

COMMITTEE SUBSTITUTE

FOR

H. B. 4645

(BY DELEGATES MANCHIN, CAPUTO AND LONGSTRETH)

(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.