

COMMITTEE SUBSTITUTE

FOR

**H. B. 4645**

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(BY DELEGATES MANCHIN, CAPUTO AND LONGSTRETH)

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(Originating in the Committee on Education.)

[February 23, 2012]

A BILL to amend and reenact §18B-2A-1 of the Code of West Virginia, 1931, as amended, relating to eligibility requirements for state institution of higher education boards of governors.

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

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

**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  
3       served best when the membership of each governing board  
4       includes the following:

- 5           (1) The academic expertise and institutional experience  
6       of faculty members and a student of the institution governed  
7       by the board;
- 8           (2) The technical or professional expertise and  
9       institutional experience of a classified employee of the  
10      institution governed by the board;
- 11          (3) An awareness and understanding of the issues facing  
12      the institution governed by the board; and
- 13          (4) The diverse perspectives that arise from a membership  
14      that is balanced in terms of gender and varied in terms of race  
15      and ethnic heritage.

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

17          A Board of Governors is continued at each of the  
18      following institutions: Bluefield State College, Blue Ridge  
19      Community and Technical College, Bridgemont Community  
20      and Technical College, Concord University, Eastern West

21 Virginia Community and Technical College, Fairmont State  
22 University, Glenville State College, Kanawha Valley  
23 Community and Technical College, Mountwest Community  
24 and Technical College, Marshall University, New River  
25 Community and Technical College, Pierpont Community and  
26 Technical College, Shepherd University, Southern West  
27 Virginia Community and Technical College, West Liberty  
28 University, West Virginia Northern Community and  
29 Technical College, the West Virginia School of Osteopathic  
30 Medicine, West Virginia State University, West Virginia  
31 University and West Virginia University at Parkersburg.

32 (c) *Board Membership.* --

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

37 (2) The board of governors for Marshall University  
38 consists of sixteen persons. The board of governors for West  
39 Virginia University consists of seventeen persons. The

40 boards of governors of the other state institutions of higher  
41 education consist of twelve persons.

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

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

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

49 (C) A member from the institutional classified employees  
50 duly elected by the classified employees of the respective  
51 institution;

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

55 (5) For the board of governors at West Virginia  
56 University, twelve lay members appointed by the Governor,  
57 by and with the advice and consent of the Senate, pursuant to  
58 this section, and additionally:

59       (A) The chairperson of the board of visitors of West  
60      Virginia University Institute of Technology;

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

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

69       (A) Of the nine members appointed by the Governor, no  
70      more than five may be of the same political party. Of the  
71      thirteen members appointed by the Governor to the governing  
72      board of Marshall University, no more than eight may be of the  
73      same political party. Of the twelve members appointed by the  
74      Governor to the governing board of West Virginia University,  
75      no more than seven may be of the same political party.

76       (B) Of the nine members appointed by the Governor, at  
77      least five shall be residents of the state. Of the thirteen

78 members appointed by the Governor to the governing board  
79 of Marshall University, at least eight shall be residents of the  
80 state. Of the twelve members appointed by the Governor to  
81 the governing board of West Virginia University, at least  
82 seven shall be residents of the state.

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

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

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

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

92 (D) The value of achieving balance in gender and  
93 diversity in the racial and ethnic characteristics of the lay  
94 membership of each board.

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

96       (1) The student member serves for a term of one year.

97       Each term begins on July 1.

98       (2) The faculty member serves for a term of two years.

99       Each term begins on July 1. Faculty members are eligible to  
100      succeed themselves for three additional terms, not to exceed  
101      a total of eight consecutive years.

102       (3) The member representing classified employees serves  
103      for a term of two years. Each term begins on July 1.  
104      Members representing classified employees are eligible to  
105      succeed themselves for three additional terms, not to exceed  
106      a total of eight consecutive years.

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

110       (5) A vacancy in an unexpired term of a member shall be  
111      filled for the unexpired term within thirty days of the  
112      occurrence of the vacancy in the same manner as the original  
113      appointment or election. Except in the case of a vacancy, all  
114      elections are held and all appointments are made no later than

115 June 30 preceding the commencement of the term. Each  
116 board of governors shall elect one of its appointed lay  
117 members to be chairperson in June of each year. A member  
118 may not serve as chairperson for more than four consecutive  
119 years.

120 (6) The appointed members of the boards of governors  
121 serve staggered terms of up to four years except that four of  
122 the initial appointments to the governing boards of  
123 community and technical colleges that became independent  
124 July 1, 2008, are for terms of two years and five of the initial  
125 appointments are for terms of four years.

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

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

130 (A) For a baccalaureate institution or university, a person  
131 is ineligible for appointment who is an officer, employee or  
132 member of any other board of governors; an employee of any  
133 institution of higher education; an officer or member of any

134 political party executive committee; the holder of any other  
135 public office other than an elected county office, or public  
136 employment, other than employment by the county board of  
137 education, under the government of this state or any of its  
138 political subdivisions; an employee of any affiliated research  
139 corporation created pursuant to article twelve of this chapter;  
140 an employee of any affiliated foundation organized and  
141 operated in support of one or more state institutions of higher  
142 education; or a member of the council or commission. This  
143 subsection does not prevent the representative from the  
144 faculty, classified employees, students or the superintendent  
145 of a county board of education from being members of the  
146 governing boards.

147 (B) For a community and technical college, a person is  
148 ineligible for appointment who is an officer, employee or  
149 member of any other board of governors; a member of a  
150 board of visitors of any public institution of higher education;  
151 an employee of any institution of higher education; an officer  
152 or member of any political party executive committee; the

153 holder of any other public office other than an elected county  
154 office, or public employment, other than employment by the  
155 county board of education, under the government of this state  
156 or any of its political subdivisions; an employee of any  
157 affiliated research corporation created pursuant to article  
158 twelve of this chapter; an employee of any affiliated  
159 foundation organized and operated in support of one or more  
160 state institutions of higher education; or a member of the  
161 council or commission. This subsection does not prevent the  
162 representative from the faculty, classified employees, ~~or~~  
163 students or the superintendent of a county board of education  
164 from being members of the governing boards.

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

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

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

182       (5) The president of the institution shall make available  
183      resources of the institution for conducting the business of its  
184      board of governors. All expenses incurred by the board of  
185      governors and the institution under this section are paid from  
186      funds allocated to the institution for that purpose.