statement on page 6 regarding the college structure that the University has grown in faculty and students. Trustee Martin clarified that in the last couple of years, the numbers have gone down, but five-to-ten years ago it was much larger. The high point was three-to-four years ago. The classes now graduating are large, but the classes coming in are much smaller.

It was requested by a faculty guest in attendance that Trustee Martin check the ACAP report on the college structure and suggested that it be noted that not all members of the campus are willing to meet with the President. Trustee Martin stated he understood and would take that into consideration.

Motion passed to approve the evaluation as amended and with those two points taken.

There being no further business, **MOTION** made by Trustee Sullivan, seconded by Trustee Hagan, to adjourn. **Motion passed.**

Meeting adjourned at 3:56 PM.

Attachments presented at this meeting:

- Draft Minutes of August 19, 2019 meeting
- 2018-2019 Self-Evaluation of President Ramon S. Torrecilha, Ph.D.
- Report of John M. Anderson, Ph.D., October 2019
- Distributed at meeting: Draft Presidential Evaluation for 2018-2019 Academic Year
- Motion to Approve and Submit Presidential Evaluation for 2018-2019 Academic Year

Secretary's Certificate

I hereby certify that the foregoing is a true and correct copy of the approved minutes of the Westfield State University Board of Trustees Executive Committee meeting held on November 26, 2019.

Lydia Martinez-Alvarez, Secretary

Date



Massachusetts Board of Higher Education

**Guidelines and Procedures for
the Search, Selection,
Appointment and Removal of
State University and Community
College Presidents**

June 2013

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I. Introduction

Chapter 15A provides that the Board of Trustees for each state university and community college shall appoint and remove the institution's president subject to the approval of the Board of Higher Education. G.L. c. 15A, § 21. Section 9 of Chapter 15A further provides that the BHE shall "approve and fix the compensation of the chief executive officer of each institution." In furtherance of these legislative requirements, and consistent with the BHE's responsibility to establish overall goals in order to achieve a well-coordinated, quality system of public higher education in the Commonwealth, to establish coordination between and among institutions, and to resolve conflicts of policies or operations, the BHE issues these guidelines and procedures for the search, selection, appointment and removal of the chief executive officers at state universities and community colleges. G.L. c. 15A, § 9.

The authority to monitor and interpret this policy shall be vested in the Commissioner of Higher Education. The Commissioner, in consultation with the Chair of the BHE, shall have the authority to allow exceptions to this policy.

II. Search and Selection

A. Initiation of the Presidential Search

When a local Board of Trustees wishes to initiate the search for a new president, it shall so inform the Commissioner in writing. This notification shall occur at the earliest stage of the search process, prior to the appointment of a search committee or the selection of an executive search firm (where applicable).

To help ensure a successful outcome of the search, it is essential that communication between the Board of Trustees/search committee and the Commissioner's office be maintained throughout the search and selection process.

B. Position Description and Announcement

The leadership needs of an institution vary widely at different stages of its historical development. For this reason, the local Board of Trustees is strongly encouraged to begin the presidential search process by undertaking a careful assessment of the institution's current status and future goals. Such assessment is typically conducted with the assistance of an executive search firm (see Section II.D.3, below) and shall include attentiveness to regional and statewide needs and goals, and the institution's capacity to function within an integrated system.

Based on this assessment, the Board of Trustees (or the search committee, if so delegated by the Board of Trustees) should develop a reasonably detailed position description and announcement, commonly known as the "presidential profile." The Commissioner shall be provided a reasonable opportunity to review and comment upon the draft position description for a new president prior to its publication. The

Commissioner shall act with reasonable dispatch and shall share his/her comments, along with his/her preliminary thoughts regarding essential terms of appointment and an appropriate salary range, with the Chair of the Board of Trustees.

The presidential position description and announcement shall be placed in at least one major national publication serving the higher education marketplace, and in such other local and national publications as are necessary to attract a sufficiently large and diverse pool of qualified applicants.

C. Minimum Qualifications

All new presidents shall reflect the education and experience that represent the highest levels of qualifications for such positions. A well documented history of organizational leadership and proven success in meeting specific performance goals and objectives is required.

The minimum qualifications for a president shall therefore be as follows:

Education

An earned doctorate (including but not limited to a Ph.D., J.D., or Ed.D.), coupled with substantial experience relevant to the segmental mission and needs of the institution. In exceptional circumstances, an earned master's degree, coupled with substantial experience relevant to the segmental mission and needs of the institution, may satisfy minimum educational requirements.

Experience

Substantial experience in a senior management position in higher education.

or

Substantial experience in a senior management position in a field outside higher education, where such experience is deemed relevant to, and provides a basis for judging, the candidate's capability to serve as a college or university president.

D. Search Committee Selection, Procedures and Responsibilities

1. Selection and composition of the search committee

The Board of Trustees shall appoint a presidential search committee that includes a minimum of three Trustees and at least one individual from each of the major campus constituencies (students, faculty, professional staff, non-unit staff and support staff). In addition, one voting member shall be appointed by the Commissioner. In selecting the appointee, the Commissioner shall first offer the opportunity to serve on the search committee to members of the Board of Higher Education, and if that does not result in an appointment, the Commissioner shall appoint a senior-level staff member of the Department of Higher Education.

Other individuals, including but not limited to alumni/ae, community representatives, and distinguished educators from other institutions, may be included on the search committee at the discretion of the Board of Trustees. The search committee should not normally exceed nine to thirteen voting members. The chair of the search committee shall be appointed by the Chair of the Board of Trustees from among the Trustee members of the search committee.

The process for selecting search committee members from campus constituencies shall be determined by the Board of Trustees; provided, however, that the Board of Trustees shall provide an opportunity for any member of the college/university community to express interest in, and be considered for appointment. If the Board wishes to solicit nominations from any organization, including any employee organization, it shall require that such organization submit at least two nominees for each available committee vacancy. The Board shall make all reasonable efforts to ensure adequate diversity (i.e., gender, race, ethnicity) among members of the search committee.

The institution's affirmative action officer shall serve as a non-voting member of the search committee; shall have access to all committee materials and candidate files; and shall be invited to attend all meetings, including any executive sessions, of the search committee or any subcommittee thereof.

2. Search committee procedures

The Board of Trustees must approve a budget for the search committee which typically includes the following, where applicable: administrative or other support staff hired by or assigned to the search committee; supplies, stationery, and postage; travel and lodging for out-of-state candidates; visits to the home campuses of candidates; executive search firm fees; background and reference checks; and other related expenses. Members of the search committee shall not be compensated for their service but may be reimbursed for reasonable expenses connected with the search that are: 1) provided for in the budget, and 2) approved in advance by the chair of the search committee.

The chair of the search committee will appoint a secretary to the committee. The secretary's duties may include scheduling meetings and interviews; making travel arrangements for presidential candidates; maintaining committee files; preparing agendas, minutes and reports; and ensuring the Committee's compliance with the Open Meeting Law.

a) Open Meeting law and required trainings

As a special committee of the Board of Trustees, the presidential search committee is a "governmental body" subject to the state's Open Meeting Law, G.L. c. 30A, §§ 18-25. At the outset of the search process, the search committee must be fully trained on, and provided a copy of the Open Meeting

Law. The committee must also be trained on the applicable provisions of the Public Records Law.

In accordance with the Open Meeting Law procedures established by the Attorney General's Office, a notice of every search committee meeting must be posted on a website and a copy filed with the Secretary of State, at least 48 hours prior to the meeting. G.L. c. 30A, § 20; 940 CMR 29.03. Accurate minutes must be kept and become a part of the public record. Except as provided under the Open Meeting Law, and as otherwise provided in the Attorney General's regulations, interpretive guidance and rulings on the law, search committee meetings must be open to the public, in order to ensure transparency of the presidential search process. Please note, however, that many candidates for a presidential position may agree to be considered only if they can be assured that their candidacy will remain confidential until they reach the final stages of the process. There is a strong public interest in ensuring that the Commonwealth can attract the best possible pool of qualified candidates for this important position. For these reasons, it is permissible for public bodies, such as a search committee, to meet in executive session to screen, discuss and interview applicants during the preliminary, screening stages of a search, subject to Open Meeting Law procedural requirements. Since, however, this is an area of the Open Meeting Law subject to changing interpretation, the chair of the search committee is urged to consult the General Counsel of the Board of Higher Education or his/her designee before determining final procedures with respect to this point.

b) Confidentiality, Communications and Record Keeping

Subject to the requirements of the state's Open Meeting and Public Record Laws, members of the search committee shall protect the confidentiality of the search process.

Committee files and candidate application materials shall be kept in a secure area, and maintained consistent with Public Records Law requirements. Access to these materials shall be restricted to the members of the search committee and such other individuals who, having a direct role in the search process, are specifically so authorized by the chair. To facilitate review by committee members, the chair may authorize the production of one or more duplicate copies of candidate application materials and/or secure electronic access.

All communications from the search committee, including responses to media inquiries, shall be handled solely by the chair of the search committee or his/her designated spokesperson. The chair or his/her designee should issue periodic progress reports on the search to the college/university community and to the Commissioner.

A written record of the search committee's activities, proceedings, and decisions shall be maintained, including minutes from each meeting conducted by the search committee, whether held in open or executive session. This record shall include a summary of the steps taken to ensure affirmative action in the search and a statistical analysis of the applicant pool at each stage of the search process.

3. Use of executive search firms

The Board of Trustees or the search committee (with the Board's approval) will typically engage an executive search firm to assist in the conduct of the search. Exceptions to this practice may be approved when warranted due to extraordinary circumstances. Such a firm may be contracted to provide any or all of the following services:

- Developing an institutional profile or other background materials on the institution.
- Preparing and placing advertisements.
- Identifying and soliciting applications from qualified candidates.
- Preparing and processing correspondence with candidates.
- Responding to candidate inquiries and information requests.
- Making travel and lodging arrangements for out-of-state candidates.
- Conducting background and reference checks on applicants.
- Other related services.

In no case shall an executive search firm be delegated authority that is appropriately vested in Board of Trustees, or the search committee, as delegated by the Board of Trustees. At the discretion of the search committee, the search firm may screen the initial applicant pool to determine which candidates meet the minimum qualifications set forth in the position description. The search firm shall not screen or select candidates for further consideration.

The Board of Trustees and/or the search committee should solicit and consider proposals from a number of qualified executive search firms. Upon request, the Board of Higher Education shall furnish a list of executive search firms known to have interest and/or experience in presidential searches, including firms that have previously worked for other public higher education institutions in the Commonwealth.

In selecting an executive search firm, the Board of Trustees and/or the search committee shall take into specific consideration evidence of each firm's commitment to and experience in affirmative action recruitment.

4. Responsibilities of the search committee: screening, interviewing and recommending candidates

The search committee shall serve in an advisory capacity to the Board of Trustees, which has statutory authority to appoint the president of the institution, subject to approval of the Board of Higher Education. The Board of Trustees' charge to the search committee should set forth the Trustees' expectations, as well as the scope of the authority granted to the search committee.

The committee shall oversee the entire presidential search process, including all correspondence with candidates, solicitation and acknowledgement of references, and other communications and reports. The committee shall screen and evaluate all applications, and shall select candidates for interviews. The search committee shall provide the Board of Trustees and the Commissioner the opportunity to review the applications of the pool of candidates selected for interviews by the search committee. The Board of Trustees and the Commissioner shall act with reasonable dispatch in conducting such a review, and shall have the authority to ask that additional candidates be sought before interviews proceed; the Commissioner will make every effort to complete his/her review within 48 hours of receiving the documents.

The committee shall interview candidates for the presidency and shall recommend to the Board of Trustees an unranked list of no less than three (3) and no more than five (5) qualified candidates. Prior to making its recommendation, the search committee shall ensure that thorough reference and background checks are completed on all of the recommended finalists, and that the finalists understand that their appointment will be subject to a State Police Background check which will be facilitated by Department of Higher Education staff. In making its recommendations, the search committee shall transmit to the Board of Trustees the resume and all other relevant application materials for each of the three to five recommended finalists. The search committee may also, at its discretion, provide a summary of the perceived strengths and weaknesses of each candidate, but under no circumstances shall the committee rank order the candidates.

E. Board of Trustees Guidelines and Procedures for Interviewing Finalists and Selecting a Recommended Candidate

The Board of Trustees shall review the materials submitted by the search committee and interview each of the recommended finalists in open session. In conjunction with such interviews, the Board may provide an opportunity for students, faculty, and staff to meet informally with the candidates. The Board may also conduct such additional background and reference checks, including visits to candidates' home campuses or workplaces, as it deems necessary. By this stage of the process, there should be a clear understanding between the chair of the Board of Trustees and the Commissioner regarding essential terms of appointment and an appropriate salary

range, so that the chair of the Board of Trustees can ensure that the leading candidates have appropriate expectations prior to the Board of Trustees' vote to recommend a finalist to the Board of Higher Education.

The Board of Trustees shall extend to the Board of Higher Education and the Commissioner the opportunity to interview candidates selected as finalists by the search committee as part of candidate visits to the campus to meet with various constituencies. To that end, the Board of Trustees shall transmit to the Commissioner the résumés and all other relevant application materials for each of the three to five recommended finalists for review. The Board of Higher Education may, at its election, exercise its option to interview the candidates either by acting as a whole or through a committee, and shall conduct the interviews in open session, consistent with Open Meeting Law requirements. The Board of Higher Education and the Commissioner shall promptly forward any comments on the finalists to the Board of Trustees, for the Board of Trustees' review and consideration prior to voting on a recommended appointment. To the fullest extent possible, the Board of Higher Education and the Commissioner's comments shall be transmitted to the Chair of the local Board of Trustees within two to three business days of the last finalist interview. The Board of Higher Education and the Commissioner's comments shall be limited to their general impressions of the candidates, and shall not include a recommendation of any specific candidate.

In accordance with the Open Meeting Law, the Board of Trustees shall vote to recommend the appointment of a president in open session, with a quorum present. The vote should be conducted by roll call, with the Chair of the Board voting last. If no candidate receives the required majority, the process may be repeated as often as deemed necessary by the Board. To avert potential controversy or legal challenge, the recommended appointee should receive the votes of the majority of the Board's full membership. A Board of Trustees' vote to recommend the appointment of a president will also typically include language which authorizes the Chair of the Board of Trustees to negotiate with the recommended candidate terms of appointment.

F. Reopening a Search

If the Board of Trustees rejects all candidates submitted by the search committee, the Trustees may 1) request that the search committee reevaluate the credentials of other candidates in the pool and submit the name(s) of any additional recommended candidate(s); 2) direct the existing search committee to reopen the search; or 3) appoint a new search committee to conduct a reopened search. The Trustees shall not, however, require the search committee to submit the name of any specific candidate; nor shall the Trustees vote to recommend the appointment of any individual whose name has not been duly submitted by the search committee.

III. Appointment of a President

A. Board of Trustees Procedure for Recommending the Appointment of a Candidate to the Board of Higher Education

Once the Board of Trustees has voted to recommend to the Board of Higher Education the appointment of a president, the Chair of the Board of Trustees shall so notify the Commissioner in writing. The Chair of the Board of Trustees shall also promptly forward to the Commissioner copies of the résumés and other relevant application materials of all finalists interviewed by the Board of Trustees and a summary of the search process, which shall include a statement of the steps taken to ensure affirmative action and a statistical analysis of the applicant pool at each stage of the search process.

The Chair of the Board of Trustees will negotiate with the recommended candidate proposed appointment terms, including compensation terms, consistent with the guidelines in Section IV, below, and shall memorialize the negotiated terms in writing. A template for use in drafting proposed Terms of Appointment shall be provided by the Department of Higher Education staff. The Board of Trustees shall forward to the Commissioner proposed Terms of Appointment, for the Commissioner's review and comment prior to its finalization with the recommended candidate and prior to its execution.

The Board of Trustees shall arrange for a State Police background check, or a similar background check performed by another qualified agency, firm, or individual, on the recommended candidate. A copy of the results of such background investigations shall be forwarded to the Commissioner.

B. Board of Higher Education and Commissioner Review and Approval of the Board of Trustees' Recommended Candidate for Appointment

After a nominee has been selected by the Board of Trustees, the Commissioner shall review the materials submitted by the Board of Trustees in support of the recommended candidate and shall have an opportunity to meet with the presidential candidate recommended by the Board of Trustees.

Within 14 days of receiving the Board of Trustees' submittal, the Commissioner will review the submittal to determine whether it is complete and consistent with the Board of Higher Education guidelines. If not, then the Commissioner may request a meeting with the chair of the Board of Trustees to discuss the submittal further. Upon determination that the Board of Trustees' submittal is complete and consistent with the BHE guidelines, the Commissioner will promptly forward the submittal, along with his/her recommendation, to the Board of Higher Education for consideration and formal action.

The BHE is committed to conducting its final interview and vote on the local Board of Trustees' recommended appointee as expeditiously as possible. The Commissioner, the local board chair and the Chair of the BHE will work together to ensure that BHE action occurs in a timely fashion. The Chair of the BHE will call a special meeting of the BHE, if necessary to help avoid undue delays. At the meeting of the Board of Higher Education during which the presidential appointment is to be acted upon, the Commissioner shall be provided an opportunity to comment on the conduct of the search process and to offer his/her recommendation concerning the proposed appointment. The Board of Higher Education shall also be presented with proposed Terms of Appointment, for review and approval, as well as all other supporting documents submitted by the Board of Trustees, and shall interview the local Board of Trustee's nominee.

The appointment of the president shall not be effective until and unless it is approved by the Board of Higher Education, and any public statements made by the Board of Trustees prior to Board of Higher Education approval shall clearly reflect the same. Any press releases by the local Board of Trustees in this regard shall be coordinated with the Department of Higher Education.

Nothing in these guidelines and procedures shall be deemed to restrict or prohibit the Board of Higher Education from delegating to the Commissioner the authority to approve presidential appointments. Neither shall these guidelines or procedures prohibit the Board of Higher Education from delegating to the Commissioner or a committee of the Board of Higher Education the authority to approve a presidential appointment during the months of July and August or during any other extended period in which the Board of Higher Education is not scheduled to meet.

IV. Terms of Appointment

The Terms of Appointment for all initial presidential appointments are to be developed and negotiated by the local Board of Trustees following these guidelines, and must be approved by a formal vote of the Board of Higher Education, unless otherwise delegated to the Commissioner. Proposed terms of appointment should address all aspects of a president's appointment and must, at a minimum, address compensation packages, including salary and benefits, as well as evaluation processes and notification of removal and termination rights.

A. Compensation for Initial Presidential Appointments

The Board of Higher Education is responsible for setting the compensation, which includes salary and benefits, for the chief executive officer of each institution within the state university system and community college system. G.L. c. 15A, § 9(q).

The Board of Higher Education is committed to an approach to presidential compensation that is set at rates which ensure the recruitment of the best candidates possible, with a sensitivity to public concerns about public salaries. Decisions on

presidential salaries for initial appointments shall be based on the professional experience of the candidate, institutional size, as well as the complexity and particular short-term and long-term challenges facing the institution. Equity considerations and comparative data on the salary ranges of current, sitting presidents in the Commonwealth's public higher education institutions shall also be taken into account. All compensation proposals shall be consistent with the Board of Higher Education Compensation Guidelines. Proposed presidential compensation packages may include benefits consistent with the Board of Higher Education's Compensation Guidelines, but such benefits must be specifically negotiated and identified in the draft appointment agreement submitted for Board of Higher Education approval.

B. Evaluations and Compensation Adjustments

Annual evaluations, as well as periodic comprehensive evaluations, of presidents shall be conducted by local Boards of Trustees, and shall be required to justify compensation adjustments, including merit increases, consistent with Board of Higher Education policies and procedures, including the Board of Higher Education's Compensation Guidelines. All references in proposed Terms of Appointments to annual and comprehensive evaluations in the Terms of Appointment shall be consistent with Board of Higher Education policies and procedures.

V. Selection of a Acting and/or Interim President

The procedures for a selection of an acting and/or interim (hereinafter "interim") president shall in each instance be determined by the Board of Trustees after consultation with the Commissioner in accordance with the following requirements:

- It is preferable that an interim president should meet the same minimum qualifications as are required of a permanent president. The ultimate decision, however, should be based on the needs of the institution.
- The recommendation to appoint an interim president shall be made by a vote of the Board of Trustees in open session. Written notice of the Trustees' action, along with a copy of the nominee's curriculum vitae and proposed Terms of Appointment, shall be forwarded in timely fashion to the Commissioner.
- The appointment of an interim president shall not be effective until and unless approved by the Commissioner, in consultation with the Chair of the BHE.
- The salary of an interim president shall be set by the Trustees in accordance with the Board of Higher Education's Compensation Guidelines and shall be subject to the approval of the Commissioner, in consultation with the Chair of the BHE.
- An interim president may, at the discretion of the Trustees, be provided with the same benefits as are provided to the permanent president, including a housing allowance (where applicable).

- Except in rare or extraordinary circumstances, an interim president shall not be eligible to be considered for the permanent presidency.
- The term of an interim president shall not exceed one year, except in exceptional circumstances and only with the prior approval of the Commissioner.
- The Terms of Appointment for an interim president shall be set forth in a written contract or letter of appointment, a copy of which shall be provided to the Commissioner for review, comment, and approval prior to its finalization with the proposed interim president and prior to its execution.

VI. Removal

A. Recommended Removal of a President Initiated by the Board of Trustees

A president serves “at the pleasure” of the local Board of Trustees, subject to Board of Higher Education approval, and as such, a Board of Trustees has the authority to remove a sitting president at any time, without cause or explicit reasons, subject to Board of Higher Education approval. G.L. c. 15A, § 21. However, consistent with good practice of presidential evaluation, and except in exigent circumstances and cases of malfeasance, presidential performance issues should typically be identified through the annual evaluation process and the president should typically have an opportunity to address identified areas of concern prior to Board of Trustees action to initiate removal for reasons related to performance.

In accordance with the Open Meeting Law, the Board of Trustees shall vote to recommend the removal of a president in open session, with a quorum present. The vote should be conducted by roll call, with the Chair of the Board voting last. If the vote receives the required majority, the recommendation shall be forwarded to the Commissioner for presentation to the Board of Higher Education for approval, along with any documentation supporting the reasons for the recommended removal. To avert potential controversy or legal challenge, the recommended action should receive the votes of the majority of the Board’s full membership.

B. Board of Higher Education Action on a Recommended Removal of a President

The Board of Higher Education Trustees shall review the local Board of Trustees’ recommended removal, along with all supporting documentation, and shall vote on the recommend removal of a president in open session, with a quorum present. To avert potential controversy or legal challenge, the recommended action should receive the votes of the majority of the Board’s full membership.

**Appendix: Board of Higher Education Motion
to Approve Guidelines and Procedures**

BOARD OF HIGHER EDUCATION
REQUEST FOR COMMITTEE AND BOARD ACTION

COMMITTEE: Fiscal Affairs and Administrative Policy **NO.:** FAAP 13-41

COMMITTEE DATE: June 11, 2013

BOARD DATE: June 18, 2013

APPROVAL OF AMENDED GUIDELINES AND PROCEDURES FOR THE SEARCH, SELECTION, APPOINTMENT AND REMOVAL OF STATE UNIVERSITY AND COMMUNITY COLLEGE PRESIDENTS

MOVED: The Board of Higher Education approves the attached Amended Guidelines and Procedures for the Search, Selection, Appointment and Removal of State University and Community College Presidents, and delegates to the Commissioner the authority to act on behalf of the Board of Higher Education as specified therein.

Authority: G.L. c. 15A, § 6, 9 and 21; Section 172 of Chapter 139 of the Acts of 2012

Contact: Constantia T. Papanikolaou, *General Counsel*

Background

The FY2013 Budget reaffirmed the authority and responsibility of the BHE to issue guidelines and procedures governing the search, selection, appointment, compensation, evaluation and removal of the chief executive officers for both the community colleges and state universities, citing to the BHE's statutory authority to:

- approve presidential appointments and removals (M.G.L. c. 15A, § 21);
- approve and fix presidential compensation (M.G.L. c. 15A, § 9(q)); and
- establish coordination between and among post-secondary public institutions and to resolve conflicts of policies or operations arising in public higher education. (M.G.L. c. 15A, § 9(u)).

See Section 172 of Chapter 139 of the Acts of 2012.

Within this framework, the legislature required the BHE to issue new Presidential guidelines and procedures for community colleges by November, 2012.

On October 16, 2012 the BHE adopted guidelines and procedures governing the search, selection, appointment, and removal of Community College Presidents. During its October 16th meeting, the BHE also passed two companion motions, directing the Commissioner to:

- 1) explore and formulate, based on the BHE's existing statutory authority, recommendations on guidelines and procedures for the search, selection, appointment, and removal of State University Presidents; and
- 2) work in consultation with the Executive Committee of the BHE to review the BHE's existing Presidential compensation and evaluation guidelines (as approved in December 2005 and as subsequently amended), and propose any necessary revisions for BHE review and approval in time for implementation during the FY2013 Presidential evaluation process.

In furtherance of the BHE's directive regarding the first companion motion identified above, on November 30, 2012 the Department forwarded to State University Trustees, as a starting point for discussion, the BHE's approved *Guidelines and Procedures for the Search, Selection, Appointment and Removal of Community College Presidents* ("*Search and Selection Guidelines*").

The Department held a six month comment period on the document, and during that time offered two¹ feedback sessions with State University Trustees and two feedback sessions with Community College Trustees. In addition, the Department received several written comments.

¹ Although two State University feedback sessions were offered-- one on April 18th in Holyoke, and the other on April 22nd in Framingham-- the April 18th session was cancelled due to low registration numbers.

Based on the questions, comments and suggestions received during the Trustee comment period, the Department made several revisions to the *Search and Selection Guidelines*, as summarized in the attached May 29, 2013 memorandum.

In addition, on June 6, 2013 the Commissioner met with members of the BHE Executive Committee to discuss the draft document, along with the proposed revisions. The Executive Committee reviewed the document, suggested further clarifications and expressed general agreement both with the consultative approach taken in drafting the guidelines and the substantive provisions contained in the final version.

Substantive revisions made to the *Search and Selection Guidelines* as a result of this consultative process include the following:

- Consistent with statutory authority and BHE precedent, the Department, in consultation with the Executive Committee, is recommending that the *Search and Selection Guidelines*, which currently apply only to Community College Presidential searches, selections and appointments, also apply to State University Presidential searches, selections and appointments. As reflected in the attached May 29, 2013 memorandum, trustees did not advance any real substantive reasons for a differentiated approach to State University presidential searches, selections, and alternative guidelines were not proposed.
- The following revisions to the *Search and Selection Guidelines* were made to include specific timeframes or otherwise help reduce the possibility of undue delays during the Presidential search, selection and appointment process :
 - Language was added which expresses the BHE's commitment to conduct its final interview and vote on the local Board of Trustees' recommended appointee as expeditiously as possible. Language was also added to state that the Commissioner, the local board chair and the Chair of the BHE will work together to ensure that BHE action occurs in a timely fashion and that the Chair of the BHE will call a special meeting of the BHE, if necessary to help avoid undue delays.
 - Regarding the BHE and Commissioner's interview of the 3 to 5 final candidates, language was added stating that, to the fullest extent possible, the BHE and the Commissioner will transmit their comments to the local board within two to three business days of interviewing the last finalist.
 - Regarding the step which provides the Commissioner and local Board of Trustees an opportunity to review the existing pool of candidates selected for interviews, language was added stating that the Commissioner will make every effort to complete his review within 48 hours of receiving the documents.
- A provision was added to acknowledge exceptions and allow for flexibility in the application of the *Search and Selection Guidelines* in a particular case, upon approval by the Commissioner in consultation with the Chair of the BHE.

- Language was added which expresses a commitment that the Commissioner will seek to appoint a member of the BHE to the search committee.

Consistent with the BHE's statutory authority and FY2013 Budget language, the BHE issues the attached *Search, Selection, Appointment and Removal of State University and Community College Presidents*, and delegates to the Commissioner the authority to act on behalf of the BHE as specified therein. G.L. c. 15A, § 6, 9 and 21.

Westfield State University
Presidential Search 2020-2021 Process Sheet

From the Guidelines and Procedures for the Search, Selection, Appointment and Removal of State University and Community College Presidents - Massachusetts Board of Higher Education - June 2013				
	Task:	Person Responsible	Target Date	Date Completed
II. Search and Selection				
A. Initiation of the Presidential Search				
	Inform Commissioner in writing of desire to initiate a search for a new president	BOT Chair (Queenin)		
B. Position Description and Announcement				
	Do an assessment of the institution's current status and future goals with assistance of an executive search firm	BOT		
	Develop a reasonably detailed position description and announcement, known as the "presidential profile." Provide the Commissioner opportunity to review & comment prior to publication	BOT or search committee		
	Commissioner shall share comments on presidential profile and thoughts on terms of appointment & salary range with BOT chair	Commissioner & BOT Chair		
	Position description & announcement shall be placed in at least ONE major national publication serving higher ed marketplace	BOT		
C. Minimum Qualifications of President				
	An earned doctorate and substantial experience in a sr. management position in higher education or substantial experience in a sr. management position in a field outside higher ed, where such experience is deemed relevant			
D. Search Committee Selection, Procedures & Responsibilities:				
1. Selection and composition of search committee				
	BOT appoints search committee consisting of 9-13 voting members ensuring adequate diversity (gender, race, ethnicity) consisting of:	BOT		
	*at least 3 trustees (Chair of BOT shall appoint a trustee as chair of the committee)			
	*1 voting member appointed by the Commissioner (BHE committee member or senior-level staff member of DHE).			
	*university's affirmative action officer shall serve as non-voting member & have access to all committee materials, candidate files, & be invited to all meetings, incl exec sessions			
	*Can also include alumni, community reps, distinguished educators from other institutions.			
	*BOT shall provide an opportunity for any member of the campus community to express interest in, & be considered for appointment, appointing 1 individual from each of: students / faculty / professional staff / non-unit staff / support staff			
2. Search Committee Procedures				
	Approve a budget for search committee	BOT		
	Appoint a secretary to the committee	Chair of search committee		
a) Open Meeting Law and required trainings				
	Train the search committee on Open Meeting Law and Public Records Law & provide copies	Secretary to search committee		
	Meetings of search committee must be public and posted on website & copy filed with Secretary of State at least 48 hours prior to meetings	Secretary to search committee		
	Executive session allowed to screen, discuss & interview applicants during the preliminary, screening stages of search - chair of search committee must consult with General Counsel of BHE before determining final procedures on executive session meetings	Chair of search committee		
b) Confidentiality, Communication & Record Keeping				
	Search committee materials restricted to members of committee & any others specifically authorized by the chair of the committee	Chair of search committee		
	All communication from the search committee handled solely by chair of committee or designated spokesperson	Chair of search committee		
	Written record of search committee activities, decisions and minutes maintained, including summary of steps taken to ensure affirmative action and a statistical analysis of the applicant pool at each stage of the search process.	Chair & secretary of search committee		
3. Use of Executive Search Firms				

Westfield State University
Presidential Search 2020-2021 Process Sheet

	Task:	Person Responsible	Target Date	Date Completed
	Engage an executive search firm to assist in the conduct of the search, soliciting & considering proposals from a number of qualified firms, taking into specific evidence each firm's commitment to/experience in affirmative action recruitment. BHE shall furnish a list of firms upon request.	BOT or search committee (with Board approval)		
4. Responsibilities of Search Committee: screening, interviewing & recommending candidates				
	*Oversee entire presidential search process, including all corresp., solicitation & acknowledgement of references & reports	Search committee		
	*Screen & evaluate all applications and select candidates for interviews	Search committee		
	*Provide BOT and Commissioner opportunity to review applications of the pool of candidates selected for interviews. They will have authority to request additional candidates before interviews proceed	Search committee, BOT & Commissioner		
	*Interview candidates & recommend to BOT unranked list of at least 3 & no more than 5 qualified candidates	Search committee		
	*Ensure thorough reference & background checks are completed on all finalists & that they understand their appointment will be subject to State Police background check, facilitated by DHE staff	Search committee & DHE staff		
	*Transmit to BOT resume & all relevant application materials for all 3-5 finalists	Search committee		
	*At search committee discretion, provide summary of perceived strengths & weaknesses but shall NOT rank order the candidates	Search committee		
E. BOT Guidelines for Interviewing Finalists & Selecting Recommended Candidate				
	Review materials submitted by search committee & interview recommended finalists in open session, providing opportunity for students, faculty & staff to meet informally with candidates if BOT wishes	BOT		
	Conduct additional background and reference checks, including visits to candidates' home campuses or workplaces as necessary	BOT		
	Have a clear understanding between BOT Chair and Commissioner regarding essential terms of appointment & appropriate salary range so Chair can ensure leading candidates have appropriate expectations prior to BOT vote to recommend finalist to BHE	BOT Chair & Commissioner		
	Extend to BHE/Commissioner opportunity to interview candidates selected as finalists by the search committee during the campus visits and if so, transmit to BHE/Comm the resumes and applications prior to BHE/Comm. Interviews, which must be in open meetings. Their comments (but NO recommendation) must be provided to the BOT chair for BOT review prior to voting on recommended appointment	BOT		
	BOT votes to recommend appointment of president in open session with quorum present. Vote needs to be by roll call with Chair of Board voting last. Candidate should receive votes of the majority of the Board's full membership. Vote should include language which authorizes Chair of BOT to negotiate with candidate terms of appointment.	BOT		
F. Reopening a Search				
	If BOT rejects all candidates submitted by search committee, BOT may 1) request search committee reevaluate credentials of other candidates in pool & submit names of additional candidates 2) direct existing search committee to reopen search 3) appoint a new search committee to conduct a reopened search	BOT		
III. Appointment of a President				
A. BOT Procedure for Recommending Appointment of Candidate to BHE				
	Once BOT votes to recommend candidate to BHE, BOT chair notifies Commissioner in writing	BOT Chair		
	BOT Chair forwards to Commissioner: 1) copies of resumes & other relevant application materials of all finalists interviewed by BOT 2) summary of search process, including a statement of steps taken to ensure affirmative action, and 3) statistical analysis of the applicant pool at each stage of the search process	BOT Chair		
	Negotiate with recommended candidate proposed appointment & compensation terms & memorialize negotiated terms in writing. DHE staff shall provide a template for use in drafting proposed Terms of Appointment. Forward proposed Terms of Appointment to Commissioner for review & comment prior to finalization with recommended candidate & prior to its execution.	BOT Chair		
	Arrange for State Police background check (or similar background check by another qualified agency) on recommended candidate. A copy of result shall be forwarded to the Commissioner	BOT		
B. Board of Higher Education & Commissioner Review & Approval of The Board of Trustees' Recommended Candidate for Appointment				
	After nominee selected by BOT, Commissioner to review materials submitted by BOT & have opportunity to meet with candidate	Commissioner		
	Within 14 days, Commissioner will review submittal to determine if complete & consistent with guidelines. If not, he may request meeting with chair of BOT. If complete, Commissioner will forward submittal, along with his recommendation, to BHE for consideration & formal action	Commissioner		
	BHE will vote on BOT recommended appointee in a timely fashion, calling a special meeting if needed. Commissioner shall be provided opportunity to comment on conduct of the search process & offer his recommendation concerning proposed appointment.	BHE		

Westfield State University
 Presidential Search 2020-2021 Process Sheet

	Task:	Person Responsible	Target Date	Date Completed
V. Selection of an Acting and/or Interim President				
	Procedures for selecting acting and/or interim president shall be determined by the BOT after consultation with the Commissioner in accordance with following requirements:	BOT		
	*Interim president should meet same minimum qualifications as are required of permanent president			
	*Recommendation to appoint interim president shall be made by a vote of the BOT in open session. Written notice of the BOT action, along with copy of the nominee's CV and proposed Terms of Appointment shall be forwarded to the Commissioner in a timely fashion			
	*Appointment of interim president shall not be effective until approved by the Commissioner, in consultation with the Chair of the BHE			
	*The salary of an interim president shall be set by the BOT in accordance with the BHE Compensation Guidelines and shall be subject to the approval of the Commissioner, in consultation with the Chair of the BHE			
	*Interim president may, at the discretion of the BOT, be provided with the same benefits as are provided to the permanent president, including a housing allowance, where applicable			
	*Interim president shall not be eligible to be considered for the permanent presidency except in rare or extraordinary circumstances			
	*Term of interim president shall not exceed one year, except in exceptional circumstances and only with the prior approval of the Commissioner			
	*The Terms of Appointment for the interim president shall be set forth in a written contract or letter of appointment, a copy of which shall be provided to the Commissioner for review, comment, and approval prior to its finalization with the proposed interim president and prior to its execution.			