

1 **H. B. 4420**

2
3 (By Delegates M. Poling, Perry, Pino,
4 Staggers and Williams)

5 [Introduced February 6, 2014; referred to the
6 Committee on Education.]

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10 A BILL to amend and reenact §18B-1B-6 of the Code of West Virginia,
11 1931, as amended, relating to renaming the administrative
12 heads of the Potomac campus of West Virginia University and
13 the West Virginia University Institute of Technology.

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

15 That §18B-1B-6 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.**

18 **§18B-1B-6. Appointment of institutional presidents; evaluation.**

19 (a) *Appointment of institutional presidents.* -- Appointment of
20 presidents of the state institutions of higher education shall be
21 made as follows:

22 (1) The initial contract term for a president of a state
23 institution of higher education may not exceed two years. At the
24 end of the initial contract period, and subject to the provisions

1 of subsection (c) of this section, the governing board may offer
2 the president a contract of longer duration, but not to exceed five
3 years.

4 (A) The provisions relating to initial contract periods do not
5 affect the terms of a current contract for any person holding a
6 multiyear contract and serving as president of a state institution
7 of higher education or division of a state institution of higher
8 education delivering community and technical education on June 30,
9 2008;

10 (B) At the end of the current contract period and thereafter,
11 the governing board shall make presidential appointments in
12 accordance with the provisions of this section.

13 (2) The person who is president, provost, or divisional
14 administrative head of the community and technical college on June
15 30, 2008, becomes the president of the institution on the effective
16 date of this section.

17 (3) The president of a state institution of higher education
18 serves at the will and pleasure of the appointing governing board.

19 (4) Subject to the approval of the commission, the governing
20 board of the institution appoints a president for Bluefield State
21 College, Concord University, Fairmont State University, Glenville
22 State College, Marshall University, Shepherd University, West
23 Liberty State College, West Virginia School of Osteopathic
24 Medicine, West Virginia State University and West Virginia

1 University.

2 (5) Subject to the approval of the council, the governing
3 board of the community and technical college appoints a president
4 for Blue Ridge Community and Technical College, The Community and
5 Technical College at West Virginia University Institute of
6 Technology, Eastern West Virginia Community and Technical College,
7 Marshall Community and Technical College, New River Community and
8 Technical College, Pierpont Community and Technical College,
9 Southern West Virginia Community and Technical College, West
10 Virginia Northern Community and Technical College, West Virginia
11 State Community and Technical College, and West Virginia University
12 at Parkersburg.

13 (b) *Other appointments.* -- The institutional president of West
14 Virginia University appoints a ~~provost~~ president to be the
15 administrative head of the Potomac campus of West Virginia
16 University and a ~~provost~~ president to be the administrative head of
17 West Virginia University Institute of Technology.

18 (c) *Evaluation of presidents.* --

19 (1) The appointing governing board shall conduct written
20 performance evaluations of the institution's president.
21 Evaluations shall be done at the end of the initial two-year
22 contract period and in every third year of employment as president
23 thereafter, recognizing unique characteristics of the institution
24 and using institutional personnel, boards of advisors as

1 appropriate, staff of the appropriate governing board and persons
2 knowledgeable in higher education matters who are not otherwise
3 employed by a governing board. A part of the evaluation shall be
4 a determination of the success of the institution in meeting the
5 requirements of its institutional compact and in achieving the
6 goals, objectives and priorities established in articles one and
7 one-d of this chapter.

8 (2) After reviewing the evaluations, the board of Governors
9 shall make a determination by majority vote of its members on
10 continuing employment and the compensation level for the president
11 in accordance with ~~the provisions of~~ subsection (a) of this
12 section.

13 (d) The commission and council each shall propose a rule for
14 legislative approval in accordance with ~~the provisions of~~ section
15 six, article one of this chapter and article three-a, chapter
16 twenty-nine-a of this code by September 1, 2008, to provide
17 guidance for the institutional governing boards in filling
18 vacancies in the office of president in accordance with the
19 provisions of this chapter. The rule shall include, but is not
20 limited to, clarifying the powers, duties and roles of the
21 governing boards, the commission, the council, and the chancellors
22 in the presidential appointment process.

23 (e) The Legislature finds that an emergency exists and,
24 therefore, the commission and the council each shall file a rule to

1 implement the provisions of this section as an emergency rule by
2 September 1, 2008, pursuant to ~~the provisions of~~ article three-a,
3 chapter twenty-nine-a of this code. The emergency rule may not be
4 implemented without prior approval of the Legislative Oversight
5 Commission on Education Accountability.

NOTE: The purpose of this bill is to rename the administrative heads of the Potomac campus of West Virginia University and the West Virginia University Institute of Technology.

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