

SB 591

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



## ENROLLED

SENATE BILL NO. 591

*ORIGINATING IN THE COMMITTEE*  
(By Senator on FINANCE)



PASSED MARCH 9, 1996  
In Effect FROM Passage

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OFFICE OF THE CLERK  
SENATE OF WEST VIRGINIA

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### Senate Bill No. 591

(Originating in the Committee on Finance)

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[Passed March 9, 1996; in effect from passage.]

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AN ACT to repeal section thirteen, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to repeal section one, article fifteen of said chapter; to amend and reenact sections one-c, one-d, two and eight-a, article one, chapter eighteen-b of said code; to further amend said article by adding thereto a new section, designated section eight-b; to amend article two of said chapter by adding thereto a new section, designated section nine; to amend and reenact sections one, two and three-a, article three of said chapter; to amend and reenact section one, article four of said chapter; to amend and reenact sections two, three and four, article six of said chapter; and to amend and reenact section one, article eight of said chapter, all relating to higher education generally; repealing obsolete language; strategic plans submitted by institutions of higher education; changing

the submission dates for strategic plans and the requirements for approval of such plans; contents of statewide report cards; changing the submission dates for statewide report cards required to be submitted by institutions of higher education; allocating funds appropriated to the higher education efficiency fund; transferring West Virginia Institute of Technology to the board of trustees; reconstituting the Board of Directors and providing for the election of a chairman; establishing institutional control accounts; community and technical college education; terms of office and election of the chairman of advisory councils of faculty; terms of office and election of the chairman of advisory councils of students; terms of office and election of the chairman of advisory councils of classified employees; establishing a coordinate affiliation between Marshall university and West Virginia graduate college; promulgation of legislative rules; updating language concerning the vice chancellor of health sciences; and defining institutions.

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

That section thirteen, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended be repealed; that section one, article fifteen of said chapter be repealed; that sections one-c, one-d, two and eight-a, article one, chapter eighteen-b of said code be amended and reenacted; that said article be further amended by adding thereto a new section, designated section eight-b; that article two of said chapter be further amended by adding thereto a new section, designated section nine; that sections one, two and three-a, article three of said chapter be amended and reenacted; that section one, article four of said chapter be amended and reenacted; that sections two, three and four, article six of said chapter be amended and reenacted; and that section one, article eight of said chapter be amended and reenacted, all to read as follows:

**ARTICLE 1. GOVERNANCE.**

**§18B-1-1c. Strategically focusing resources to maximize**

**opportunity; institution plans; resource allocation exceptions.**

1 (a) *Purpose of strategic plans.* — To achieve the goals  
2 for post-secondary education as set forth in section one-  
3 a of this article, each of the following state institutions  
4 of higher education shall prepare a strategic plan of  
5 change to refocus its mission and leadership, and re-  
6 structure its existing resources and programs: Bluefield  
7 state college; Concord college; Glenville state college;  
8 Fairmont state college; Marshall university; West Vir-  
9 ginia northern community college; Potomac state college  
10 of West Virginia university; Shepherd college; southern  
11 West Virginia community college; West Liberty state  
12 college; the West Virginia graduate college; West Vir-  
13 ginia university institute of technology; West Virginia  
14 university at Parkersburg; West Virginia school of  
15 osteopathic medicine; West Virginia state college; West  
16 Virginia university; and all branch campuses of these  
17 institutions of higher education. The plans shall specifi-  
18 cally state how the institution will, over a five-year  
19 period, refocus its mission and leadership and restruc-  
20 ture its existing resources and programs to achieve the  
21 goals for post-secondary education including, but not  
22 limited to, the following: (1) Increase average faculty  
23 salaries at the institution, not including health sciences,  
24 to a level at least equal to ninety-five percent of the  
25 average faculty salaries at peer institutions in the  
26 southern regional education board region: *Provided,*  
27 That West Virginia university, excluding West Virginia  
28 university at Parkersburg, Potomac state college of West  
29 Virginia university, and West Virginia university insti-  
30 tute of technology shall state specifically how it will  
31 increase average faculty salaries at that institution, not  
32 including health sciences, to a level at least equal to  
33 ninety percent of the average faculty salaries at peer  
34 institutions in the southern regional education board  
35 region; (2) achieve full funding of the uniform employee  
36 classification system and salary policy for classified  
37 employees adopted by the respective governing boards



38 pursuant to section four, article nine of this chapter; (3)  
39 eliminate duplicative programs and services, acting  
40 alone or in conjunction with another institution, and  
41 eliminate under-utilized or unnecessary programs; (4)  
42 may combine administrative functions among other  
43 institutions; and (5) use admission and exit standards for  
44 students, incentives and staff development for assuring  
45 quality teaching and learning and the critical assessment  
46 of programs to meet the goals. The plan shall also state  
47 the manner in which any pay increases will be funded,  
48 the sources of any funds used for pay increases, and the  
49 savings and costs associated with achieving any other  
50 goals specified in the plan and how the funds are to be  
51 redirected. The faculty senate, classified staff council  
52 and the student government association shall be con-  
53 sulted prior to the submission of the plan and their  
54 recommendations included in the president's report to  
55 the board. Beginning the first day of July, one thousand  
56 nine hundred ninety-six, the budgets of state institutions  
57 of higher education shall reflect movement to the salary  
58 targets for faculty and classified staff as set forth in this  
59 section and any other goals specified in their strategic  
60 plan for change.

61 (b) *Submission of strategic plans.* — The president or  
62 administrative head of each state institution of higher  
63 education shall submit the plan for the institution to its  
64 respective governing board on or before the first day of  
65 November, one thousand nine hundred ninety-five, and  
66 every year thereafter, through and including the fiscal  
67 year two thousand—two thousand one: *Provided*, That  
68 community and technical college education shall not be  
69 required to be segregated in the plan until the first day  
70 of November, one thousand nine hundred ninety-six.

71 (c) *Approval of strategic plans by the governing boards.*  
72 — The governing boards shall approve or disapprove the  
73 plans within sixty days of receipt of the plans and notify  
74 the institution president or administrative head of its  
75 decision. Approval or disapproval of the plan of each  
76 institution shall be decided by a vote of the appropriate

77 governing board and shall be made part of its minute  
78 record: *Provided*, That if the plan submitted by the  
79 institution includes retirement and separation incentives  
80 pursuant to section one-d of this article, that portion of  
81 the plan shall be submitted by the governing board to the  
82 legislative joint standing committee on pensions and  
83 retirement, and the time required for review by the  
84 committee shall not be included in the sixty days.

85 (d) *Approval of original strategic plans by the secretary*  
86 *of education and the arts.* — Once the appropriate  
87 governing board approves the original plan, for the fiscal  
88 year beginning the first day of July, one thousand nine  
89 hundred ninety-six, it shall submit the plan to the  
90 secretary of education and the arts, as established in  
91 section two, article one, chapter five-f of this code, and  
92 hereby known as the “secretary” for purposes of this  
93 section, for approval or disapproval. The secretary shall  
94 approve or disapprove the plan and notify the appropriate  
95 governing board of the decision within thirty calendar  
96 days. Upon such approval the institution shall  
97 receive its share of the funds from the “higher education  
98 efficiency fund”, pursuant to subsection (j) of this  
99 section. If an original plan from any institution is  
100 disapproved by the secretary, the secretary shall notify  
101 the appropriate governing board and shall return the  
102 plan to the institution for revision and resubmission to  
103 the appropriate governing board. When an institution  
104 resubmits its original strategic plan to the appropriate  
105 governing board, the board shall vote to approve or  
106 disapprove the plan pursuant to subsection (c) of this  
107 section. Once the original plan has been approved by the  
108 appropriate governing board, the governing board shall  
109 resubmit the plan to the secretary for approval or  
110 disapproval. The secretary shall notify the appropriate  
111 governing board within twenty calendar days of his or  
112 her action. Upon such approval the institution shall  
113 receive its share of the funds from the “higher education  
114 efficiency fund”, pursuant to subsection (j) of this  
115 section.

116 (e) *Disapproval of strategic plans by the governing*  
117 *boards.* — If disapproved, the governing board shall  
118 return the plan to the institution president or adminis-  
119 trative head stating its reasons for disapproval. The  
120 institution president or administrative head may modify  
121 and resubmit a plan which was disapproved at any time  
122 and the governing board shall vote, in accordance with  
123 subsection (c) of this section, to approve or disapprove  
124 the resubmitted plan within thirty calendar days and  
125 notify the institution president or administrative head.  
126 If the plan has not been approved by the appropriate  
127 governing board on or before the first day of February  
128 following the November submission date, the board is  
129 authorized to develop a plan for the institution. The  
130 president or administrative head of every state institu-  
131 tion of higher education with an approved plan shall  
132 update the plan on an annual basis to reflect perfor-  
133 mance during the preceding year and make any neces-  
134 sary modifications. The updated plan shall be submitted  
135 on the first day of November in each of the subsequent  
136 years through and including the fiscal year two thou-  
137 sand—two thousand one, and the governing board shall  
138 follow the same procedures for approval or disapproval  
139 as provided in this section for the original plan. Upon the  
140 approval of a plan or plan update which includes the  
141 elimination of a program, the institution president or  
142 administrative head immediately shall notify affected  
143 students, faculty and staff.

144 (f) *Exceptions under the resource allocation model and*  
145 *policies.* — Any state institution of higher education  
146 with an approved plan may apply to its governing board  
147 for an exception under the resource allocation model and  
148 policies to retain funding for student enrollments that  
149 decline due to planned program reductions or elimina-  
150 tion under the strategic plan. The number of student  
151 enrollments subject to the exception shall be based on  
152 the average full-time equivalent enrollments over the  
153 five preceding years in the program. The allocation  
154 exception shall become effective in the next ensuing

155 allocation cycle following approval by the governing  
156 board and notification of affected faculty, students and  
157 staff of the program reduction or elimination, and shall  
158 remain effective for the number of years normally  
159 required for students to complete the full program from  
160 beginning enrollment to graduation, subject to annual  
161 review by the governing board of the actual decline in  
162 program enrollments. Notwithstanding any other provi-  
163 sion of this section, any program suspended or disconti-  
164 nued by action of the governing board on or after the first  
165 day of September, one thousand nine hundred ninety-  
166 four, and prior to the eleventh day of March, one thou-  
167 sand nine hundred ninety-five, which is being eliminated  
168 pursuant to that action, is eligible for an exception under  
169 the resource allocation model and policies pursuant to  
170 this section for the fiscal year one thousand nine hun-  
171 dred ninety-six.

172 (g) Any state institution of higher education with an  
173 approved plan may apply to its governing board for an  
174 exception under the resource allocation model and  
175 policies to retain funding for student enrollments that  
176 decline due to the planned reductions for the purpose of  
177 enhancing the quality of a particular program. The  
178 number of student enrollments subject to the exception  
179 shall be based on the average full-time equivalent  
180 enrollments over the preceding five years in the program.  
181 Money allocated to the institution as a result of this  
182 exception shall be used to enhance the quality of that  
183 particular program. The allocation exception shall  
184 become effective in the next ensuing allocation cycle  
185 following approval by the governing board and notifica-  
186 tion of affected faculty, students and staff of the pro-  
187 gram reduction and shall remain in effect subject to  
188 biennial review by the governing board of the actual  
189 decline in program enrollments and enhancements in  
190 quality of the program.

191 (h) The application for an exception under this subsec-  
192 tion shall be submitted to the appropriate governing  
193 board by the institution president or administrative head

194 and state how the funds will be redirected to achieve the  
195 purposes of the institution's approved plan including,  
196 but not limited to, salary increases to attract and retain  
197 quality faculty and staff, expand and improve the  
198 quality of existing programs, and make additional  
199 investments in technology and increased access. The  
200 governing board shall approve or disapprove the appli-  
201 cation within sixty days of receipt and if disapproved,  
202 shall return the application to the institution president  
203 or administrative head stating the reasons for disap-  
204 proval. The institution president or administrative head  
205 may modify and resubmit an application which was  
206 disapproved at any time and the governing board shall  
207 approve or disapprove the resubmitted application  
208 within sixty days and notify the institution president or  
209 administrative head as provided in this subsection for  
210 the original plan.

211 (i) An exception to the resource allocation model and  
212 policies granted under this section and any differential  
213 approved for an institution by its governing board to  
214 reflect the high costs of a program within the institu-  
215 tion's mission shall be removed from the institutions  
216 base budget and, to the extent included therein, from the  
217 indicated level of state support for the purposes of  
218 subsection (d), section two, article five of this chapter,  
219 and any governing board rule to the contrary is hereby  
220 specifically modified.

221 (j) *Higher education efficiency fund.* — It is the ex-  
222 pressed intent of the Legislature, subject to the avail-  
223 ability of funds and appropriations therefor, to increase  
224 state appropriated funds for state institutions of higher  
225 education in each of the five fiscal years, one thousand  
226 nine hundred ninety-seven, through and including, fiscal  
227 year two thousand—two thousand one, at a rate of at  
228 least three and twenty-five one-hundredths percent per  
229 year to assist the institutions in achieving their strategic  
230 plan of change, subject to demonstrated effort by the  
231 institutions as determined by the Legislature to refocus  
232 and restructure their missions, leadership, resources and

233 programs to meet the plans in accordance with this  
234 section. In any fiscal year in which the state appropri-  
235 ated funds are less than the expressed intent, the govern-  
236 ing boards may adjust the targets set forth in the strate-  
237 gic plans for change by a like proportion: *Provided*, That  
238 the target shall not be adjusted for those institutions  
239 which have lost funds as a result of failure to secure  
240 approval, pursuant to this section, or failure to comply  
241 with their approved strategic plans. Beginning with  
242 legislative appropriations under this subsection for the  
243 fiscal year one thousand nine hundred ninety-  
244 six—ninety-seven, the Legislature shall appropriate the  
245 funds, if any, to a separate account known as the “higher  
246 education efficiency fund” in the state budget. Funds  
247 from the higher education efficiency fund shall be  
248 allocated in the following manner:

249 (1) For the fiscal year one thousand nine hundred  
250 ninety-six—ninety-seven, appropriations to the fund  
251 shall be allocated only to institutions with approved  
252 plans, pursuant to this section; and

253 (2) For the fiscal year one thousand nine hundred  
254 ninety-seven—ninety-eight, and every year through and  
255 including, the fiscal year two thousand—two thousand  
256 one, appropriations to the fund shall be allocated only to  
257 institutions with approved plans, pursuant to this  
258 section, which are in compliance with their strategic  
259 plan for change as approved by the appropriate govern-  
260 ing board. The allocations shall be made in accordance  
261 with the resource allocation model and policies in the  
262 following manner:

263 (i) Any institution with a plan approved by the appro-  
264 priate governing board by the first day of July of each  
265 fiscal year is entitled to its full annual share of the  
266 moneys appropriated to the higher education efficiency  
267 fund;

268 (ii) Any institution which fails to secure approval by  
269 the appropriate governing board by the first day of July,  
270 but secures the approval before the first day of October,

271 is entitled to the remaining three quarters of its annual  
272 share of the moneys appropriated to the higher educa-  
273 tion efficiency fund;

274 (iii) Any institution which fails to secure approval by  
275 the appropriate governing board by the first day of July,  
276 but secures approval before the first day of January, is  
277 entitled to the remaining one half of its annual share of  
278 the moneys appropriated to the higher education effi-  
279 ciency fund; and

280 (iv) Any institution which fails to secure approval by  
281 the appropriate governing board by the first day of July,  
282 but secures approval before the first day of April, is  
283 entitled to the remaining one quarter of its annual share  
284 of the moneys appropriated to the higher education  
285 efficiency fund.

286 The quarterly share of the higher education efficiency  
287 fund of an institution which is not so allocated, by the  
288 beginning of each quarter, shall be allocated immedi-  
289 ately to the higher education grant program, pursuant to  
290 article five, chapter eighteen-c of this code, or if such  
291 program is fully funded, for expenditure among all  
292 institutions for scholarships and student grant programs.

**§18B-1-1d. Increasing flexibility and capacity for change.**

1 (a) *Retirement and separation incentives.* — Notwith-  
2 standing any other provisions of this code to the con-  
3 trary, each state institution of higher education may  
4 include in their strategic plans, pursuant to section one-c  
5 of this article, policies that offer various incentives for  
6 voluntary, early or phased retirement of employees, or  
7 voluntary separation from employment, when necessary  
8 to implement programmatic changes effectively pursuant  
9 to the findings, directives, goals and objectives of this  
10 article: *Provided*, That such incentives for voluntary,  
11 early or phased retirement of employees, or voluntary  
12 separation from employment must be submitted by the  
13 governing board to the legislative joint committee on  
14 pensions and retirement and approved before such

15 policies are adopted as part of the institution's strategic  
16 plan. The policies may include the following provisions:

17 (1) Payment of a lump sum to an employee to resign or  
18 retire;

19 (2) Continuation of full salary to an employee for a  
20 predetermined period of time prior to the employee's  
21 resignation or retirement and a reduction in the em-  
22 ployee's hours of employment during the predetermined  
23 period of time;

24 (3) Continuation of insurance coverage pursuant to the  
25 provisions of article sixteen, chapter five of this code for  
26 a predetermined period;

27 (4) Continuation of full employer contributions to an  
28 employee's retirement plan during a phased retirement  
29 period; and

30 (5) That an employee retiring pursuant to an early or  
31 phased retirement plan may begin collecting an annuity  
32 from the employee's retirement plan prior to the statuto-  
33 rily designated retirement date without terminating their  
34 service with the institution.

35 No incentive provided for in this section shall be  
36 granted except in furtherance of programmatic changes  
37 undertaken pursuant to the findings, directives, goals  
38 and objectives set forth in this article.

39 No incentive proposed by an institution pursuant to  
40 this section shall become a part of the institution's  
41 approved strategic plan or be implemented without  
42 approval of the legislative joint committee on pensions  
43 and retirement.

44 Any costs associated with any incentive adopted or  
45 implemented in accordance with this section shall be  
46 borne entirely by the institutions and no incentive shall  
47 be granted that imposes costs on the retirement systems  
48 of the state or the public employees insurance agency  
49 unless those costs are paid entirely by the institutions.



50 The Legislature further finds and declares that there is  
51 a compelling state interest in restricting the availability  
52 and application of these incentives to individual employ-  
53 ees determined by the institutions to be in furtherance of  
54 the aims of this section and nothing herein shall be  
55 interpreted as granting a right or entitlement of any such  
56 incentive to any individual or group of individuals. Any  
57 employee granted incentives shall be ineligible for  
58 reemployment by the institutions during or after the  
59 negotiated period of their incentive concludes including  
60 contract employment in excess of five thousand dollars  
61 per fiscal year.

62 The West Virginia network for educational tele-  
63 computing may utilize the incentives contained in any  
64 policy approved by the legislative joint committee on  
65 pensions and retirement pursuant to this section.

66 (b) *Pilot flexibility initiative.* — The board of directors  
67 is directed to submit a plan for a pilot flexibility initia-  
68 tive to the legislative oversight commission on education  
69 accountability on or before the first day of October, one  
70 thousand nine hundred ninety-five. The plan shall  
71 include at least the following: (1) A system whereby the  
72 state institutions of higher education in the state college  
73 system may apply to the board of directors for a waiver  
74 of board policies and rules; (2) A detailed application for  
75 institutions seeking to participate in the pilot flexibility  
76 initiative which shall set forth at a minimum: (i) A  
77 statement of the specific goals and objectives that the  
78 institution proposes to accomplish if the application is  
79 approved; (ii) the specific board policies and rules which  
80 the institution seeks to have waived for all or a portion  
81 of the waiver period; and (iii) proposed rules and policies  
82 under which the institution would operate during the  
83 period of waiver; (3) The process by which the board of  
84 directors will review the application; (4) The person or  
85 body who shall have the final authority to approve the  
86 application of not more than two institutions; (5) The  
87 time period for which the waiver will be granted; (6) The  
88 specific board policies and rules which the institution

89 may request to have waived; (7) The process by which the  
90 rules and policies of the institutions participating in the  
91 pilot flexibility initiative may modify its rules and  
92 policies; and (8) The person or body to whom the institu-  
93 tions shall be reporting during the period of waiver.

94 (c) It is the intent of this Legislature to review the pilot  
95 flexibility plan and after such review to establish a pilot  
96 flexibility initiative in the legislative session of one  
97 thousand nine hundred ninety-six.

### §18B-1-2. Definitions.

1 The following words when used in this chapter and  
2 chapter eighteen-c of this code shall have the meaning  
3 hereinafter ascribed to them unless the context clearly  
4 indicates a different meaning:

5 (a) "Governing board" or "board" means the university  
6 of West Virginia board of trustees or the board of  
7 directors of the state college system, whichever is  
8 applicable within the context of the institution or  
9 institutions referred to in this chapter or in other provi-  
10 sions of law;

11 (b) "Governing boards" or "boards" means both the  
12 board of trustees and the board of directors;

13 (c) "Freestanding community colleges" means southern  
14 West Virginia community and technical college and West  
15 Virginia northern community and technical college,  
16 which shall not be operated as branches or off-campus  
17 locations of any other state institution of higher educa-  
18 tion;

19 (d) "Community college" or "community colleges"  
20 means community and technical college or colleges as  
21 those terms are defined in this section;

22 (e) "Community and technical college", in the singular  
23 or plural, means the freestanding community and  
24 technical colleges, community and technical education  
25 programs of regional campuses of West Virginia univer-  
26 sity, and divisions of state institutions of higher educa-

27 tion which have a defined community and technical  
28 college district and offer community and technical  
29 college education in accordance with the provisions of  
30 section three-a, article three of this chapter;

31 (f) "Community and technical college education"  
32 means the programs, faculty, administration and funding  
33 associated with the mission of community and technical  
34 colleges as provided in section three-a, article three of  
35 this chapter, and also shall include post-secondary  
36 vocational education programs in the state as those  
37 terms are defined in this section. Community and  
38 technical college education shall be delivered through a  
39 system which includes eleven community and technical  
40 college districts assigned to state institutions of higher  
41 education under the jurisdiction of the board of directors  
42 and the board of trustees, respectively;

43 (g) "Directors" or "board of directors" means the  
44 board of directors of the state college system created  
45 pursuant to article three of this chapter or the members  
46 thereof;

47 (h) "Higher educational institution" means any institu-  
48 tion as defined by Sections 401(f), (g) and (h) of the  
49 federal Higher Education Facilities Act of 1963, as  
50 amended;

51 (i) "Post-secondary vocational education programs"  
52 means any college-level course or program beyond the  
53 high school level provided through an institution of  
54 higher education which results in or may result in the  
55 awarding of a two-year associate degree, under the  
56 jurisdiction of the board of directors;

57 (j) "Rule" or "rules" means a regulation, standard,  
58 policy or interpretation of general application and future  
59 effect;

60 (k) "Senior administrator" means the person hired by  
61 the governing boards in accordance with section one,  
62 article four of this chapter, with such powers and duties  
63 as may be provided for in section two of said article;

64 (l) "State college" means Bluefield state college,  
65 Concord college, Fairmont state college, Glenville state  
66 college, Shepherd college, West Liberty state college or  
67 West Virginia state college;

68 (m) "State college system" means the state colleges  
69 and community and technical colleges, and also shall  
70 include post-secondary vocational education programs  
71 in the state as those terms are defined in this section;

72 (n) "State college system community and technical  
73 colleges" means the freestanding community and techni-  
74 cal colleges and community and technical colleges  
75 operated on the campuses of state colleges under the  
76 jurisdiction of the board of directors of the state college  
77 system and all of their associated branches, centers and  
78 off-campus locations;

79 (o) "State institution of higher education" means any  
80 university, college or community and technical college in  
81 the state university system or the state college system as  
82 those terms are defined in this section;

83 (p) "Trustees" and "board of trustees" means the  
84 university of West Virginia board of trustees created  
85 pursuant to article two of this chapter or the members  
86 thereof;

87 (q) "University", "university of West Virginia" and  
88 "state university system" means the multi-campus,  
89 integrated university of the state, consisting of West  
90 Virginia university, including West Virginia university at  
91 Parkersburg, Potomac state college of West Virginia  
92 university, West Virginia university institute of technol-  
93 ogy and the West Virginia university school of medicine;  
94 Marshall university, including the Marshall university  
95 school of medicine and the Marshall university commu-  
96 nity and technical college; the West Virginia graduate  
97 college; and the West Virginia school of osteopathic  
98 medicine;

99 (r) "University system community and technical  
100 colleges" means Marshall university community and

101 technical college, community and technical education  
102 programs at West Virginia university at Parkersburg,  
103 community and technical education programs at Poto-  
104 mac state college of West Virginia university and West  
105 Virginia university institute of technology community  
106 and technical college under the jurisdiction of the  
107 university of West Virginia board of trustees and all  
108 their associated branches, centers and off-campus  
109 locations.

110 (s) "Regional campus" means West Virginia university  
111 at Parkersburg, Potomac state college of West Virginia  
112 university, and West Virginia University institute of  
113 technology. The chief executive officer of a regional  
114 campus shall be known as "campus president", shall  
115 serve at the will and pleasure of the president of West  
116 Virginia university, and shall report to the president of  
117 West Virginia university or his or her designee in the  
118 method specified by West Virginia university. The board  
119 of advisors for West Virginia university established  
120 pursuant to section one, article six of this chapter shall  
121 serve as the advisory board for West Virginia university  
122 and its regional campuses. The advisory boards previ-  
123 ously appointed for each regional campus shall be known  
124 as "Boards of Visitors" and shall provide guidance to the  
125 regional campus presidents. Each regional campus shall  
126 adopt separate strategic plans required by section one-c  
127 of this article.

**18B-1-8a. Higher education accountability; institutional and  
statewide report cards.**

1 (a) The governing boards are directed to make informa-  
2 tion available to parents, students, faculty, staff, state  
3 policymakers and the general public on the quality and  
4 performance of public higher education. This informa-  
5 tion shall be consistent and comparable between and  
6 among the state institutions of higher education and, if  
7 applicable, comparable with information from peer  
8 institutions in the region and the nation.

9 (b) On or before the first day of November, one thou-

10 sand nine hundred ninety-five, the governing boards are  
11 directed to adopt a rule pursuant to the provisions of  
12 article three-a, chapter twenty-nine-a of this code,  
13 providing for the collection, analysis and dissemination  
14 of data and information on the performance of the state  
15 institutions of higher education, including health sci-  
16 ences education, in relation to the findings, directives,  
17 goals and objectives set forth in sections one-a and one-b  
18 of this article and in comparison to their peers in the  
19 region and the nation. In developing the rule, the govern-  
20 ing boards shall consult with the governor, the legislative  
21 oversight commission on education accountability and  
22 the state department of education regarding the relevant  
23 areas of data and information considered necessary for  
24 inclusion in a higher education report card. Upon  
25 approval of the rule by the legislative oversight commis-  
26 sion on education accountability, and the effective date  
27 of the rule, the provisions of subsection (c) of this section  
28 are null and void. The legislative rules shall provide the  
29 legislative oversight commission on education account-  
30 ability with full and accurate information while mini-  
31 mizing the institutional burden of recordkeeping and  
32 reporting. The legislative rules shall include uniform  
33 definitions for the various indicators of student and  
34 institutional performance and guidelines for the collec-  
35 tion and reporting of data and the preparation, printing  
36 and distribution of report cards under this section. The  
37 report card forms shall provide for brief, concise report-  
38 ing in nontechnical language of required information.  
39 Any technical or explanatory material which an institu-  
40 tion or governing board wishes to include shall be  
41 contained in a separate appendix available to the general  
42 public upon request.

43 (c) The president or chief executive officer of each  
44 public college, university or community college shall  
45 prepare and submit annually all requested data to the  
46 appropriate governing board at the time as the governing  
47 board may establish. The governing boards shall prepare  
48 institutional report cards for institutions under their

49 jurisdiction and systemwide report cards which shall  
50 include the information required in the following  
51 subdivisions:

52 (1) For all undergraduate students and for all institu-  
53 tions having undergraduate programs, the institution  
54 shall report the following as available and applicable:  
55 Average scores of incoming freshmen and transfer  
56 students on the American college test (ACT) or scholastic  
57 aptitude test (SAT); percentage of incoming freshmen  
58 enrolled in developmental classes; student performance  
59 as measured by grade point average and/or appropriate  
60 testing measures; the graduation or completion rate as  
61 may be defined by federal law or regulation for the  
62 student body as a whole and separately for students at  
63 the institution who received athletically-related student  
64 aid categorized by sex and athletic program; the rate at  
65 which individuals who complete or graduate from the  
66 program of an institution pass applicable licensure or  
67 certification examinations required for employment in a  
68 particular vocation, trade or professional field; student  
69 mobility (transfers in, transfers out and withdrawals);  
70 number and percentage of student body receiving tuition  
71 fee waivers; and number, percentage and dollar value of  
72 tuition fee waivers categorized by whether the waiver is  
73 for athletic participation or is an academic waiver and  
74 by whether the recipient is a resident or nonresident of  
75 this state.

76 (2) For professional schools, defined for the purposes  
77 of this section as academic programs leading to profes-  
78 sions in which licensing is normally required and for  
79 which an undergraduate degree is a general prerequisite,  
80 the institution shall report the following as available and  
81 applicable: Average scores of beginning students and  
82 transfer students on standardized entrance examina-  
83 tions; number and percentage of student body receiving  
84 tuition fee waivers; number, percentage and dollar value  
85 of tuition fee waivers categorized by whether the recipi-  
86 ent is a resident or nonresident of this state; the number  
87 of degrees granted; the graduation or completion rate as

88 may be defined by federal law or regulation for the  
89 student body as a whole; the rate at which individuals  
90 who complete or graduate from the program of an  
91 institution pass applicable licensure or certification  
92 examinations required for employment in the particular  
93 professional field; the total number of students in each  
94 program, including the percentage of those students who  
95 are state residents, the percentage of students who are  
96 nonresidents of the state, the percentage of students who  
97 are women and the percentage of students who are  
98 minorities as the term is defined by federal law; and the  
99 ratio of expenditures per pupil directly attributable to  
100 students enrolled in the professional school as compared  
101 to expenditures per pupil calculated as to students  
102 enrolled in the institution as a whole.

103 (3) For graduate schools, defined for the purposes of  
104 this section as academic programs leading to advanced  
105 degrees (masters or doctorates of philosophy in fields for  
106 which bachelor's degree programs are available) and for  
107 which an undergraduate degree is a general prerequisite,  
108 the institution shall report the following as available and  
109 applicable: Average scores of beginning students and  
110 transfer students on standardized entrance examina-  
111 tions; number and percentage of student body receiving  
112 tuition fee waivers; number, percentage and dollar value  
113 of tuition fee waivers categorized by whether the recipi-  
114 ent is a resident or nonresident of this state; the number  
115 of degrees granted; the graduation or completion rate as  
116 may be defined by federal law or regulation for the  
117 student body as a whole; the rate at which individuals  
118 who complete or graduate from the program of an  
119 institution pass applicable licensure or certification  
120 examinations required for employment; and the total  
121 number of students in each program, including the  
122 percentage of those students who are state residents, the  
123 percentage of students who are nonresidents of the state,  
124 the percentage of students who are women and the  
125 percentage of students who are minorities as the term is  
126 defined by federal law.



127 (4) In addition to any and all information required by  
128 subdivision (2) of this subsection, each health sciences  
129 school shall assist the vice chancellor for health sciences  
130 in providing information for the institutional and  
131 statewide report cards, which shall include reports on  
132 the following:

133 (A) Information on graduates, including, but not  
134 limited to, placement of interns and residents, retention  
135 rates in the state, retention rates in unreserved areas as  
136 determined by the division of health, the percentage  
137 practicing in primary care in this state to be defined as  
138 family medicine, internal medicine, pediatrics and  
139 obstetrics/gynecology, and other information pertinent  
140 to health sciences education as it relates to health care  
141 delivery in this state such as recruitment programs to  
142 attract health care providers to West Virginia; reasons  
143 obtained from graduate surveys as to why health care  
144 graduates are leaving West Virginia; programs developed  
145 to direct graduates into primary care practices and  
146 specialty shortage areas in this state; and ways in which  
147 the health sciences schools intend to assist in meeting the  
148 projected health care needs of this state, including  
149 specialty and subspecialty health care professional needs  
150 and where those needs are expected to arise, as those  
151 needs are defined by the division of health or such other  
152 state agency as the division of health may consider  
153 appropriate;

154 (B) Contractual and financial arrangements between  
155 the health sciences schools and such nonprofit and  
156 for-profit entities receiving moneys from the health  
157 sciences schools that the board of trustees determines  
158 have a significant impact on the provision of health  
159 sciences education in this state. The report shall state the  
160 entity, the amount of funds paid to the entity and what  
161 the payment is for;

162 (C) The roles and missions of the health sciences  
163 schools and evaluation of each school's performance in  
164 accordance with outcome measures developed to evalu-

165 ate the attainment of the roles, missions and programs  
166 developed for each school;

167 (D) The annual audit of the expenditures of each health  
168 sciences school and any audit received by the board from  
169 the nonprofit and for-profit entities determined by the  
170 board of trustees to have a significant affiliation to any  
171 health sciences school;

172 (E) Findings regarding management and operation of  
173 the health sciences schools, the findings to be based on  
174 the annual audits and to include proposals for and  
175 barriers to improving efficiency and generating cost  
176 savings in health sciences education;

177 (F) The quality of health sciences education, including,  
178 but not limited to, a review of any accrediting agency's  
179 report on health sciences education at any state-funded  
180 health sciences school;

181 (G) The clinical health care services and programs  
182 offered or delivered by the health sciences schools,  
183 including, but not limited to, programs which use  
184 existing state facilities for the purposes of clinical  
185 rotations;

186 (H) Matters relating to the funding and budgeting of  
187 health sciences education in this state, including, but not  
188 limited to, ways in which the budget effectuates the roles  
189 and missions of the health sciences schools;

190 (I) The financing of health sciences education subse-  
191 quent to an annual, comprehensive review thereof. The  
192 report shall include anticipated capital costs, projected  
193 operating expenses and future growth and recommenda-  
194 tions on the allocation of any state or other tax dedicated  
195 to the funding of health sciences education; and

196 (J) Such other administrative, budgetary, financial,  
197 educational and other concerns as the board of trustees  
198 may consider necessary or helpful in providing informa-  
199 tion about the health sciences schools pursuant to this  
200 subsection.

201 (5) For all public institutions of higher education in the  
202 state, the following indicators of institutional perfor-  
203 mance in comparison with the aggregate of all other  
204 institutions in the state, region and nation as applicable  
205 and to the extent comparison data are available: Stu-  
206 dent-faculty ratio by school; student-administrator ratio;  
207 faculty turnover by school; educational and general  
208 expenditure per full-time equivalent (FTE) student;  
209 expenditure by fund in graphic display; the academic  
210 rank and years of experience of the faculty and adminis-  
211 trators at the institution; percentage minorities comprise  
212 of faculty and major administrative staff; percentage  
213 women comprise of faculty and major administrative  
214 staff; percentage of classes taught by adjunct or part-  
215 time faculty; statistics concerning the occurrence on  
216 campus during the most recent school year and during  
217 the preceding school years for which data are available  
218 of criminal offenses reported to campus security authori-  
219 ties or local police; and statistics concerning the number  
220 of arrests for crimes occurring on campus during the  
221 most recent school year and during the preceding school  
222 years for which data are available.

223 The statewide report card shall include the data for  
224 each institution for each separately listed applicable  
225 indicator and the aggregate of the data for all institu-  
226 tions under the jurisdiction of the board of trustees of  
227 the university of West Virginia and for all institutions  
228 under the jurisdiction of the board of directors of the  
229 state college system for each indicator.

230 The statewide report cards shall be prepared using  
231 actual institutional, state, regional and national data as  
232 applicable and available indicating the present perfor-  
233 mance of the individual institutions and the state  
234 systems of higher education and shall also include goals  
235 and trends for the institutions and the higher education  
236 systems. Each governing board as part of its assessment  
237 of the individual institutions under its jurisdiction shall  
238 include the number and gross dollar amount of grants  
239 received for academic research for each institution and

240 a succinct review of research projects including a brief  
241 description of each project and the numbers of faculty,  
242 graduate and undergraduate students involved in each  
243 project. In assessing progress toward meeting goals and  
244 in developing trend information, the governing boards  
245 shall review report card data in relation to previously  
246 adopted board goals, five-year plans, regional and  
247 national higher education trends and the resource  
248 allocation model.

249 (d) The higher education central office staff under the  
250 direction of the senior administrator shall provide  
251 technical assistance to each institution and governing  
252 board in data collection and reporting and is responsible  
253 for assembling the statewide report card from informa-  
254 tion submitted by each governing board.

255 Each governing board shall prepare report card  
256 information in accordance with the guidelines set forth  
257 in this section and rules promulgated under this section.  
258 The statewide report card shall be presented at a regular  
259 board meeting of the appropriate governing board  
260 subject to applicable notice requirements.

261 The statewide report cards shall be completed and  
262 disseminated with copies to the legislative oversight  
263 commission on education accountability prior to the first  
264 day of January, one thousand nine hundred ninety-seven,  
265 and each year thereafter. Statewide report cards shall be  
266 based upon information for the current school year or for  
267 the most recent school year for which the information is  
268 available, in which case such year shall be clearly  
269 footnoted.

270 The governing boards shall make copies of both the  
271 institutional and statewide report cards available to any  
272 individual requesting them.

**§18B-1-8b. Coordinate affiliation between Marshall univer-  
sity and West Virginia graduate college.**

1 There is hereby established a coordinate affiliation  
2 between Marshall university and the West Virginia

3 graduate college to insure a jointly planned and operated  
4 program of graduate education in the Charleston-  
5 Huntington region of West Virginia. The two institutions,  
6 while maintaining their individual identities, missions,  
7 faculty, curricula and budgets, shall share facilities as  
8 appropriate, develop integrated information technology  
9 systems, operate joint programs where efficient and  
10 practicable, develop joint electronic administrative and  
11 library systems, and engage in joint appointment of  
12 faculty and administrators as feasible and where cost  
13 effective.

**ARTICLE 2. UNIVERSITY OF WEST VIRGINIA BOARD OF TRUSTEES.**

**§18B-2-9. West Virginia University Institute of Technology.**

1 (a) Notwithstanding any other provisions of this code  
2 to the contrary, the authority to establish, maintain and  
3 operate West Virginia institute of technology is hereby  
4 transferred to the board of trustees effective the first day  
5 of July, one thousand nine hundred ninety-six. West  
6 Virginia institute of technology shall henceforth be  
7 known as West Virginia university institute of technol-  
8 ogy and shall be operated as a regional campus of West  
9 Virginia university under the same procedures, policies,  
10 rules, and practices utilized by West Virginia university  
11 and the board of trustees in operating West Virginia  
12 university at Parkersburg and Potomac state college of  
13 West Virginia university.

14 (b) Notwithstanding any other provisions of this code  
15 to the contrary and notwithstanding the resource alloca-  
16 tion policy of the board of trustees, in allocating funds to  
17 the institutions under its jurisdiction, the board of  
18 trustees, through the first day of July, two thousand one,  
19 shall ensure that each institution receives no less than  
20 the amount of funds that each institution would have  
21 received if West Virginia institute of technology had not  
22 been transferred to the jurisdiction of the trustees.

23 (c) Title to all property previously transferred to or  
24 vested in the board of directors for the exclusive use or  
25 benefit of West Virginia institute of technology is hereby

26 transferred to the board of trustees. Each valid agree-  
27 ment, obligation, or claim entered into or incurred by the  
28 board of directors on behalf of West Virginia institute of  
29 technology is hereby transferred to the board of trustees.

30 (d) Revenues of West Virginia institute of technology  
31 previously pledged to pay off the indebtedness of reve-  
32 nue bonds issued by the board of directors shall continue  
33 to be paid to the board of directors until the existing  
34 debt is fully paid. An annual payment of three hundred  
35 seventy-three thousand eighty-nine dollars for each of  
36 the years remaining on the present system bond issue of  
37 the board of directors shall constitute the debt of West  
38 Virginia university institute of technology to the board  
39 of directors under this subsection. If the board of direc-  
40 tors approves, the board of trustees or West Virginia  
41 university institute of technology may discharge this  
42 indebtedness through alternative payment plans or  
43 methods, including prepayment discounted appropri-  
44 ately.

45 (e) To compensate the other state college institutions  
46 for the amount that would have been reallocated under  
47 the resource allocation policy of the board of directors if  
48 West Virginia institute of technology had remained  
49 under the jurisdiction of the board of directors, West  
50 Virginia university institute of technology shall transfer  
51 two hundred eighty-four thousand five hundred twenty-  
52 five dollars to the board of directors for each of the fiscal  
53 years one thousand nine hundred ninety-six—ninety-  
54 seven, one thousand nine hundred ninety-seven—ninety-  
55 eight, and one thousand nine hundred ninety-eight—  
56 ninety-nine.

57 (f) West Virginia university institute of technology  
58 shall retain the same or a lower type of southern regional  
59 education board classification as an institution until at  
60 least the first day of July, two thousand.

61 (g) Until at least the first day of July, one thousand  
62 nine hundred ninety-seven, West Virginia university  
63 institute of technology shall retain the same promotion

64 and tenure process in place prior to the transfer effectuated by this section.

66 (h) For the purposes of meeting the requirements of section one, article seven of this chapter, West Virginia university institute of technology, West Virginia university at Parkersburg, and Potomac state college of West Virginia university shall be considered separate institutions of higher education.

72 (i) Any new monies appropriated to or received by West Virginia university institute of technology shall be allocated to West Virginia university institute of technology under the policies of the board of trustees.

76 It is the intent of the Legislature in implementing the merger of West Virginia university and West Virginia institute of technology that new graduate programs offered by West Virginia University at the West Virginia university institute of technology will not duplicate existing graduate programs currently offered by Marshall university and the West Virginia graduate college. Before any graduate programs are offered by West Virginia university at the West Virginia university institute of technology, they must be approved by the board of trustees.

#### ARTICLE 3. BOARD OF DIRECTORS OF THE STATE COLLEGE SYSTEM.

##### **§18B-3-1. Composition of board; terms and qualifications of members; vacancies; eligibility for reappointment; oath of office; removal from office.**

1 (a) The board of directors of the state college system  
2 shall consist of sixteen persons, of whom one shall be the  
3 chancellor of the university of West Virginia board of  
4 trustees, ex officio, who shall not be entitled to vote; one  
5 shall be the state superintendent of schools, ex officio,  
6 who shall not be entitled to vote; one shall be the chair  
7 of the joint commission for vocational-technical-occupational  
8 education, ex officio, who shall not be entitled to  
9 vote; one shall be the chairman of the advisory council of  
10 students, ex officio, who shall be entitled to vote; one

11 shall be the chairman of the advisory council of faculty,  
12 ex officio, who shall be entitled to vote; and one shall be  
13 the chairman of the advisory council of classified em-  
14 ployees, ex officio, who shall be entitled to vote. The  
15 other ten directors shall be citizens of the state, ap-  
16 pointed by the governor, by and with the advice and  
17 consent of the Senate. On or after the tenth day of  
18 March, one thousand nine hundred ninety-six, the board  
19 shall be reconstituted and all terms of members ap-  
20 pointed by the governor prior to the tenth day of March,  
21 one thousand nine hundred ninety-six shall expire upon  
22 the appointment by the governor of all the directors  
23 required to be appointed by this section. The governor  
24 shall make appointments required by this section no  
25 later than the fifteenth day of March, one thousand nine  
26 hundred ninety-six.

27 Each of the directors appointed to the board by the  
28 governor shall represent the public interest and shall be  
29 especially qualified in the field of higher education by  
30 virtue of the person's knowledge, learning, experience or  
31 interest in the field. The relative enrollments of bacca-  
32 laurate and community and technical students in the  
33 state college system shall be considered by the governor  
34 when making such appointments and the governor shall  
35 use his or her best efforts to achieve a balance among the  
36 members who reflect the various interests, goals and  
37 concerns reflected by the relative enrollments.

38 Except for the ex officio directors, no person shall be  
39 eligible for appointment to membership on the board of  
40 directors who is an officer, employee or member of an  
41 advisory board of any state college or university, an  
42 officer or member of any political party executive  
43 committee, the holder of any other public office or public  
44 employment under the government of this state or any of  
45 its political subdivisions, or an appointee or employee of  
46 the board of trustees or board of directors: *Provided*,  
47 That if there are no ethical restrictions under state or  
48 federal law, a federal employee may serve as a member  
49 of the board of directors. Of the ten directors appointed



50 by the governor from the public at large, not more than  
51 five thereof shall belong to the same political party and  
52 at least three directors of the board shall be appointed  
53 from each congressional district.

54 Except as provided in this section, no other person may  
55 be appointed to the board.

56 (b) The governor shall appoint ten directors as soon  
57 after the tenth day of March, one thousand nine hundred  
58 ninety-six, as is practicable, and the original terms of all  
59 directors shall commence on that date. The terms of the  
60 directors appointed by the governor shall be for overlap-  
61 ping terms of six years, except, of the original appoint-  
62 ments, three shall be appointed to terms of two years,  
63 three shall be appointed to terms of four years and four  
64 shall be appointed to terms of six years. Each subsequent  
65 appointment which is not for the purpose of filling a  
66 vacancy in an unexpired term shall be appointed to a  
67 term of six years.

68 The governor shall appoint a director to fill any  
69 vacancy among the ten directors appointed by the  
70 governor, by and with the advice and consent of the  
71 Senate, which director appointed to fill such vacancy  
72 shall serve for the unexpired term of the vacating  
73 director. The governor shall fill the vacancy within sixty  
74 days of the occurrence of the vacancy.

75 All directors appointed by the governor shall be  
76 eligible for reappointment: *Provided*, That a person who  
77 serves as a director or trustee during all or any part of  
78 two consecutive terms beginning after the first day of  
79 March, one thousand nine hundred ninety-six, shall be  
80 ineligible to serve as a director for a period of three years  
81 immediately following the second of the two consecutive  
82 terms.

83 The chairman of the advisory council of students, ex  
84 officio; the chairman of the advisory council of faculty,  
85 ex officio; and the chairman of the advisory council of  
86 classified employees, ex officio, shall serve the terms for

87 which they were elected by their respective advisory  
88 councils. These members shall be eligible to succeed  
89 themselves.

90 (c) Before exercising any authority or performing any  
91 duties as a director, each director shall qualify as such  
92 by taking and subscribing to the oath of office pre-  
93 scribed by section five, article IV of the constitution of  
94 West Virginia, and the certificate thereof shall be filed  
95 with the secretary of state.

96 (d) No director appointed by the governor shall be  
97 removed from office by the governor except for official  
98 misconduct, incompetence, neglect of duty or gross  
99 immorality, and then only in the manner prescribed by  
100 law for the removal by the governor of the state elective  
101 officers.

#### **§18B-3-2. Meetings and compensation.**

1 (a) The board of directors shall hold at least ten  
2 meetings in every fiscal year, including an annual  
3 meeting each June: *Provided*, That a meeting for the  
4 purpose of selecting the first chairman shall be held  
5 during March, one thousand nine hundred ninety-six.  
6 Except for the annual meeting, which may be held at a  
7 location anywhere in the state, the meetings shall be held  
8 on different campuses of institutions in the state college  
9 system on a rotating basis or at the central office. The  
10 directors may set aside time at these meetings held at the  
11 campuses to afford administrators, faculty, students and  
12 classified staff at these institutions an opportunity to  
13 discuss issues affecting these groups. The directors shall  
14 hold at least one meeting each year with the advisory  
15 council of faculty, the advisory council of students and  
16 the advisory council of classified employees, each of  
17 these bodies to be met with separately. Except as other-  
18 wise provided in this section, meetings shall be held on  
19 such dates and at such places as the directors may  
20 prescribe. In addition to the statutorily required meet-  
21 ings, the directors may meet at such other times as may  
22 be necessary, such meetings to be held upon its own

23 resolution or at the written request of at least five  
24 appointed directors.

25 Of the thirteen voting members of the board of direc-  
26 tors, seven shall constitute a quorum, and a majority vote  
27 of the quorum shall be necessary to pass upon matters  
28 before the directors.

29 (b) The directors shall be reimbursed for actual and  
30 necessary expenses incident to the performance of such  
31 duties, upon presentation of an itemized sworn state-  
32 ment thereof. The foregoing reimbursement for actual  
33 and necessary expenses shall be paid from appropria-  
34 tions made by the Legislature to the directors.

**18B-3-3a. Community and technical college education; estab-  
lishment; state level governance; formation of  
districts; college level administration and  
governance; programs; district consortia;  
implementation process; and implementation  
team.**

1 (a) *General.* — The purpose of this section is to estab-  
2 lish community and technical college education that is  
3 well articulated with the public schools and four year  
4 colleges; that makes maximum use of shared facilities,  
5 faculty, staff, equipment and other resources; that  
6 encourages traditional and nontraditional students and  
7 adult learners to pursue a life-time of learning; that  
8 serves as an instrument of economic development; and  
9 that has the independence and flexibility to respond  
10 quickly to changing needs. The respective governing  
11 boards shall provide for community and technical college  
12 education at state institutions of higher education under  
13 their jurisdiction to have the administrative, program-  
14 matic and budgetary control necessary to allow maxi-  
15 mum flexibility and responsiveness to district and  
16 community needs consistent with the goal of sharing  
17 facilities, faculty, staff, equipment and other resources  
18 within and among the districts, the other systems of  
19 public and higher education and other education and  
20 training programs.

21 (b) *State level governance.* — The board of directors  
22 and the board of trustees shall jointly employ a vice  
23 chancellor for community and technical college educa-  
24 tion. The vice chancellor for community and technical  
25 college education shall report directly to and provide  
26 assistance to the board of directors and the board of  
27 trustees on matters related to community and technical  
28 college education and shall serve at their will and  
29 pleasure. The vice chancellor for community and techni-  
30 cal college education shall advise, assist and consult  
31 regularly with the administrative heads, institutional  
32 boards of advisors, and district consortia committees of  
33 each state institution of higher education involved in  
34 community and technical college education.

35 In appointing members to the institutional boards of  
36 advisors within the state college system pursuant to  
37 section one, article six of this chapter, the board of  
38 directors shall consider the relative distribution of  
39 baccalaureate and community and technical college  
40 enrollments of the respective institutions and shall make  
41 up to three of such appointments from the membership  
42 of district consortia committee on the basis of such  
43 proportional enrollments. All appointments shall be  
44 reflective of the economic, industrial, educational,  
45 community and employment characteristics of the  
46 institution's region and be geographically dispersed to  
47 the extent practical.

48 (c) *Formation of community and technical college*  
49 *districts.* — The eleven community and technical college  
50 districts shall be comprised of contiguous areas of the  
51 state which have similar economic, industrial, educa-  
52 tional, community and employment characteristics to  
53 facilitate specialization in mission and programming.  
54 For the purposes of initial implementation and organiza-  
55 tion, the districts shall be comprised as follows:

56 (1) Ohio, Brooke, Hancock, Marshall, Tyler and Wetzell  
57 counties;

58 (2) Wood, Jackson, Pleasants, Ritchie, Roane, Tyler and

- 59 Wirt counties;
- 60 (3) Kanawha, Putnam and Clay counties;
- 61 (4) Cabell, Mason, Putnam and Wayne counties;
- 62 (5) Fayette, Clay, Kanawha, Raleigh and Nicholas  
63 counties;
- 64 (6) Logan, Boone, Lincoln, McDowell, Mingo, Raleigh  
65 and Wyoming counties;
- 66 (7) Mercer, Greenbrier, McDowell, Monroe, Poca-  
67 hontas, Raleigh and Summers counties;
- 68 (8) Gilmer, Barbour, Braxton, Calhoun, Clay, Lewis,  
69 Nicholas, Upshur and Webster counties;
- 70 (9) Marion, Doddridge, Harrison, Monongalia, Preston,  
71 Randolph, Taylor, Barbour and Tucker counties;
- 72 (10) Jefferson, Berkeley, Grant, Hardy and Morgan  
73 counties;
- 74 (11) Mineral, Grant, Hampshire, Hardy and Pendleton  
75 counties.

76 It is the intent of the Legislature that counties which  
77 are listed in more than one district shall be served by the  
78 associated community and technical colleges as a coop-  
79 erative service area, or shall be divided as the board of  
80 directors determines. The boundaries of the eleven  
81 districts may be modified from time to time by the board  
82 of directors upon request of the affected community and  
83 technical colleges to better serve the needs within the  
84 districts. Such modifications are not required to follow  
85 county boundaries.

86 Subject to any restrictions imposed by the board of  
87 directors, the district boundaries shall not be employed  
88 to restrict other state institutions of higher education  
89 from offering programs of strength to meet underserved  
90 needs, consistent with the objective of not duplicating  
91 efforts as determined by the governing boards: *Provided*,  
92 That nothing herein shall be construed to prevent state

93 institutions of higher education from offering courses at  
94 off-campus centers or locations now operating or estab-  
95 lished in the future which are not duplicative. Distance  
96 learning technology, resource networking and other  
97 cooperative and collaborative efforts shall be used to the  
98 maximum extent prudent and practical to avoid unnec-  
99 essary duplication of program development and delivery.

100 The main campus of the community and technical  
101 college shall be identified under the name of the commu-  
102 nity and technical college for the district and the district  
103 shall be known as the "community and technical college  
104 district". In addition, the name of all branches, centers  
105 and programs shall reflect the name of the district.

106 (d) *Allocation of resources and budgets.* — All funds for  
107 community and technical college education shall be  
108 proposed by the governing boards for their respective  
109 institutions and appropriated by the Legislature in an  
110 institutional control account under the jurisdiction of  
111 the board of directors for those institutions governed by  
112 the board of directors for their respective institutions  
113 and a separate institutional control account under the  
114 jurisdiction of the board of trustees for those institutions  
115 governed by the board of trustees. The board of directors  
116 and the board of trustees shall establish by joint legisla-  
117 tive rule a formula for the allocation of such funds to  
118 control accounts of individual university system and  
119 state college system community and technical colleges,  
120 which rule shall include uniform guidelines for the  
121 allocation and reporting of student enrollments, costs,  
122 reimbursements and revenues for community and  
123 technical colleges located on the campus of another state  
124 institution of higher education.

125 (e) *College level administration and governance.* — The  
126 administrative head of a state college system community  
127 and technical college shall be the president, in the case  
128 of the freestanding community and technical colleges,  
129 and the provost of the community and technical college  
130 in the case of all other state college system community

131 and technical colleges. Such provost shall be employed  
132 by the president of the state institution of higher educa-  
133 tion upon which the main campus of the community and  
134 technical college is located and the provost shall serve at  
135 the will and pleasure of the president. The administra-  
136 tive head shall be responsible for coordination and other  
137 administrative arrangements with the host institution  
138 and other duties assigned pursuant to this section.  
139 Nothing in this section shall prohibit a current employee  
140 in community and technical education from being  
141 employed as a provost. The administrative and business  
142 offices and functions of community and technical  
143 colleges, except freestanding, shall be consolidated with  
144 those of the host institution to the extent practical. To  
145 enhance program flexibility and mobility, to enhance  
146 program coordination and delivery in the public schools  
147 and to take advantage of the expertise and experience of  
148 persons in business and industry, community and  
149 technical colleges shall make extensive use of combined  
150 courses with four-year colleges and universities, employ  
151 by contract or other arrangements college and university  
152 faculty to teach community and technical college cours-  
153 es, employ qualified public school teachers as adjunct  
154 professors and employ qualified business, industry and  
155 labor persons as adjunct professors in technical areas.

156 (f) *Community and technical college programs.* — The  
157 mission of each community and technical college shall  
158 include the following programs which may be offered on  
159 or off campus, at the work site, in the public schools and  
160 at other locations at times that are convenient for the  
161 intended population:

162 (1) Career and technical education certificate, associate  
163 of applied science and selected associate of science  
164 degree programs for students seeking immediate employ-  
165 ment, individual entrepreneurship skills; occupational  
166 development, skill enhancement and career mobility;

167 (2) Transfer education associate of arts and associate  
168 of science degree programs for students whose educa-

169 tional goal is to transfer into a baccalaureate degree  
170 program;

171 (3) Developmental/remedial education courses, tutori-  
172 als, skills development labs and other services for  
173 students who need to improve their skills in mathemat-  
174 ics, English, reading, study skills, computers and other  
175 basic skill areas;

176 (4) Work force training and retraining contract educa-  
177 tion with business and industry to train or retrain  
178 employees;

179 (5) Continuing development assistance and education  
180 credit and noncredit courses for professional and self-  
181 development, certification and licensure and literacy  
182 training; and

183 (6) Community service workshops, lectures, seminars,  
184 clinics, concerts, theatrical performances and other  
185 noncredit activities to meet the cultural, civic and  
186 personal interests and needs of the community.

187 All administrative, programmatic and budgetary  
188 control over community and technical education within  
189 the district shall be vested in the administrative head  
190 and the institutional board of advisors of state college  
191 system community and technical colleges, subject to  
192 rules adopted by the board of directors. The administra-  
193 tive head and institutional board of advisors shall be  
194 responsible for the regular review, revision, elimination  
195 and establishment of programs within the district to  
196 assure that the needs of the district for community and  
197 technical college programs are met. It is the intent of the  
198 Legislature that the program review and approval  
199 process for community and technical education be  
200 separate and distinct from baccalaureate education. The  
201 administrative head and institutional board of advisors  
202 shall seek assistance from and utilize a district consortia  
203 committee in fulfilling this responsibility.

204 (g) *District consortia committee*. — The administrative  
205 head of each university system and state college system



206 community and technical college shall form a district  
207 consortia committee which shall include representatives  
208 distributed geographically to the extent practical of the  
209 major community college branches, vocational technical  
210 centers, comprehensive high schools, four-year colleges  
211 and universities, community service or cultural organi-  
212 zations, economic development organizations, business,  
213 industry, labor, elected public officials and employment  
214 and training programs and offices within the district.  
215 The consortia committee shall be chaired by the admin-  
216 istrative head or his or her designee and shall advise and  
217 assist the administrative head with the following:

218 (1) Completing a comprehensive assessment of the  
219 district to determine what education and training  
220 programs are necessary to meet the short and long term  
221 work force development needs of the district;

222 (2) Coordinating efforts with regional labor market  
223 information systems that identify the ongoing needs of  
224 business and industry, both current and projected, and  
225 provide information to assist in an informed program of  
226 planning and decision making;

227 (3) Planning and development of a unified effort to  
228 meet the documented work force development needs of  
229 the district through individual and cooperative pro-  
230 grams, shared facilities, faculty, staff, equipment and  
231 other resources and the development and use of distance  
232 learning and other educational technologies;

233 (4) Increasing the integration of secondary and post-  
234 secondary curriculum and programs that are targeted to  
235 meet regional labor market needs, including the planning  
236 and implementation of a comprehensive school-to-work  
237 transition system that helps students focus on career  
238 objectives, builds upon current programs such as high  
239 schools that work, tech prep associate degree programs,  
240 registered apprenticeships and rural entrepreneurship  
241 through action learning and addresses the needs of at-  
242 risk students and school dropouts;

243 (5) Planning and implementation of integrated profes-  
244 sional development activities for secondary and post-  
245 secondary faculty, staff and administrators and other  
246 consortia partners throughout the district;

247 (6) Ensuring that program graduates have attained the  
248 competencies required for successful employment  
249 through the involvement of business, industry and labor  
250 in establishing student credentialling;

251 (7) Performance assessment of student knowledge and  
252 skills which may be gained from multiple sources so that  
253 students gain credit toward program completion and  
254 advance more rapidly without repeating coursework in  
255 which they already possess competency;

256 (8) Establishing one-stop-shop career centers with  
257 integrated employment and training and labor market  
258 information systems that enable job seekers to assess  
259 their skills, identify and secure needed education train-  
260 ing and secure employment and employers to locate  
261 available workers;

262 (9) Increasing the integration of adult literacy, adult  
263 basic education, federal job opportunities and basic  
264 skills, and community and technical college programs  
265 and services to expedite the transition of adults from  
266 welfare to gainful employment; and

267 (10) Establish a single point of contact for employers  
268 and potential employers to access education and training  
269 programs throughout the district.

270 (h) *Implementation process.* — The implementation of  
271 community and technical college education as set forth  
272 in this article shall be accomplished over a three-year  
273 period. Major program elements shall be accomplished  
274 within the following time frames:

275 (1) One thousand nine hundred ninety-five—ninety-six.

276 (i) Form necessary governance structures and make  
277 necessary appointments;

278 (ii) Form consortia committees and complete a survey  
279 of the educational and training needs of the community  
280 college district;

281 (iii) Establish the information necessary to separately  
282 budget the community and technical college education  
283 for fiscal year one thousand nine hundred ninety-  
284 six—ninety-seven, including the rules required pursuant  
285 to subsection (d) of this section;

286 (iv) Establish an ongoing method of providing funding  
287 for appropriate staff from the public schools and the  
288 community and technical colleges for personnel and  
289 other costs related to shared facility projects, including  
290 recommendations for any necessary legislative enact-  
291 ments;

292 (v) Make recommendations to the governor and Legis-  
293 lature as may be necessary.

294 (2) One thousand nine hundred ninety-six—ninety-  
295 seven.

296 (i) Begin separate budgeting;

297 (ii) Begin full operations of the community and techni-  
298 cal colleges as provided in this article.

299 (3) One thousand nine hundred ninety-seven—ninety-  
300 eight.

301 (i) Review and evaluation.

302 (i) *Implementation team.* — There is hereby established  
303 an implementation team to monitor and oversee imple-  
304 mentation of the community and technical college  
305 education in accordance with the provisions of this  
306 article. The implementation team shall report to the  
307 governor and the legislative oversight commission on  
308 education accountability no later than the first day of  
309 December, in the years one thousand nine hundred  
310 ninety-five, one thousand nine hundred ninety-six and  
311 one thousand nine hundred ninety-seven on the status of  
312 such implementation and any further needs for legisla-

313 tive enactment. The implementation oversight team shall  
 314 be composed of the secretary of education and the arts,  
 315 one representative of public education, one representa-  
 316 tive of community and technical colleges, one represen-  
 317 tative of four-year colleges, one representative of the  
 318 private sector, one representative of employment and  
 319 training programs, one representative of vocational-  
 320 technical-occupational education, four members of the  
 321 Senate and four members of the House of Delegates, all  
 322 appointed by the governor. The secretary of education  
 323 and the arts shall be responsible for staffing the imple-  
 324 mentation oversight team utilizing existing personnel,  
 325 equipment and offices of the affected agencies.

**ARTICLE 4. GENERAL ADMINISTRATION.**

**§18B-4-1. Officers of governing boards; employment of chancellors and senior administrator; offices.**

1 (a) At its annual meeting in June of each year, each  
 2 governing board shall elect from its members appointed  
 3 by the governor a president and such other officers as it  
 4 may consider necessary or desirable: *Provided*, That the  
 5 initial annual meeting shall be held during July, one  
 6 thousand nine hundred eighty-nine. The president and  
 7 such other officers shall be elected for a one-year term  
 8 commencing on the first day of July following the annual  
 9 meeting and ending on the thirtieth day of June of the  
 10 following year. The president of the board shall serve no  
 11 more than two consecutive terms.

12 (b) Each governing board shall employ a chancellor  
 13 who shall serve at the will and pleasure of the employing  
 14 board and shall assist the governing board in the perfor-  
 15 mance of its duties and responsibilities. No chancellor  
 16 may hold or retain any other administrative position  
 17 within the system of higher education while employed as  
 18 chancellor. Each chancellor is responsible for carrying  
 19 out the directives of the governing board by which he or  
 20 she is employed and shall work with the board in devel-  
 21 oping policy options. For the purpose of developing or  
 22 evaluating policy options, the chancellors may request

23 the assistance of the presidents and other administrative  
24 heads of the institutions under their jurisdiction and  
25 their staffs. The respective chancellors shall jointly agree  
26 to and shall hire one senior administrator who shall  
27 serve at their will and pleasure in accordance with  
28 section two of this article.

29 (c) The vice chancellor for health sciences, shall  
30 coordinate the West Virginia university school of medi-  
31 cine, the Marshall university school of medicine and the  
32 West Virginia school of osteopathic medicine.

33 (d) Suitable offices for the senior administrator and  
34 other staff shall be provided in Charleston.

35 (e) The governing boards shall jointly employ a vice  
36 chancellor for instructional technology to establish a  
37 plan and funding recommendations for development and  
38 implementation of a multifaceted instructional technol-  
39 ogy strategy that includes, but is not limited to, a goal  
40 that every full-time freshman student beginning in the  
41 fall semester, one thousand nine hundred ninety-six, and  
42 thereafter, and as many other students and faculty as  
43 possible will own or lease a computer, and alternatively  
44 that computers be available for part-time students  
45 through on-site labs; the integration of computer usage  
46 into all course work; the involvement of faculty in the  
47 development and use of technology-based instruction  
48 and instructional courseware for community and techni-  
49 cal colleges, colleges and universities; and the expansion  
50 distance learning and technology networks throughout  
51 the higher education systems to enhance teaching and  
52 learning, promote access to quality educational offerings  
53 with minimum duplication of effort, increase the deliv-  
54 ery of instruction to nontraditional students, provide  
55 services to business and industry, and increase the  
56 management capabilities of the higher education system.  
57 The vice chancellor shall submit the plan to the Legisla-  
58 ture on or before the first day of January, one thousand  
59 nine hundred ninety-six.

60 The vice chancellor for instructional technology shall

61 supervise the administration, oversight, coordination and  
62 implementation of the plan, or portions of the plan,  
63 subject to the availability of funds and the direction of  
64 the governing boards. In addition, the vice chancellor  
65 shall review all technology related matters within the  
66 department of education and the arts and suggest  
67 appropriate integration and compatibility of the technol-  
68 ogy systems within the department and the institutions  
69 governed by the board.

70 (f) The governing boards shall jointly employ a vice  
71 chancellor for community and technical education  
72 pursuant to the provisions of section three-a, article  
73 three of this chapter.

**ARTICLE 6. ADVISORY COUNCILS OF FACULTY.**

**§18B-6-2. Advisory councils of faculty.**

1 Effective the first day of July, one thousand nine  
2 hundred eighty-nine, each governing board shall be  
3 assisted by an advisory council of faculty.

4 During the month of April of each even-numbered  
5 year, each president or other administrative head of a  
6 state institution of higher education, including Potomac  
7 state college of West Virginia university, West Virginia  
8 university at Parkersburg, and West Virginia university  
9 institute of technology, at the direction of the councils  
10 and in accordance with procedures established by the  
11 councils, shall convene a meeting or otherwise institute  
12 a balloting process to elect one faculty to serve on the  
13 appropriate governing board's advisory council of  
14 faculty, which shall consist of one faculty, so elected,  
15 from each such institution under the appropriate govern-  
16 ing board. Terms of the members of each council shall be  
17 for two years and shall begin on the first day of July of  
18 each even-numbered year and members of each advisory  
19 council shall be eligible to succeed themselves.

20 The advisory councils of faculty shall meet at least  
21 once each quarter. One of the quarterly meetings shall be  
22 during the month of July, at which meeting each council

23 shall elect a chairman, who shall be by virtue of the  
24 office a voting member of the appropriate governing  
25 board: *Provided*, That the chair shall serve no more than  
26 two consecutive terms. No member may vote by proxy at  
27 such election. In the event of a tie in the last vote taken  
28 for such election, a member authorized by the council  
29 shall select the chairman by lot from the names of those  
30 persons tied. Immediately following the election of a  
31 chairman, each council shall elect, in the manner pre-  
32 scribed by this section for the election of a chairman, a  
33 member of that council to preside over meetings of the  
34 council in the chairman's absence. Should the chairman  
35 vacate the position, the council shall meet and elect a  
36 new chairman to fill the unexpired term within thirty  
37 days following such vacancy. In electing the chairman of  
38 the advisory council for the board of trustees, West  
39 Virginia university and its regional campuses shall have  
40 a total of two votes, which shall be cast for one individ-  
41 ual, and the elected representatives from Marshall  
42 university, the West Virginia graduate college, and West  
43 Virginia school of osteopathic medicine shall have one  
44 vote per school.

45 Each advisory council of faculty, through its chairman  
46 and in any other appropriate manner, shall consult and  
47 advise its governing board in matters of higher education  
48 in which the faculty members may have an interest.

49 Members of each advisory council shall serve without  
50 compensation, but shall be entitled to reimbursement for  
51 actual and necessary expenses incurred in the perfor-  
52 mance of their official duties from funds allocated to the  
53 state institution of higher education served.

54 Each governing board shall furnish secretarial services  
55 to its advisory council of faculty, and each advisory  
56 council shall cause to be prepared minutes of its meet-  
57 ings, which minutes shall be available, upon request, to  
58 any faculty member of a state institution of higher  
59 education represented on the council. Such minutes shall  
60 be forwarded to the advisory council of faculty serving

61 the other governing board.

**§18B-6-3. Advisory councils of students.**

1 Effective the first day of July, one thousand nine  
2 hundred eighty-nine, each governing board shall be  
3 assisted by an advisory council of students.

4 The student government organization at each state  
5 institution of higher education shall elect a student, who  
6 may be the elected head or president of such organiza-  
7 tion, to serve on the appropriate governing board's  
8 advisory council of students, which are hereby created,  
9 consisting of the elected representatives of each institu-  
10 tion under the appropriate governing board: *Provided,*  
11 That the student government organization at each  
12 institution in the university system, including Potomac  
13 state college of West Virginia university, West Virginia  
14 university at Parkersburg, and West Virginia university  
15 institute of technology, shall elect one student per three  
16 thousand students enrolled at each institution with a  
17 minimum of one representative from each institution.  
18 The student government of each institution shall deter-  
19 mine how its representatives shall be elected. Terms of  
20 the members of such council shall be for one year and  
21 shall begin on the first day of May of each year, and  
22 members of the advisory councils shall be eligible to  
23 succeed themselves.

24 Each institution shall have only one vote in all matters.  
25 The advisory councils of students shall meet at least once  
26 each quarter, and shall meet during each month of June,  
27 at which meeting each council shall elect a chairman,  
28 who prior to such elections must be entitled to vote in  
29 the state of West Virginia. By virtue of the office, the  
30 chairman shall be a voting member of the appropriate  
31 governing board. No member may vote by proxy at such  
32 election. In the event of a tie in the last vote taken for  
33 such election, a member authorized by the council shall  
34 select the chairman by lot from the names of those  
35 persons tied. Immediately following the election of a  
36 chairman, each council shall elect, in the manner pre-



37 scribed by this section for the election of a chairman, a  
38 member of that council to preside over meetings of the  
39 council in the chairman's absence. Should the chairman  
40 vacate the position, the council shall meet and elect a  
41 new chairman to fill the unexpired term within thirty  
42 days following such vacancy. In electing the chairman of  
43 the advisory council for the board of trustees, West  
44 Virginia university and its regional campuses shall have  
45 a total of two votes, which shall be cast for one individ-  
46 ual, and the elected representatives from Marshall  
47 university, the West Virginia graduate college, and West  
48 Virginia school of osteopathic medicine shall have one  
49 vote per school.

50 Each advisory council of students, through its chair-  
51 man and in any other appropriate manner, shall consult  
52 and advise its governing board in matters of higher  
53 education in which the students may have an interest.

54 Members of each advisory council shall serve without  
55 compensation, but shall be entitled to reimbursement for  
56 actual and necessary expenses incurred in the perfor-  
57 mance of their official duties from funds allocated to the  
58 state institution of higher education served.

59 Each governing board shall furnish secretarial services  
60 to its advisory council of students, and each advisory  
61 council shall cause to be prepared minutes of its meet-  
62 ings, which minutes shall be available, upon request, to  
63 any student of a state institution of higher education  
64 represented on the council. Such minutes shall be  
65 forwarded to the advisory council of students serving the  
66 other governing board.

**§18B-6-4. Advisory councils of classified employees.**

1 Effective the first day of July, one thousand nine  
2 hundred eighty-nine, each governing board shall be  
3 assisted by an advisory council of classified employees.

4 During the month of April of each even-numbered  
5 year, each president or other administrative head of a  
6 state institution of higher education, including Potomac

7 state college of West Virginia university, West Virginia  
8 university at Parkersburg and West Virginia university  
9 institute of technology, at the direction of the councils  
10 and in accordance with procedures established by the  
11 councils, shall convene a meeting or otherwise institute  
12 a balloting process to elect one classified employee to  
13 serve on the appropriate governing board's advisory  
14 council of classified employees, which shall consist of  
15 one classified employee, so elected, from each such  
16 institution under the appropriate governing board.  
17 Terms of the members of such councils shall be for two  
18 years and shall begin on the first day of July of each  
19 even-numbered year, and members of the advisory  
20 councils shall be eligible to succeed themselves. For the  
21 purpose of this section the term "institution of higher  
22 education" includes the facilities and staff supervised by  
23 the senior administrator employed by the governing  
24 boards, who shall be deemed a part of the state college  
25 system, and the West Virginia network for tele-  
26 computing, who shall be deemed a part of the state  
27 university system.

28 Each advisory council of classified employees shall  
29 meet at least once each quarter. One of the quarterly  
30 meetings shall be during the month of July, at which  
31 meeting each council shall elect a chairman, who shall be  
32 by virtue of the office a voting member of the appropri-  
33 ate governing board: *Provided*, That the chair shall serve  
34 no more than two consecutive terms: *Provided, however*,  
35 That the board of directors' advisory council for classi-  
36 fied employees' chairman shall not be a member of the  
37 staff supervised by the central administrative official.  
38 No member may vote by proxy at such election. In the  
39 event of a tie in the last vote taken for such election, a  
40 member authorized by the council shall select the  
41 chairman by lot from the names of those persons tied.  
42 Immediately following the election of a chairman, each  
43 council shall elect, in the manner prescribed by this  
44 section for the election of a chairman, a member of the  
45 council to preside over meetings of the council in the

46 chairman's absence. Should the chairman vacate the  
47 position, the council shall meet and elect a new chairman  
48 to fill the unexpired term within thirty days following  
49 such vacancy. In electing the chair of the advisory  
50 council for the board of trustees, West Virginia univer-  
51 sity and its regional campuses shall have a total of two  
52 votes, which shall be cast for one individual, and the  
53 elected representatives from Marshall university, the  
54 West Virginia graduate college, the West Virginia  
55 network for telecomputing and West Virginia school of  
56 osteopathic medicine shall have one vote per school.

57 Each advisory council of classified employees, through  
58 its chairman and in any other appropriate manner, shall  
59 consult and advise its governing board in matters of  
60 higher education in which the classified employees may  
61 have an interest.

62 Members of each advisory council shall serve without  
63 compensation, but shall be entitled to reimbursement for  
64 actual and necessary expenses incurred in the perfor-  
65 mance of their official duties from funds allocated to the  
66 state institution of higher education served.

67 Each governing board shall furnish secretarial services  
68 to its advisory council of classified employees, and each  
69 advisory council shall cause to be prepared minutes of its  
70 meetings, which minutes shall be available, upon re-  
71 quest, to any classified employee of a state institution of  
72 higher education represented on the council. Such  
73 minutes shall be forwarded to the advisory council of  
74 classified employees serving the other governing board.

#### ARTICLE 8. HIGHER EDUCATION FULL-TIME FACULTY SALARIES.

##### §18B-8-1. Definitions.

1 As used in this article:

2 (a) "Schedule" or "salary schedule" means the grid of  
3 minimum salary figures listed in section two of this  
4 article;

5 (b) "Academic rank" means the position held by a

6 faculty member as determined by the president, consis-  
7 tent with policy established by the governing board, and  
8 includes the positions of professor, associate professor,  
9 assistant professor and instructor; all other ranks are  
10 excluded from the provisions of this article;

11 (c) "Years of experience" means the actual number of  
12 years a person has been a full-time faculty member at an  
13 institution of higher education within this state. Employ-  
14 ment for nine months shall equal one year of experience,  
15 but no faculty member may accrue more than one year of  
16 experience during any given academic year. Employment  
17 for less than full time, or less than nine months during  
18 any fiscal year, shall be prorated. In accordance with  
19 rules established by the governing boards, a faculty  
20 member may be granted additional years of experience  
21 for actual years of work or teaching experience at  
22 institutions other than institutions of higher education  
23 within this state;

24 (d) "Doctoral institutions" means West Virginia  
25 university and Marshall university at Huntington.  
26 Doctoral programs at Marshall university shall be  
27 selective and nonduplicative of West Virginia university  
28 unless an exception is recommended by both institutions  
29 and approved by the board of trustees. "Master's II  
30 institutions" means West Virginia school of osteopathic  
31 medicine and the West Virginia graduate college;  
32 "baccalaureate and two-year institutions" means  
33 Bluefield state college, Concord college, Fairmont state  
34 college, Glenville state college, Shepherd college, West  
35 Liberty state college, West Virginia university institute  
36 of technology, West Virginia state college, West Virginia  
37 university at Parkersburg, Southern West Virginia  
38 community college, West Virginia northern community  
39 college and Potomac state college of West Virginia  
40 university and such other institutions as are designated  
41 community colleges by the board of directors;

42 (e) "Salary" means the total nine-month or ten-month  
43 salary paid from state funds to a full-time faculty

44 member, or if other than nine or ten months, adjusted to  
45 a nine-month base salary;

46 (f) "Full-time faculty" means any faculty member  
47 designated as such by the president, consistent with  
48 approved policy of the appropriate governing board, and  
49 those persons with faculty rank who have research or  
50 administrative responsibilities;

51 (g) "Fiscal year" means twelve calendar months and  
52 begins on the first day of July and ends on the thirtieth  
53 day of June; and

54 (h) "Merit increases and salary adjustments" means the  
55 amount of additional salary increase allowed on a merit  
56 basis or to rectify salary inequities or accommodate  
57 competitive market conditions, in accordance with  
58 policy established by the appropriate governing board.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Martha Yeager Walker*  
.....  
Chairman Senate Committee  
Member

*Rudy Seacant*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Parrell Holmes*  
.....  
Clerk of the Senate

*Angela M. Enay*  
.....  
Clerk of the House of Delegates

*Carl Kay Imbler*  
.....  
President of the Senate

*John Calver*  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *14th* .....  
day of *March* ....., 1996.

*Newton Capen*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/96

Time 6:15 pm