

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4022

BY DELEGATES ELLINGTON, HANNA, HAMRICK,

HIGGINBOTTOM AND ESPINOSA

[Introduced January 08, 2020; Referred to the Committee
on Education.]

1 A BILL to amend and reenact §18B-1B-5 of the Code of West Virginia, 1931, as amended,
2 clarifying the qualifications of the Chancellor of the Higher Education Policy Commission,
3 retitling the Vice Chancellor for Health Sciences, and abolishing the statutory position of
4 Vice Chancellor for State Colleges.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.

**§18B-1B-5. Employment of Chancellor for Higher Education; office; powers and duties
generally; employment of Vice Chancellors and other staff.**

1 (a) The commission, created by §18B-1B-1 of this code, shall employ a Chancellor for
2 Higher Education who is the Chief Executive Officer of the Commission and who serves at its will
3 and pleasure.

4 (b) The commission shall set the qualifications for the position of chancellor and, when a
5 vacancy occurs, shall conduct a thorough nationwide search for qualified candidates. A qualified
6 candidate is one who meets at least the following criteria:

7 (1) Possesses an excellent academic and administrative background;

8 (2) Demonstrates strong communication skills;

9 (3) Has significant experience and an established national reputation as a professional in
10 the field of higher education;

11 (4) Is free of institutional or regional biases; and

12 (5) Holds or retains no other administrative position within a system of higher education
13 while employed as chancellor: Provided, That nothing contained in this subsection may preclude
14 the Chancellor of the commission from also serving as the Chancellor Of The Council for
15 Community and Technical College Education, as provided in §18B-2B-3 of this code.

16 (c) The commission shall conduct written performance evaluations of the chancellor
17 annually and may offer the chancellor a contract not to exceed three years. At the end of each

18 contract period, the commission shall review the evaluations and make a determination by vote
19 of its members on continuing employment and compensation level.

20 (d) When filling a vacancy in the position of chancellor, the commission shall enter into an
21 initial employment contract for one year with the candidate selected. At the end of the initial
22 contract period, and each contract period thereafter, the commission shall review the evaluations
23 and make a determination by vote of its members on continuing employment and compensation
24 level for the chancellor.

25 (e) The commission sets the chancellor's salary. The salary may not exceed by more than
26 20 percent the average annual salary of chief executive officers of state systems of higher
27 education in the states that comprise the membership of the Southern Regional Education Board.

28 (f) The commission may employ a ~~Vice Chancellor~~ Senior Director for Health Sciences
29 who serves at the will and pleasure of the commission. The ~~Vice Chancellor~~ Senior Director for
30 Health Sciences shall coordinate the West Virginia University School of Medicine, the Marshall
31 University School of Medicine and the West Virginia School of Osteopathic Medicine and also
32 shall provide assistance to the governing boards on matters related to medical education and
33 health sciences. The ~~Vice Chancellor~~ Senior Director for Health Sciences shall perform all duties
34 assigned by the chancellor, the commission and state law. ~~In the case of~~ If there is a vacancy in
35 the office of ~~Vice Chancellor~~ Senior Director of Health Sciences, the duties assigned to this office
36 by law are the responsibility of the chancellor or a designee.

37 (g) The commission shall employ a Vice Chancellor for Administration pursuant to §18B-
38 4-2 of this code.

39 ~~(h) The commission may employ a Vice Chancellor for State Colleges who serves at the~~
40 ~~will and pleasure of the commission. At a minimum, the Vice Chancellor for State Colleges shall~~
41 ~~perform the following duties:~~

42 ~~(1) Provide assistance to the commission, the chancellor and the state colleges on matters~~
43 ~~related to or of interest and concern to these institutions;~~

44 ~~(2) Advise, assist and consult regularly with the presidents and governing boards of each~~
45 ~~state college;~~

46 ~~(3) Serve as an advocate and spokesperson for the state colleges to represent them and~~
47 ~~to make their interests, views and issues known to the chancellor, the commission and~~
48 ~~governmental agencies;~~

49 ~~(4) Perform all duties assigned by the chancellor, the commission and state law.~~

50 ~~In addition, the Vice Chancellor for State Colleges shall provide staff assistance to the~~
51 ~~presidents and governing boards to the extent practicable~~

52 ~~(j) (h)~~ On behalf of the commission, the chancellor may enter into agreements with any
53 state agency or political subdivision of the state, any state institution of higher education or any
54 other person or entity to enlist staff assistance to implement the powers and duties assigned by
55 the commission or by state law.

56 ~~(j) (i)~~ The chancellor is responsible for the daily operations of the commission and has the
57 following responsibilities relating to the commission and the governing boards under its
58 jurisdiction:

59 (1) To carry out policy and program directives of the commission;

60 (2) To develop and submit annual reports on the implementation plan to achieve the goals
61 and objectives set forth in §18B-1-1a and §18B-1-1d of this code, and in the compacts;

62 (3) To prepare and submit to the commission for its approval the proposed budget of the
63 commission including the offices of the chancellor and the vice chancellors;

64 (4) To assist the governing boards in developing rules, subject to ~~the provisions of~~ §18B-
65 1-6 of this code. Nothing in this chapter requires the rules of the governing boards to be filed
66 pursuant to the rule-making procedures provided in §29A-3A-1 *et seq.* of this code. The
67 commission and the council, either separately or jointly as appropriate, are responsible for
68 ensuring that any policy which is required to be uniform across the institutions is applied in a
69 uniform manner;

70 (5) To consult with institutions on human relations policies and rules;

71 (6) To perform all other duties and responsibilities assigned by the commission or by state
72 law.

73 ~~(j)~~ (i) The chancellor shall be reimbursed for all actual and necessary expenses incurred
74 in the performance of all assigned duties and responsibilities.

75 ~~(k)~~ (k) The chancellor, with the commission, advises the Legislature on matters of higher
76 education in West Virginia. The Chancellor shall work closely with the Legislative Oversight
77 Commission on Education Accountability and with the elected leadership of the state to ensure
78 that they are fully informed about higher education issues and that the commission fully
79 understands the goals, objectives and priorities for higher education that the Legislature has
80 established by law.

81 ~~(l)~~ (l) The chancellor may design and develop for consideration by the commission new
82 statewide or region-wide initiatives in accordance with the goals set forth in §18B-1-1a and §18B-
83 1D-1 *et seq.* of this code, and the public policy agenda articulated by the commission. In those
84 instances where the initiatives to be proposed have a direct and specific impact or connection to
85 community and technical college education as well as to baccalaureate and graduate education,
86 the Chancellor for Higher Education and the Chancellor for Community and Technical College
87 Education shall design and develop the initiatives jointly for consideration by the commission and
88 the council.

89 ~~(m)~~ (m) To further the goals of cooperation and coordination between the commission and
90 the State Board of Education, the chancellor serves as an ex officio, nonvoting member of the
91 state board. The chancellor shall work closely with members of the State Board of Education and
92 with the State Superintendent of Schools to assure that the following goals are met:

93 (1) Development and implementation of a seamless kindergarten-through-college system
94 of education; and

95 (2) Appropriate coordination of missions and programs.

NOTE: The purpose of this bill is to clarify that the Chancellor of the Higher Education Policy Commission may also serve simultaneously as the Chancellor of the Council for Community and Technical College Education, to retitle the Vice Chancellor of Health Sciences as Senior Director of Health Sciences, and to abolish the statutory position of Vice Chancellor for State Colleges.

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