

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

## **House Bill 3048**

BY DELEGATES STAGGERS, ANGELUCCI, MILEY, SHOTT

AND PYLES

[Introduced February 12, 2019; Referred  
to the Committee on Education.]

1 A BILL to amend and reenact §18B-2A-1 of the Code of West Virginia, 1931, as amended, relating  
 2 to permitting adjunct professors to serve on the institutional governing boards; providing for  
 3 a term limit for adjunct professors to serve on the governing board; restricting county  
 4 elected officials from serving on the governing boards of community or technical colleges;  
 5 and permitting adjunct professors to serve on the governing boards of community and  
 6 technical colleges.

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

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

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

1 (a) Findings. --

2 The Legislature finds that the State of West Virginia is served best when the membership  
 3 of each governing board includes the following:

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

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

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

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

12 (b) Boards of governors established.

13 A board of governors is continued at each of the following institutions: Bluefield State  
 14 College, Blue Ridge Community and Technical College, Bridgemont Community and Technical  
 15 College, Concord University, Eastern West Virginia Community and Technical College, Fairmont  
 16 State University, Glenville State College, Kanawha Valley Community and Technical College,

17 Mountwest Community and Technical College, Marshall University, New River Community and  
18 Technical College, Pierpont Community and Technical College, Shepherd University, Southern  
19 West Virginia Community and Technical College, West Liberty University, West Virginia Northern  
20 Community and Technical College, the West Virginia School of Osteopathic Medicine, West  
21 Virginia State University, West Virginia University and West Virginia University at Parkersburg.

22 (c) Board membership.

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

25 (2) The Board of Governors for Marshall University consists of 16 persons. The Board of  
26 Governors for West Virginia University consists of 17 persons. The boards of governors of the  
27 other state institutions of higher education consist of 12 persons.

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

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

31 (B) A member of the faculty with the rank of adjunct professor duly elected by the entire  
32 faculty of the respective institution;

33 ~~(B)~~(C) A member of the student body in good academic standing, enrolled for college  
34 credit work and duly elected by the student body of the respective institution; and

35 ~~(C)~~(D) A member from the institutional classified employees duly elected by the classified  
36 employees of the respective institution or, if the respective institution does not have classified  
37 employees, a member from the institutional nonclassified employees duly elected by the  
38 nonclassified employees of the respective institution.

39 (4) For the Board of Governors at Marshall University, 13 lay members appointed by the  
40 Governor, by and with the advice and consent of the Senate, pursuant to this section;

41 (5) For the Board of Governors at West Virginia University, 12 lay members appointed by  
42 the Governor, by and with the advice and consent of the Senate, pursuant to this section, and

43 additionally:

44 (A) The Chairperson of the Board of Visitors of West Virginia University Institute of  
45 Technology;

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

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

51 (A) Of the nine members appointed by the Governor, no more than five may be of the  
52 same political party. Of the 13 members appointed by the Governor to the governing board of  
53 Marshall University, no more than eight may be of the same political party. Of the 12 members  
54 appointed by the Governor to the governing board of West Virginia University, no more than seven  
55 may be of the same political party.

56 (B) Of the nine members appointed by the Governor, at least five shall be residents of the  
57 state. Of the 13 members appointed by the Governor to the governing board of Marshall  
58 University, at least eight shall be residents of the state. Of the 12 members appointed by the  
59 Governor to the governing board of West Virginia University, at least seven shall be residents of  
60 the state.

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

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

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

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

68 (D) The value of achieving balance in gender and diversity in the racial and ethnic

69 characteristics of the lay membership of each board.

70 (d) Board member terms. {

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

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

75 (3) The adjunct professor member serves for a term of one year. Each term begins on July  
76 1. Adjunct professor members are eligible to succeed themselves for four additional terms, not to  
77 exceed a total of four consecutive years.

78 ~~(3)~~(4) The member representing classified employees or, as appropriate, nonclassified  
79 employees serves for a term of two years. Each term begins on July 1. Members representing  
80 classified employees or, as appropriate, nonclassified employees are eligible to succeed  
81 themselves for three additional terms, not to exceed a total of eight consecutive years.

82 ~~(4)~~(5) The appointed lay citizen members serve terms of four years each and are eligible  
83 to succeed themselves for no more than one additional term, except that citizen members who  
84 are appointed to fill unexpired terms are eligible to succeed themselves for two full terms after  
85 completing an unexpired term.

86 ~~(5)~~(6) A vacancy in an unexpired term of a member shall be filled for the unexpired term  
87 within 30 days of the occurrence of the vacancy in the same manner as the original appointment  
88 or election. Except in the case of a vacancy, all elections are held and all appointments are made  
89 no later than June 30 preceding the commencement of the term. Each board of governors shall  
90 elect one of its appointed lay members to be chairperson in June of each year. A member may  
91 not serve as chairperson for more than four consecutive years.

92 ~~(6)~~(7) The appointed members of the boards of governors serve staggered terms of up to  
93 four years except that four of the initial appointments to the governing boards of community and  
94 technical colleges that became independent July 1, 2008, are for terms of two years and five of

95 the initial appointments are for terms of four years.

96 (e) Board member eligibility, expenses.

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

99 (A) For a baccalaureate institution or university, a person is ineligible for appointment who  
100 is an officer, employee or member of any other board of governors within this state; an employee  
101 of any institution of higher education within this state; an officer or member of any political party  
102 executive committee; the holder of any other public office or public employment under the  
103 government of this state or any of its political subdivisions; the holder of a local government or  
104 county government public office or public employment; an employee of any affiliated research  
105 corporation created pursuant to §18B-12-1 *et seq.* of this code; an employee of any affiliated  
106 foundation organized and operated in support of one or more state institutions of higher education;  
107 or a member of the council or commission: *Provided*, That if an appointee is an employee or board  
108 member of an out-of-state higher education institution, there is no apparent conflict of interest  
109 caused by the individual serving in both capacities. This subsection does not prevent the  
110 representative from the faculty, an adjunct professor from the faculty, classified employees or, as  
111 appropriate, nonclassified employees, students or the superintendent of a county board of  
112 education from being members of the governing boards.

113 (B) For a community and technical college, a person is ineligible for appointment who is  
114 an officer, employee or member of any other board of governors within this state; a member of a  
115 board of visitors of any public institution of higher education; an employee of any institution of  
116 higher education within this state; an officer or member of any political party executive committee;  
117 the holder of any other public office, ~~other than an elected county office~~ or public employment  
118 ~~other than employment by the county board of education~~ under the government of this state or  
119 any of its political subdivisions; an employee of any affiliated research corporation created  
120 pursuant to §18B-12-1 *et seq.* of this code; an employee of any affiliated foundation organized

121 and operated in support of one or more state institutions of higher education; or a member of the  
122 council or commission: *Provided*, That if an appointee is an employee or board member of an out-  
123 of-state higher education institution, there is no apparent conflict of interest caused by the  
124 individual serving in both capacities. This subsection does not prevent the representative from  
125 the faculty, an adjunct professor from the faculty, classified employees or, as appropriate,  
126 nonclassified employees or students from being members of the governing boards.

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

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

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

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

NOTE: The purpose of this bill is to permit adjunct professors to serve on the institutional governing boards; proving for a term limit for adjunct professors to serve on the governing board; restricting county elected officials from serving on the governing boards of community or technical colleges; and permitting adjunct professors to serve on the governing boards of community and technical 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.