

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4310**

(BY DELEGATES O'NEAL, ANDERSON, ESPINOSA,  
E. NELSON, ARVON, BATES, FLEISCHAUER, FRICH,  
STATLER, KURCABA AND MILEY)

[Originating in the Committee on Education;

February 18, 2016.]



1 A BILL to repeal §18B-1E-1, §18B-1E-2, §18B-1E-3 and §18B-1E-4 of the Code of West Virginia,  
2 1931, as amended; and to amend and reenact §18B-1C-1 and §18B-1C-2 of said code,  
3 all relating to the West Virginia University Institute of Technology; finding that there is a  
4 need to maintain the valuable educational services provided by the West Virginia  
5 University Institute of Technology; finding that there are continued enrollment and facilities  
6 issues facing the West Virginia University Institute of Technology in Montgomery, West  
7 Virginia; finding that the West Virginia University Institute of Technology, West Virginia  
8 University, Marshall University, Concord University, Bluefield State College, and other  
9 private partners should collaborate; eliminating the requirement that the headquarters of  
10 the West Virginia University Institute of Technology remain in Montgomery, West Virginia;  
11 clarifying provisions relating to the West Virginia University Institute of Technology Board  
12 of Visitors; eliminating outdated provisions; and repealing provisions relating to the West  
13 Virginia University Institute of Technology Revitalization Project.

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

1 That §18B-1E-1, §18B-1E-2, §18B-1E-3 and §18B-1E-4 of the Code of West Virginia,  
2 1931, as amended, be repealed; and that §18B-1C-1 and §18B-1C-2 of said code be amended  
3 and reenacted, to read as follows:

**ARTICLE 1C. WEST VIRGINIA UNIVERSITY INSTITUTE OF TECHNOLOGY.**

**§18B-1C-1. Legislative findings and intent.**

1 (a) The Legislature recognizes that:

2 (1) West Virginia University Institute of Technology is a vital part of higher education in  
3 West Virginia and has a rich and distinguished history of more than one hundred and twenty years  
4 of providing important educational opportunities that needs to continue;

5 (2) The engineering program at West Virginia University Institute of Technology plays a  
6 significant role in the continued success of the students at the institution and of the state as a  
7 whole;

8           ~~(3) The average salaries of faculty at West Virginia University Institute of Technology are~~  
9 ~~significantly lower than the average salaries of faculty at West Virginia University;~~

10           ~~(4) (3) Facilities at West Virginia University Institute of Technology in Montgomery are in~~  
11 ~~greater disrepair and in greater need of overall capital investment than are facilities at West~~  
12 ~~Virginia University; and~~

13           (4) In 2009, the Legislative Auditor completed a report stating that the facilities in  
14 Montgomery included a number of aging buildings with significant structural, heating, and cooling  
15 problems, and that the location of the West Virginia University Institute of Technology offered few  
16 enhancements to the quality of student life;

17           (5) In 2011, the Legislature commissioned a study and report seeking to revitalize the  
18 West Virginia University Institute of Technology, and the report concluded that the West Virginia  
19 Institute of Technology needed to increase its enrollment from 1,100 to 1,800 and concluded that  
20 unless the State of West Virginia, West Virginia University, or other sources could commit to “a  
21 \$5 million to \$7 million investment for each of the next five years, the revitalization legislation of  
22 2011 will be seen merely as an exercise in futility;”

23           (6) West Virginia University has for many years deployed revenues generated from its  
24 campus in Morgantown to subsidize the operations and capital improvements needed for its  
25 campus in Montgomery;

26           (7) Although the state, the Higher Education Policy Commission, and West Virginia  
27 University have made investments in the operations and facilities of the West Virginia University  
28 of Technology in Montgomery, the facilities in Montgomery need significant additional capital  
29 investment to be suitable to attract a sufficient number of students seeking a world-class, four-  
30 year higher education;

31           (8) The state lacks sufficient resources to address the issues facing the facilities and  
32 enrollment issues in Montgomery, and in recent years has reduced appropriations for all  
33 institutions of higher education;

34 (9) In 2014, Mountain State University decided to sell its assets, including its campus in  
35 Beckley, West Virginia and West Virginia University was offered the opportunity to negotiate for  
36 and ultimately purchased the campus in Beckley, West Virginia in the summer of 2015;

37 (10) To help ensure the continued viability and vitality of West Virginia University Institute  
38 of Technology, West Virginia University has proposed relocating the institution to the newly-  
39 acquired campus in Beckley, West Virginia;

40 (11) The Higher Education Policy Commission has approved a proposal by West Virginia  
41 University and the West Virginia University Institute of Technology to offer courses on the Beckley  
42 Campus;

43 (12) West Virginia University, the West Virginia University Institute of Technology,  
44 Bluefield State College, and Concord University have entered into an agreement to collaborate  
45 as equal partners to maximize course offerings, reduce program duplication, and better serve the  
46 students of southeastern West Virginia.

47 (13) West Virginia University has offered economic, community development, and related  
48 assistance to the City of Montgomery, City of Smithers, the County Commission of Kanawha  
49 County, and the County Commission of Fayette County.

50 ~~(5)~~(14) Collaboration between the engineering program and engineering technology  
51 programs of West Virginia University Institute of Technology, West Virginia University, Marshall  
52 University, Bluefield State College and other private partners as appropriate would:

- 53 (A) Lead to a greater understanding and knowledge of engineering research;  
54 (B) Lead to greater opportunities for students to engage in research; and  
55 (C) Result in greater opportunities for participating students to find gainful employment in  
56 future research or to continue graduate level research and study.

57 (b) It is the intent of the Legislature ~~to encourage that~~ collaboration: (1) occur between  
58 among West Virginia University Institute of Technology, West Virginia University, Marshall  
59 University, Concord University, Bluefield State College, and appropriate public and private entities

60 to provide significant education opportunities to students in a manner that optimizes courses and  
61 program offerings, reduces and minimizes program duplication, and creates efficiencies in  
62 program delivery and expenses while at the same time respecting the value and independence  
63 and accreditation requirements separately of Concord University, Bluefield State College, West  
64 Virginia Institute of Technology, and West Virginia University; and (2) among West Virginia  
65 University Institute of Technology, West Virginia University, the County Commission of Kanawha  
66 County, the County Commission of Fayette, and the City of Smithers.

67 (c) It is specifically the intent of the Legislature that:

68 (1) The baccalaureate engineering program offered at the West Virginia University  
69 Institute of Technology be and remain a permanent component of its curriculum;

70 (2) ~~Collaboration in engineering and other appropriate programs occur between~~ occurs  
71 among West Virginia University Institute of Technology, West Virginia University, Marshall  
72 University, Concord University, and Bluefield State College and appropriate private entities;  
73 ~~pursuant to section three of this article; and~~

74 (3) The West Virginia University Board of Governors ~~develop a plan and take appropriate~~  
75 ~~steps to~~ continue to monitor and take appropriate steps necessary to address faculty average  
76 salary levels. ~~In developing the plan~~ In considering the issue of faculty salary levels, the board  
77 may consider the unique mission of the division and the performance expectations for faculty in  
78 meeting the goals of the institution. ~~The plan also shall include recommendations for addressing~~  
79 ~~the capital improvement needs at West Virginia University Institute of Technology.~~

**§18B-1C-2. West Virginia University Institute of Technology; division of West Virginia  
University.**

1 (a) West Virginia University Institute of Technology is a fully integrated division of West  
2 Virginia University. All administrative and academic units are consolidated with primary  
3 responsibility for direction and support assigned to West Virginia University. The ~~advisory board~~  
4 ~~previously appointed for~~ campus president of the West Virginia University Institute of Technology

5 ~~is known as the~~ shall appoint a board of visitors and the board of visitors shall provide guidance  
6 to the division in fulfilling its mission. The chairperson of the board of visitors serves as an ex-  
7 officio, voting member of the West Virginia University Board of Governors.

8 (b) The fully integrated division is named West Virginia University Institute of Technology.  
9 ~~The headquarters of West Virginia University Institute of Technology remains in Montgomery,~~  
10 ~~West Virginia.~~

11 (c) The provisions of this section do not affect the independent accreditation or continued  
12 operation of The BridgeValley Community and Technical College. ~~at West Virginia University~~  
13 ~~Institute of Technology. Effective the first day of July, two thousand eight, the institution becomes~~  
14 The BridgeValley Community and Technical College is an independent community and technical  
15 college administered by its own governing board under the jurisdiction and authority of the council  
16 and is subject to all applicable provisions of this chapter and chapter eighteen-c of this code.

17 (d) Auxiliary enterprises shall be incorporated into the West Virginia University auxiliary  
18 enterprise system. The West Virginia University Board of Governors shall determine if operations  
19 at West Virginia University Institute of Technology can be operated on a self-sufficient basis when  
20 establishing rates for auxiliary services and products.

21 (e) West Virginia University Institute of Technology has a strong reputation in engineering  
22 and other scientific disciplines. These programs shall be maintained, cultivated and emphasized  
23 further as its sustaining mission over the next decade.

24 ~~(f) By the first day of April, two thousand seven, the West Virginia University Board of~~  
25 ~~Governors shall develop and approve a plan to implement the provisions of this article. Beginning~~  
26 ~~the first day of July, two thousand six, the board of Governors may begin implementing~~  
27 ~~appropriate changes in the operations of West Virginia University Institute of Technology to further~~  
28 ~~the purposes of this article.~~

29 ~~(g)~~ (f) By the November 1, 2006, and annually thereafter for a period of four years, the  
30 West Virginia University Board of Governors shall prepare and submit a report to the commission

31 and Legislative Oversight Commission on Education Accountability on progress being made to  
32 implement the provisions of this article.

33 ~~(h)~~ (g) West Virginia University Institute of Technology shall develop or maintain  
34 baccalaureate degree programs as a permanent component of its curriculum.

35 (h) West Virginia University is encouraged to continue to collaborate with the County  
36 Commission of Kanawha County, the County Commission of Fayette County, and the City of  
37 Smithers, and each entity is authorized and encouraged to enter into agreements designed to  
38 foster economic and community redevelopment for Montgomery and the Upper Kanawha Valley.

39 (i) Notwithstanding the provisions of paragraph a, subdivision four, subsection b, section  
40 four, article one-b of this chapter, West Virginia University and West Virginia University Institute  
41 of Technology, as it relates to providing academic programming at the Beckley campus, shall be  
42 subject to academic program review and approval of the commission pursuant to subdivision four,  
43 subsection b, section four, article one-b of this chapter, including complying with series eleven of  
44 title one hundred thirty-three of the rules of the Higher Education Policy Commission, relating to  
45 academic program review and approval, including, but not limited to, the provisions relating to  
46 offering new programming in Beckley or offering existing programming in Beckley that is already  
47 offered by West Virginia University at a location other than Beckley: *Provided*, That the provisions  
48 of this subsection do not apply to the programs that the Higher Education Policy Commission  
49 approved on or before December 31, 2015, for offerings by West Virginia University at the West  
50 Virginia University Institute of Technology at the Beckley campus.

51 (i) Prior to seeking approval with the Chancellor or Commission as required by the  
52 provisions of subsection (i) of this section, West Virginia University or the West Virginia University  
53 Institute of Technology, as appropriate, shall offer to meet with representatives of Bluefield State  
54 College and Concord University to determine whether collaborative opportunities exist relating to  
55 the proposed offering requiring approval.



56            (k) The presidents of Concord University, Bluefield State College, and West Virginia  
57 Institute of Technology shall meet at least quarterly to discuss the collaborative efforts  
58 contemplated by this article and the collaborative agreement, including assessing and reviewing  
59 the progress made on collaborative efforts, or at such other times as agreed to by all of the  
60 presidents of the referenced institutions.

NOTE: The purpose of this bill is to help ensure the continuing viability and vitality of West Virginia University Institute of Technology by providing flexibility to West Virginia University and the West Virginia University Institute of Technology to relocate the West Virginia University Institute of Technology, and to facilitate collaboration between four-year institutions serving southern West Virginia.

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