

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 200**

4 (By Senators Kessler (Acting President), McCabe, Stollings,
5 Plymale, Prezioso, Yost and Klempa)

6 _____
7 [Originating in the Committee on Education;
8 reported January 26, 2011.]
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12 A BILL to amend and reenact §18B-2A-1 of the Code of West Virginia,
13 1931, as amended, relating to correcting names of state
14 institutions of higher education.

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

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

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

19 **§18B-2A-1. Findings; composition of boards; terms and**
20 **qualifications of members; vacancies; eligibility**
21 **for reappointment.**

22 (a) *Findings.* --

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

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

4 (2) The technical or professional expertise and institutional
5 experience of a classified employee of the institution governed by
6 the board;

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

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

12 (b) *Boards of Governors established.* --

13 A board of governors is continued at each of the following
14 institutions: Bluefield State College, Blue Ridge Community and
15 Technical College, Bridgemont Community and Technical College,
16 Concord University, Eastern West Virginia Community and Technical
17 College, Fairmont State University, Glenville State College,
18 Kanawha Valley Community and Technical College, Marshall
19 University, Mountwest Community and Technical College, New River
20 Community and Technical College, Pierpont Community and Technical
21 College, Shepherd University, Southern West Virginia Community and
22 Technical College, West Liberty University, West Virginia Northern
23 Community and Technical College, the West Virginia School of
24 Osteopathic Medicine, West Virginia State University, West Virginia
25 University and West Virginia University at Parkersburg.

26 (c) *Board Membership.* --

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

4 (2) The board of governors for Marshall University consists of
5 sixteen persons. The board of governors for West Virginia
6 University consists of seventeen persons. The boards of governors
7 of the other state institutions of higher education consist of
8 twelve persons.

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

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

13 (B) A member of the student body in good academic standing,
14 enrolled for college credit work and duly elected by the student
15 body of the respective institution; and

16 (C) A member from the institutional classified employees duly
17 elected by the classified employees of the respective institution;

18 (4) For the board of governors at Marshall University,
19 thirteen lay members appointed by the Governor, by and with the
20 advice and consent of the Senate, pursuant to this section;

21 (5) For the board of governors at West Virginia University,
22 twelve lay members appointed by the Governor, by and with the
23 advice and consent of the Senate, pursuant to this section, and
24 additionally:

25 (A) The chairperson of the board of visitors of West Virginia
26 University Institute of Technology;

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

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

8 (A) Of the nine members appointed by the Governor, no more
9 than five may be of the same political party. Of the thirteen
10 members appointed by the Governor to the governing board of
11 Marshall University, no more than eight may be of the same
12 political party. Of the twelve members appointed by the Governor
13 to the governing board of West Virginia University, no more than
14 seven may be of the same political party.

15 (B) Of the nine members appointed by the Governor, at least
16 five shall be residents of the state. Of the thirteen members
17 appointed by the Governor to the governing board of Marshall
18 University, at least eight shall be residents of the state. Of the
19 twelve members appointed by the Governor to the governing board of
20 West Virginia University, at least seven shall be residents of the
21 state.

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

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

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

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

5 (D) The value of achieving balance in gender and diversity in
6 the racial and ethnic characteristics of the lay membership of each
7 board.

8 (d) *Board member terms.* --

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

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

15 (3) The member representing classified employees serves for a
16 term of two years. Each term begins on July 1. Members
17 representing classified employees are eligible to succeed
18 themselves for three additional terms, not to exceed a total of
19 eight consecutive years.

20 (4) The appointed lay citizen members serve terms of up to
21 four years each and are eligible to succeed themselves for no more
22 than one additional term.

23 (5) A vacancy in an unexpired term of a member shall be filled
24 for the unexpired term within thirty days of the occurrence of the
25 vacancy in the same manner as the original appointment or election.
26 Except in the case of a vacancy, all elections are held and all

1 appointments are made no later than June 30 preceding the
2 commencement of the term. Each board of governors shall elect one
3 of its appointed lay members to be chairperson in June of each
4 year. A member may not serve as chairperson for more than four
5 consecutive years.

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

12 (e) *Board member eligibility, expenses.* --

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

16 (A) For a baccalaureate institution or university, a person is
17 ineligible for appointment who is an officer, employee or member of
18 any other board of governors; an employee of any institution of
19 higher education; an officer or member of any political party
20 executive committee; the holder of any other public office or
21 public employment under the government of this state or any of its
22 political subdivisions; an employee of any affiliated research
23 corporation created pursuant to article twelve of this chapter; an
24 employee of any affiliated foundation organized and operated in
25 support of one or more state institutions of higher education; or
26 a member of the council or commission. This subsection does not

1 prevent the representative from the faculty, classified employees,
2 students or the superintendent of a county board of education from
3 being members of the governing boards.

4 (B) For a community and technical college, a person is
5 ineligible for appointment who is an officer, employee or member of
6 any other board of governors; a member of a board of visitors of
7 any public institution of higher education; an employee of any
8 institution of higher education; an officer or member of any
9 political party executive committee; the holder of any other public
10 office, other than an elected county office, or public employment,
11 other than employment by the county board of education, under the
12 government of this state or any of its political subdivisions; an
13 employee of any affiliated research corporation created pursuant to
14 article twelve of this chapter; an employee of any affiliated
15 foundation organized and operated in support of one or more state
16 institutions of higher education; or a member of the council or
17 commission. This subsection does not prevent the representative
18 from the faculty, classified employees or students from being
19 members of the governing boards.

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

25 (3) A member of a governing board appointed by the Governor
26 may not be removed from office by the Governor except for official

1 misconduct, incompetence, neglect of duty or gross immorality and
2 then only in the manner prescribed by law for the removal of the
3 state elective officers by the Governor.

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

9 (5) The president of the institution shall make available
10 resources of the institution for conducting the business of its
11 board of governors. All expenses incurred by the board of
12 governors and the institution under this section are paid from
13 funds allocated to the institution for that purpose.