

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4645**

4
5 (By Delegates Manchin, Caputo and Longstreth)

6 (Originating in the Committee on Education.)

7 [February 23, 2012]

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9
10 A BILL to amend and reenact §18B-2A-1 of the Code of West Virginia,
11 1931, as amended, relating to eligibility requirements for
12 state institution of higher education boards of governors.

13 *Be it enacted by the Legislature of West Virginia:*

14 That §18B-2A-1 of the Code of West Virginia, 1931, as amended,
15 be amended and reenacted to read as follows:

16 **ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.**

17 **§18B-2A-1. Findings; composition of boards; terms and**
18 **qualifications of members; vacancies; eligibility**
19 **for reappointment.**

20 (a) *Findings.* --

21 The Legislature finds that the State of West Virginia is
22 served best when the membership of each governing board includes
23 the following:

24 (1) The academic expertise and institutional experience of
25 faculty members and a student of the institution governed by the

1 board;

2 (2) The technical or professional expertise and institutional
3 experience of a classified employee of the institution governed by
4 the board;

5 (3) An awareness and understanding of the issues facing the
6 institution governed by the board; and

7 (4) The diverse perspectives that arise from a membership that
8 is balanced in terms of gender and varied in terms of race and
9 ethnic heritage.

10 (b) *Boards of Governors established.* --

11 A Board of Governors is continued at each of the following
12 institutions: Bluefield State College, Blue Ridge Community and
13 Technical College, Bridgemont Community and Technical College,
14 Concord University, Eastern West Virginia Community and Technical
15 College, Fairmont State University, Glenville State College,
16 Kanawha Valley Community and Technical College, Mountwest Community
17 and Technical College, Marshall University, New River Community and
18 Technical College, Pierpont Community and Technical College,
19 Shepherd University, Southern West Virginia Community and Technical
20 College, West Liberty University, West Virginia Northern Community
21 and Technical College, the West Virginia School of Osteopathic
22 Medicine, West Virginia State University, West Virginia University
23 and West Virginia University at Parkersburg.

24 (c) *Board Membership.* --

25 (1) An appointment to fill a vacancy on the board or

1 reappointment of a member who is eligible to serve an additional
2 term is made in accordance with the provisions of this section.

3 (2) The board of governors for Marshall University consists of
4 sixteen persons. The board of governors for West Virginia
5 University consists of seventeen persons. The boards of governors
6 of the other state institutions of higher education consist of
7 twelve persons.

8 (3) Each board of governors includes the following members:

9 (A) A full-time member of the faculty with the rank of
10 instructor or above duly elected by the faculty of the respective
11 institution;

12 (B) A member of the student body in good academic standing,
13 enrolled for college credit work and duly elected by the student
14 body of the respective institution; and

15 (C) A member from the institutional classified employees duly
16 elected by the classified employees of the respective institution;

17 (4) For the board of governors at Marshall University,
18 thirteen lay members appointed by the Governor, by and with the
19 advice and consent of the Senate, pursuant to this section;

20 (5) For the board of governors at West Virginia University,
21 twelve lay members appointed by the Governor, by and with the
22 advice and consent of the Senate, pursuant to this section, and
23 additionally:

24 (A) The chairperson of the board of visitors of West Virginia
25 University Institute of Technology;

1 (B) A full-time faculty member representing the extension
2 service at the institution or a full-time faculty member
3 representing the health sciences, selected by the faculty senate.

4 (6) For each board of governors of the other state
5 institutions of higher education, nine lay members appointed by the
6 Governor, by and with the advice and consent of the Senate,
7 pursuant to this section.

8 (A) Of the nine members appointed by the Governor, no more
9 than five may be of the same political party. Of the thirteen
10 members appointed by the Governor to the governing board of
11 Marshall University, no more than eight may be of the same
12 political party. Of the twelve members appointed by the Governor
13 to the governing board of West Virginia University, no more than
14 seven may be of the same political party.

15 (B) Of the nine members appointed by the Governor, at least
16 five shall be residents of the state. Of the thirteen members
17 appointed by the Governor to the governing board of Marshall
18 University, at least eight shall be residents of the state. Of the
19 twelve members appointed by the Governor to the governing board of
20 West Virginia University, at least seven shall be residents of the
21 state.

22 (7) In making lay appointments, the Governor shall consider
23 the institutional mission and membership characteristics including
24 the following:

25 (A) The need for individual skills, knowledge and experience

1 relevant to governing the institution;

2 (B) The need for awareness and understanding of institutional
3 problems and priorities, including those related to research,
4 teaching and outreach;

5 (C) The value of gender, racial and ethnic diversity; and

6 (D) The value of achieving balance in gender and diversity in
7 the racial and ethnic characteristics of the lay membership of each
8 board.

9 (d) *Board member terms.* --

10 (1) The student member serves for a term of one year. Each
11 term begins on July 1.

12 (2) The faculty member serves for a term of two years. Each
13 term begins on July 1. Faculty members are eligible to succeed
14 themselves for three additional terms, not to exceed a total of
15 eight consecutive years.

16 (3) The member representing classified employees serves for a
17 term of two years. Each term begins on July 1. Members
18 representing classified employees are eligible to succeed
19 themselves for three additional terms, not to exceed a total of
20 eight consecutive years.

21 (4) The appointed lay citizen members serve terms of up to
22 four years each and are eligible to succeed themselves for no more
23 than one additional term.

24 (5) A vacancy in an unexpired term of a member shall be filled
25 for the unexpired term within thirty days of the occurrence of the

1 vacancy in the same manner as the original appointment or election.
2 Except in the case of a vacancy, all elections are held and all
3 appointments are made no later than June 30 preceding the
4 commencement of the term. Each board of governors shall elect one
5 of its appointed lay members to be chairperson in June of each
6 year. A member may not serve as chairperson for more than four
7 consecutive years.

8 (6) The appointed members of the boards of governors serve
9 staggered terms of up to four years except that four of the initial
10 appointments to the governing boards of community and technical
11 colleges that became independent July 1, 2008, are for terms of two
12 years and five of the initial appointments are for terms of four
13 years.

14 (e) *Board member eligibility, expenses.* --

15 (1) A person is ineligible for appointment to membership on a
16 board of governors of a state institution of higher education under
17 the following conditions:

18 (A) For a baccalaureate institution or university, a person is
19 ineligible for appointment who is an officer, employee or member of
20 any other board of governors; an employee of any institution of
21 higher education; an officer or member of any political party
22 executive committee; the holder of any other public office other
23 than an elected county office, or public employment, other than
24 employment by the county board of education, under the government
25 of this state or any of its political subdivisions; an employee of

1 any affiliated research corporation created pursuant to article
2 twelve of this chapter; an employee of any affiliated foundation
3 organized and operated in support of one or more state institutions
4 of higher education; or a member of the council or commission.
5 This subsection does not prevent the representative from the
6 faculty, classified employees, students or the superintendent of a
7 county board of education from being members of the governing
8 boards.

9 (B) For a community and technical college, a person is
10 ineligible for appointment who is an officer, employee or member of
11 any other board of governors; a member of a board of visitors of
12 any public institution of higher education; an employee of any
13 institution of higher education; an officer or member of any
14 political party executive committee; the holder of any other public
15 office other than an elected county office, or public employment,
16 other than employment by the county board of education, under the
17 government of this state or any of its political subdivisions; an
18 employee of any affiliated research corporation created pursuant to
19 article twelve of this chapter; an employee of any affiliated
20 foundation organized and operated in support of one or more state
21 institutions of higher education; or a member of the council or
22 commission. This subsection does not prevent the representative
23 from the faculty, classified employees, ~~or~~ students or the
24 superintendent of a county board of education from being members of
25 the governing boards.

1 (2) Before exercising any authority or performing any duties
2 as a member of a governing board, each member shall qualify as such
3 by taking and subscribing to the oath of office prescribed by
4 section five, article IV of the Constitution of West Virginia and
5 the certificate thereof shall be filed with the Secretary of State.

6 (3) A member of a governing board appointed by the Governor
7 may not be removed from office by the Governor except for official
8 misconduct, incompetence, neglect of duty or gross immorality and
9 then only in the manner prescribed by law for the removal of the
10 state elective officers by the Governor.

11 (4) The members of the board of governors serve without
12 compensation, but are reimbursed for all reasonable and necessary
13 expenses actually incurred in the performance of official duties
14 under this article upon presentation of an itemized sworn statement
15 of expenses.

16 (5) The president of the institution shall make available
17 resources of the institution for conducting the business of its
18 board of governors. All expenses incurred by the board of
19 governors and the institution under this section are paid from
20 funds allocated to the institution for that purpose.