

# Senate Bill No. 483

(By Senators Laird, Plymale, Miller and Stollings)

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[Introduced February 4, 2014; referred to the Committee  
on Education.]

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A BILL to amend and reenact §18B-1B-6 of the Code of West Virginia, 1931, as amended, relating to renaming the administrative heads of the Potomac campus of West Virginia University and the West Virginia University Institute of Technology.

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

That §18B-1B-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

**§18B-1B-6. Appointment of institutional presidents; evaluation.**

1       (a) *Appointment of institutional presidents.* –

2       Appointment of presidents of the state institutions of higher  
3       education shall be made as follows:

4       (1) The initial contract term for a president of a state  
5       institution of higher education may not exceed two years. At  
6       the end of the initial contract period, and subject to the  
7       provisions of subsection (c) of this section, the governing  
8       board may offer the president a contract of longer duration,  
9       but not to exceed five years.

10       (A) The provisions relating to initial contract periods do  
11       not affect the terms of a current contract for any person  
12       holding a multiyear contract and serving as president of a  
13       state institution of higher education or division of a state  
14       institution of higher education delivering community and  
15       technical education on June 30, 2008.

16       (B) At the end of the current contract period and  
17       thereafter, the governing board shall make presidential  
18       appointments in accordance with the provisions of this  
19       section.

20           (2) The person who is president, provost or divisional  
21 administrative head of the community and technical college  
22 on June 30, 2008, becomes the president of the institution on  
23 the effective date of this section.

24           (3) The president of a state institution of higher education  
25 serves at the will and pleasure of the appointing governing  
26 board.

27           (4) Subject to the approval of the commission, the  
28 governing board of the institution appoints a president for  
29 Bluefield State College, Concord University, Fairmont State  
30 University, Glenville State College, Marshall University,  
31 Shepherd University, West Liberty State College, West  
32 Virginia School of Osteopathic Medicine, West Virginia  
33 State University and West Virginia University.

34           (5) Subject to the approval of the council, the governing  
35 board of the community and technical college appoints a  
36 president for Blue Ridge Community and Technical College,  
37 the Community and Technical College at West Virginia  
38 University Institute of Technology, Eastern West Virginia

39 Community and Technical College, Marshall Community and  
40 Technical College, New River Community and Technical  
41 College, Pierpont Community and Technical College,  
42 Southern West Virginia Community and Technical College,  
43 West Virginia Northern Community and Technical College,  
44 West Virginia State Community and Technical College and  
45 West Virginia University at Parkersburg.

46 (b) *Other appointments.* – The institutional president of of  
47 West Virginia University appoints a provost president to be  
48 the administrative head of the Potomac campus of West  
49 Virginia University and a provost president to be the  
50 administrative head of West Virginia University Institute of  
51 Technology.

52 (c) *Evaluation of presidents.* –

53 (1) The appointing governing board shall conduct written  
54 performance evaluations of the institution's president.  
55 Evaluations shall be done at the end of the initial two-year  
56 contract period and in every third year of employment as  
57 president thereafter, recognizing unique characteristics of the

58 institution and using institutional personnel, boards of  
59 advisors as appropriate, staff of the appropriate governing  
60 board and persons knowledgeable in higher education matters  
61 who are not otherwise employed by a governing board. A  
62 part of the evaluation shall be a determination of the success  
63 of the institution in meeting the requirements of its  
64 institutional compact and in achieving the goals, objectives  
65 and priorities established in articles one and one-d of this  
66 chapter.

67 (2) After reviewing the evaluations, the board of  
68 governors shall make a determination by majority vote of its  
69 members on continuing employment and the compensation  
70 level for the president in accordance with ~~the provisions of~~  
71 subsection (a) of this section.

72 (d) The commission and council each shall propose a rule  
73 for legislative approval in accordance with ~~the provisions of~~  
74 section six, article one of this chapter and article three-a,  
75 chapter twenty-nine-a of this code by September 1, 2008, to  
76 provide guidance for the institutional governing boards in

77 filling vacancies in the office of president in accordance with  
78 the provisions of this chapter. The rule shall include, but is  
79 not limited to, clarifying the powers, duties and roles of the  
80 governing boards, the commission, the council and the  
81 chancellors in the presidential appointment process.

82 (e) The Legislature finds that an emergency exists and,  
83 therefore, the commission and the council each shall file a  
84 rule to implement the provisions of this section as an  
85 emergency rule by September 1, 2008, pursuant to ~~the~~  
86 ~~provisions of~~ article three-a, chapter twenty-nine-a of this  
87 code. The emergency rule may not be implemented without  
88 prior approval of the Legislative Oversight Commission on  
89 Education Accountability.

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(NOTE: The purpose of this bill is to rename the administrative heads of the Potomac campus of West Virginia University and the West Virginia University Institute of Technology.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)