

1 **H. B. 4645**

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3 (By Delegates Manchin, Caputo and Longstreth)
4 [Introduced February 20, 2012; referred to the
5 Committee on Education.]
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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 community and technical colleges board 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:

1 (1) The academic expertise and institutional experience of
2 faculty members and a student of the institution governed by the
3 board;

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

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

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

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

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

1 and West Virginia University at Parkersburg.

2 (c) *Board Membership.* --

3 (1) An appointment to fill a vacancy on the board or
4 reappointment of a member who is eligible to serve an additional
5 term is made in accordance with the provisions of this section.

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

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

12 (A) A full-time member of the faculty with the rank of
13 instructor or above duly elected by the faculty of the respective
14 institution;

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

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

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

23 (5) For the board of governors at West Virginia University,
24 twelve lay members appointed by the Governor, by and with the

1 advice and consent of the Senate, pursuant to this section, and
2 additionally:

3 (A) The chairperson of the board of visitors of West Virginia
4 University Institute of Technology;

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

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

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

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

1 state.

2 (7) In making lay appointments, the Governor shall consider
3 the institutional mission and membership characteristics including
4 the following:

5 (A) The need for individual skills, knowledge and experience
6 relevant to governing the institution;

7 (B) The need for awareness and understanding of institutional
8 problems and priorities, including those related to research,
9 teaching and outreach;

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

11 (D) The value of achieving balance in gender and diversity in
12 the racial and ethnic characteristics of the lay membership of each
13 board.

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

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

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

21 (3) The member representing classified employees serves for a
22 term of two years. Each term begins on July 1. Members
23 representing classified employees are eligible to succeed
24 themselves for three additional terms, not to exceed a total of

1 eight consecutive years.

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

5 (5) A vacancy in an unexpired term of a member shall be filled
6 for the unexpired term within thirty days of the occurrence of the
7 vacancy in the same manner as the original appointment or election.
8 Except in the case of a vacancy, all elections are held and all
9 appointments are made no later than June 30 preceding the
10 commencement of the term. Each board of governors shall elect one
11 of its appointed lay members to be chairperson in June of each
12 year. A member may not serve as chairperson for more than four
13 consecutive years.

14 (6) The appointed members of the boards of governors serve
15 staggered terms of up to four years except that four of the initial
16 appointments to the governing boards of community and technical
17 colleges that became independent July 1, 2008, are for terms of two
18 years and five of the initial appointments are for terms of four
19 years.

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

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

24 (A) For a baccalaureate institution or university, a person is

1 ineligible for appointment who is an officer, employee or member of
2 any other board of governors; an employee of any institution of
3 higher education; an officer or member of any political party
4 executive committee; the holder of any other public office or
5 public employment under the government of this state or any of its
6 political subdivisions; an employee of any affiliated research
7 corporation created pursuant to article twelve of this chapter; an
8 employee of any affiliated foundation organized and operated in
9 support of one or more state institutions of higher education; or
10 a member of the council or commission. This subsection does not
11 prevent the representative from the faculty, classified employees,
12 students or the superintendent of a county board of education from
13 being members of the governing boards.

14 (B) For a community and technical college, a person is
15 ineligible for appointment who is an officer, employee or member of
16 any other board of governors; ~~a member of a board of visitors of~~
17 ~~any public institution of higher education;~~ an employee of any
18 institution of higher education; an officer or member of any
19 political party executive committee; the holder of any other public
20 office ~~other than an elected county office,~~ or public employment,
21 ~~other than employment by the county board of education,~~ under the
22 government of this state or any of its political subdivisions; an
23 employee of any affiliated research corporation created pursuant to
24 article twelve of this chapter; an employee of any affiliated

1 foundation organized and operated in support of one or more state
2 institutions of higher education; or a member of the council or
3 commission. This subsection does not prevent the representative
4 from the faculty, classified employees, ~~or~~ students or the
5 superintendent of a county board of education from being members of
6 the governing boards.

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

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

17 (4) The members of the board of governors serve without
18 compensation, but are reimbursed for all reasonable and necessary
19 expenses actually incurred in the performance of official duties
20 under this article upon presentation of an itemized sworn statement
21 of expenses.

22 (5) The president of the institution shall make available
23 resources of the institution for conducting the business of its
24 board of governors. All expenses incurred by the board of

1 governors and the institution under this section are paid from
2 funds allocated to the institution for that purpose.

NOTE: The purpose of this bill is to change the membership requirements for a board of governors.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.