

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

**Introduced**

### **House Bill 2849**

**FISCAL  
NOTE**

BY DELEGATES FOLK, WILSON, PAYNTER, GEARHEART,

MARTIN AND HILL

[Introduced March 8, 2017; Referred  
to the Committee on Education then Finance.]

1 A BILL to amend and reenact §18B-1B-5 of the Code of West Virginia, 1931, as amended, relating  
 2 to providing that the compensation level of the Chancellor for Higher Education may be  
 3 no more than the salary of the Governor.

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

1 That §18B-1B-5 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

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

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

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

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

- 7 (1) Possesses an excellent academic and administrative background;
- 8 (2) Demonstrates strong communication skills;
- 9 (3) Has significant experience and an established national reputation as a professional in  
 10 the field of higher education;
- 11 (4) Is free of institutional or regional biases; and
- 12 (5) Holds or retains no other administrative position within a system of higher education  
 13 while employed as chancellor.

14 (c) The commission shall conduct written performance evaluations of the chancellor  
 15 annually and may offer the chancellor a contract not to exceed three years. At the end of each  
 16 contract period, the commission shall review the evaluations and make a determination by vote  
 17 of its members on continuing employment and compensation level. However, in no event may the

18 commission authorize a compensation level for the chancellor be more than the salary of the  
19 Governor as established by section two, article seven, chapter six of this code.

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

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

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

37 (g) The commission shall employ a Vice Chancellor for Administration pursuant to section  
38 two, article four of this chapter.

39 (h) The commission shall employ a Vice Chancellor for Human Resources pursuant to  
40 section two-a, article four of this chapter. The person serving as senior director of human  
41 resources by the commission on January 1, 2011, is Vice Chancellor for Human Resources on  
42 the effective date of this section. Additionally, the commission shall employ a qualified generalist  
43 in the field of human resources pursuant to section two-a, article four of this chapter. The human

44 resources generalist shall report to the Vice Chancellor for Human Resources.

45 (i) The commission may employ a Vice Chancellor for State Colleges who serves at the  
46 will and pleasure of the commission. At a minimum, the Vice Chancellor for State Colleges shall  
47 perform the following duties:

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

50 (2) Advise, assist and consult regularly with the presidents and governing boards of each  
51 state college;

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

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

56 In addition, the Vice Chancellor for State Colleges shall provide staff assistance to the  
57 presidents and governing boards to the extent practicable.

58 (j) On behalf of the commission, the chancellor may enter into agreements with any state  
59 agency or political subdivision of the state, any state institution of higher education or any other  
60 person or entity to enlist staff assistance to implement the powers and duties assigned by the  
61 commission or by state law.

62 (k) The chancellor is responsible for the daily operations of the commission and has the  
63 following responsibilities relating to the commission and the governing boards under its  
64 jurisdiction:

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

66 (2) To develop and submit annual reports on the implementation plan to achieve the goals  
67 and objectives set forth in section one-a, article one and article one-d of this chapter, and in the  
68 compacts;

69 (3) To prepare and submit to the commission for its approval the proposed budget of the

70 commission including the offices of the chancellor and the vice chancellors;

71 (4) To assist the governing boards in developing rules, subject to the provisions of section  
72 six, article one of this chapter. Nothing in this chapter requires the rules of the governing boards  
73 to be filed pursuant to the rule-making procedures provided in article three-a, chapter twenty-nine-  
74 a of this code. The commission and the council, either separately or jointly as appropriate, are  
75 responsible for ensuring that any policy which is required to be uniform across the institutions is  
76 applied in a uniform manner;

77 (5) To perform all other duties and responsibilities assigned by the commission or by state  
78 law.

79 (l) The chancellor shall be reimbursed for all actual and necessary expenses incurred in  
80 the performance of all assigned duties and responsibilities.

81 (m) The chancellor, with the commission, advises the Legislature on matters of higher  
82 education in West Virginia. The chancellor shall work closely with the Legislative Oversight  
83 Commission on Education Accountability and with the elected leadership of the state to ensure  
84 that they are fully informed about higher education issues and that the commission fully  
85 understands the goals, objectives and priorities for higher education that the Legislature has  
86 established by law.

87 (n) The chancellor may design and develop for consideration by the commission new  
88 statewide or region-wide initiatives in accordance with the goals set forth in section one-a, article  
89 one and article one-d of this chapter, and the public policy agenda articulated by the commission.  
90 In those instances where the initiatives to be proposed have a direct and specific impact or  
91 connection to community and technical college education as well as to baccalaureate and  
92 graduate education, the Chancellor for Higher Education and the Chancellor for Community and  
93 Technical College Education shall design and develop the initiatives jointly for consideration by  
94 the commission and the council.

95 (o) To further the goals of cooperation and coordination between the commission and the

96 State Board of Education, the chancellor serves as an ex officio, nonvoting member of the state  
97 board. The chancellor shall work closely with members of the State Board of Education and with  
98 the State Superintendent of Schools to assure that the following goals are met:

99 (1) Development and implementation of a seamless kindergarten-through-college system

100 of education; and

101 (2) Appropriate coordination of missions and programs.

NOTE: The purpose of this bill is to provide that the compensation level of the Chancellor for Higher Education may be no greater than the salary of the Governor.

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