

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 3048

BY DELEGATES STAGGERS, STEELE, ANGELUCCI, MILEY,

SHOTT AND PYLES

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

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

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.

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

1 (a) Findings. --

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

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

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

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

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

12 (b) Boards of governors established.

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

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

22 (c) Board membership.

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

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

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

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

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

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

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

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

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

43 additionally:

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

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

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

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

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

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

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

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

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

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

69 characteristics of the lay membership of each board.

70 (d) Board member terms. {

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

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

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

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

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

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

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

95 the initial appointments are for terms of four years.

96 (e) Board member eligibility, expenses.

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

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

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

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

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

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

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

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

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

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