

1 **H. B. 2333**

2
3 (By Delegate Sumner)

4 [Introduced February 13, 2013; 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 setting forth the conditions
12 under which a member of an institutional board of governors
13 may serve more than four consecutive years as chairperson.

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

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

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

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

21 (a) *Findings.* -

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

1 the following:

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

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

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

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

13 (b) *Boards of governors established.* -

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

1 Medicine, West Virginia State University, West Virginia University
2 and West Virginia University at Parkersburg.

3 (c) *Board Membership.* -

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

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

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

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

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

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

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

24 (5) For the Board of Governors at West Virginia University,

1 twelve lay members appointed by the Governor, by and with the
2 advice and consent of the Senate, pursuant to this section, and
3 additionally:

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

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

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

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

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

1 West Virginia University, at least seven shall be residents of the
2 state.

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

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

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

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

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

15 (d) *Board member terms.* -

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

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

22 (3) The member representing classified employees serves for a
23 term of two years. Each term begins on July 1. Members
24 representing classified employees are eligible to succeed

1 themselves for three additional terms, not to exceed a total of
2 eight consecutive years.

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

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

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

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

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

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

18 (B) For a community and technical college, a person is
19 ineligible for appointment who is an officer, employee or member of
20 any other board of governors; a member of a board of visitors of
21 any public institution of higher education; an employee of any
22 institution of higher education; an officer or member of any
23 political party executive committee; the holder of any other public
24 office, other than an elected county office, or public employment,

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

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

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

20 (4) The members of the Board of Governors serve without
21 compensation, but are reimbursed for all reasonable and necessary
22 expenses actually incurred in the performance of official duties
23 under this article upon presentation of an itemized sworn statement
24 of expenses.

1 (5) The president of the institution shall make available
2 resources of the institution for conducting the business of its
3 board of governors. All expenses incurred by the board of
4 governors and the institution under this section are paid from
5 funds allocated to the institution for that purpose.

NOTE: The purpose of this bill is to set forth the conditions under which a member of a board of governors may serve more than four consecutive years as chairperson.

Strike-throughs indicate language that would be stricken from the present law.