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Senate Bill No. 483

(By Senators Laird, Plymale, Miller and Stollings)

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

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.

(a) *Appointment of institutional presidents.* -- Appointment of
presidents of the state institutions of higher education shall be
made as follows:

(1) The initial contract term for a president of a state
institution of higher education may not exceed two years. At the

1 end of the initial contract period, and subject to the provisions
2 of subsection (c) of this section, the governing board may offer
3 the president a contract of longer duration, but not to exceed five
4 years.

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

11 (B) At the end of the current contract period and thereafter,
12 the governing board shall make presidential appointments in
13 accordance with the provisions of this section.

14 (2) The person who is president, provost or divisional
15 administrative head of the community and technical college on June
16 30, 2008, becomes the president of the institution on the effective
17 date of this section.

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

20 (4) Subject to the approval of the commission, the governing
21 board of the institution appoints a president for Bluefield State
22 College, Concord University, Fairmont State University, Glenville
23 State College, Marshall University, Shepherd University, West
24 Liberty State College, West Virginia School of Osteopathic

1 Medicine, West Virginia State University and West Virginia
2 University.

3 (5) Subject to the approval of the council, the governing
4 board of the community and technical college appoints a president
5 for Blue Ridge Community and Technical College, the Community and
6 Technical College at West Virginia University Institute of
7 Technology, Eastern West Virginia Community and Technical College,
8 Marshall Community and Technical College, New River Community and
9 Technical College, Pierpont Community and Technical College,
10 Southern West Virginia Community and Technical College, West
11 Virginia Northern Community and Technical College, West Virginia
12 State Community and Technical College and West Virginia University
13 at Parkersburg.

14 (b) *Other appointments.* -- The institutional president of West
15 Virginia University appoints a ~~provost~~ president to be the
16 administrative head of the Potomac campus of West Virginia
17 University and a ~~provost~~ president to be the administrative head of
18 West Virginia University Institute of Technology.

19 (c) *Evaluation of presidents.* --

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

1 and using institutional personnel, boards of advisors as
2 appropriate, staff of the appropriate governing board and persons
3 knowledgeable in higher education matters who are not otherwise
4 employed by a governing board. A part of the evaluation shall be
5 a determination of the success of the institution in meeting the
6 requirements of its institutional compact and in achieving the
7 goals, objectives and priorities established in articles one and
8 one-d of this chapter.

9 (2) After reviewing the evaluations, the board of governors
10 shall make a determination by majority vote of its members on
11 continuing employment and the compensation level for the president
12 in accordance with ~~the provisions of~~ subsection (a) of this
13 section.

14 (d) The commission and council each shall propose a rule for
15 legislative approval in accordance with ~~the provisions of~~ section
16 six, article one of this chapter and article three-a, chapter
17 twenty-nine-a of this code by September 1, 2008, to provide
18 guidance for the institutional governing boards in filling
19 vacancies in the office of president in accordance with the
20 provisions of this chapter. The rule shall include, but is not
21 limited to, clarifying the powers, duties and roles of the
22 governing boards, the commission, the council and the chancellors
23 in the presidential appointment process.

24 (e) The Legislature finds that an emergency exists and,

1 therefore, the commission and the council each shall file a rule to
2 implement the provisions of this section as an emergency rule by
3 September 1, 2008, pursuant to ~~the provisions of~~ article three-a,
4 chapter twenty-nine-a of this code. The emergency rule may not be
5 implemented without prior approval of the Legislative Oversight
6 Commission on Education Accountability.

(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.)