

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2805

BY DELEGATES STATLER, SUMMERS, HAMRICK,
HIGGINBOTHAM, L. PACK, HOWELL, CAPITO, DELEGATE
HANSHAW, MR. SPEAKER AND ELLINGTON

[Introduced March 01, 2021; Referred to the
Committee on Education then Finance]

1 A BILL to repeal §18B-2A-7a of the Code of West Virginia, 1931, as amended; to amend and
2 reenact §18B-1-2 of said code; to amend and reenact §18B-1B-6 of said code; to amend
3 and reenact §18B-2A-1 of said code; and to amend and reenact §18B-3C-13 of said code,
4 all relating to public higher education governance; making Pierpont Community and
5 Technical College a fully integrated division of Fairmont State University known as the
6 Pierpont College of Community and Technical Education; increasing the number of
7 members of the Fairmont State Board of Governors to 15 persons; requiring the
8 appointment by the Governor of at least one member on the Fairmont State University
9 Board of Governors who has knowledge and practical experience in community and
10 technical education; providing for two faculty members on the Fairmont State University
11 Board of Governors at least one of which shall be from the faculty of the Pierpont College
12 of Community and Technical Education elected by the faculty senate; providing that the
13 administrative head of the Pierpont College of Community and Technical Education shall
14 be a dean appointed by the president of Fairmont State University; providing that the
15 chairperson of the Fairmont State University Board of Governors shall appoint an advisory
16 board to advise the Fairmont State University Board of Governors on matters relating to
17 the community and technical college curriculum; providing that the members of the
18 advisory board shall elect a chairperson on or after July 1, 2021 who shall be an ex-officio,
19 voting member of the Fairmont State University Board of Governors; providing that the
20 operating budget of Pierpont Community and Technical College is integrated under the
21 authority and jurisdiction of the Fairmont State University Board of Governors; transferring
22 all financial assets and liabilities from the authority of Pierpont Community and Technical
23 College Board of Governors to the authority of the Fairmont State University Board of
24 Governors; satisfying existing outstanding deficits or financial obligations prior to the
25 unification of Fairmont State University and Pierpont Community and Technical College;
26 continuing any capital debt service payment of Pierpont Community and Technical College

27 and making it the responsibility of the Fairmont State University Board of Governors;
 28 transferring titles to all real property, facilities, and equipment of, as well as each valid
 29 agreement undertaken by Pierpont Community and Technical College to the Fairmont
 30 State University Board of Governors; vesting title of all property purchased for the use of
 31 Pierpont Community and Technical College in the Fairmont State University Board of
 32 Governors; making faculty, classified employees, and nonclassified employees of
 33 Pierpont Community and Technical College employees of Fairmont State University;
 34 providing for a transition period to achieve full accreditation by the Higher Learning
 35 Commission; requiring reports to the Council for Community and Technical College
 36 Education and the Legislative Oversight Commission on Education Accountability;
 37 clarifying that the Council for Community and Technical College Education shall retain
 38 jurisdiction over the academic programming offered by the Pierpont College of Community
 39 and Technical Education; updating certain state institution of higher education names;
 40 repealing outdated language, and deleting obsolete language.

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

ARTICLE 1. GOVERNANCE.

§18B-1-2. Definitions.

1 The following words when used in this chapter and chapter 18C of this code have the
 2 meanings ascribed to them unless the context clearly indicates a different meaning:

3 “Administratively linked community and technical college” means a state institution of
 4 higher education delivering community and technical college education and programs which has
 5 maintained a contractual agreement to receive essential services from another accredited state
 6 institution of higher education prior to July 1, 2008;

7 “Advanced technology center” means a facility established under the direction of an
 8 independent community and technical college or the council for the purpose of implementing and
 9 delivering education and training programs for high-skill, high-performance 21st century

10 workplaces;

11 “Approve” or “approval”, when used in reference to action by the commission or the
12 council, means action in which the governance rationale of a governing board under its jurisdiction
13 is given due consideration, and the action of the commission is to additionally establish whether
14 the proposed institutional action is consistent with law and established policy and is an appropriate
15 advancement of the public interest;

16 “Board of visitors” means the advisory board previously appointed for the West Virginia
17 Graduate College, and the advisory board previously appointed for West Virginia University
18 Institute of Technology, which provide guidance to the Marshall University Graduate College and
19 West Virginia University Institute of Technology, respectively;

20 “Broker” or “brokering” means serving as an agent on behalf of students, employers,
21 communities, or responsibility areas to obtain education services not offered at that institution.
22 These services include courses, degree programs, or other services contracted through an
23 agreement with a provider of education services either in-state or out of state;

24 “Chancellor” means the Chancellor for Higher Education where the context refers to a
25 function of the Higher Education Policy Commission. “Chancellor” means the Chancellor for
26 Community and Technical College Education where the context refers to a function of the West
27 Virginia Council for Community and Technical College Education;

28 “Chancellor for Community and Technical College Education” means the chief executive
29 officer of the West Virginia Council for Community and Technical College Education employed
30 pursuant to §18B-2B-3 of this code;

31 “Chancellor for Higher Education” means the chief executive officer of the Higher
32 Education Policy Commission employed pursuant to §18B-1B-5 of this code;

33 “Collaboration” means entering into an agreement with one or more providers of education
34 services in order to enhance the scope, quality, or efficiency of education services;

35 “Community and technical college”, in the singular or plural, means the free-standing

36 community and technical colleges and other state institutions of higher education which deliver
37 community and technical college education. This definition includes Blue Ridge Community and
38 Technical College, BridgeValley Community and Technical College, Eastern West Virginia
39 Community and Technical College, Mountwest Community and Technical College, New River
40 Community and Technical College, Pierpont Community and Technical College, Southern West
41 Virginia Community and Technical College, West Virginia Northern Community and Technical
42 College, and West Virginia University at Parkersburg: Provided, That on and after July 1, 2021,
43 Pierpont Community and Technical College shall be a division of Fairmont State University;

44 “Community and technical college education” means the programs, faculty,
45 administration, and funding associated with the delivery of community and technical college
46 education programs;

47 “Community and technical college education program” means any college-level course or
48 program beyond the high school level provided through a public institution of higher education
49 resulting in or which may result in a two-year associate degree award including an associate of
50 arts, an associate of science, and an associate of applied science; certificate programs and skill
51 sets; developmental education; continuing education; collegiate credit and noncredit workforce
52 development programs; and transfer ~~and baccalaureate~~ parallel programs. All programs are
53 under the jurisdiction of the council. Any reference to “post-secondary vocational education
54 programs” means community and technical college education programs as defined in this
55 subdivision;

56 “Confirm” or “confirmation”, when used in reference to action by the commission, means
57 action in which substantial deference is allocated to the governing authority of a governing board
58 under its jurisdiction and the action of the commission is to review whether the proposed
59 institutional action is consistent with law and established policy;

60 “Council” means the West Virginia Council for Community and Technical College
61 Education created by §18B-2B-1 *et seq.* of this code;

62 “Division” means a community and technical college which is fully integrated with a four-
63 year institution of higher education in this state and no longer operates as an independent
64 community and technical college;

65 “Dual credit course” or “dual enrollment course” means a credit-bearing college-level
66 course offered in a high school by a state institution of higher education for high school students
67 in which the students are concurrently enrolled and receiving credit at the secondary level;

68 “Essential conditions” means those conditions which shall be met by community and
69 technical colleges as provided in §18B-3C-3 of this code;

70 “Exempted schools” or “statutorily exempted schools” means West Virginia University,
71 including West Virginia University Potomac State College and West Virginia University Institute
72 of Technology; Marshall University; and the West Virginia School of Osteopathic Medicine;

73 “Governing boards” or “boards” means the institutional boards of governors created by
74 §18B-2A-1 of this code;

75 “Higher Education Policy Commission”, “policy commission” or “commission” means the
76 commission created by §18B-1B-1 of this code;

77 “Independent community and technical college” means a state institution of higher
78 education under the jurisdiction of the council, which is independently accredited, is governed by
79 its own independent governing board, and may not be operated as a branch or off-campus
80 location of any other state institution of higher education. This definition includes Blue Ridge
81 Community and Technical College, BridgeValley Community and Technical College, Eastern
82 West Virginia Community and Technical College, Mountwest Community and Technical College,
83 New River Community and Technical College, Pierpont Community and Technical College,
84 Southern West Virginia Community and Technical College, West Virginia Northern Community
85 and Technical College; and West Virginia University at Parkersburg: Provided, That on and after
86 July 1, 2021, Pierpont Community and Technical College shall be a division of Fairmont State
87 University;

88 “Institutional operating budget” or “operating budget” means for any fiscal year an
89 institution’s total unrestricted education and general funding from all sources, including, but not
90 limited to, tuition and fees and legislative appropriation, and any adjustments to that funding as
91 approved by the commission or council based on comparisons with peer institutions or to reflect
92 consistent components of peer operating budgets;

93 “Rule” or “rules” means a regulation, standard, policy, or interpretation of general
94 application and future effect;

95 ~~“Sponsoring institution” means a state institution of higher education that maintained an
96 administrative link to a community and technical college providing essential services prior to July
97 1, 2008. This definition includes institutions whose governing boards had under their jurisdiction
98 a community and technical college, regional campus, or a division delivering community and
99 technical college education and programs~~

100 “State college and university” means Bluefield State College, Concord University,
101 Fairmont State University, Glenville State College, Shepherd University, West Liberty University,
102 or West Virginia State University;

103 “State institution of higher education” means any university, college, or community and
104 technical college under the jurisdiction of a governing board as that term is defined in this section;

105 “Statewide network of independently accredited community and technical colleges” or
106 “community and technical college network” means the state institutions of higher education under
107 the jurisdiction of the West Virginia Council for Community and Technical College Education
108 which are independently accredited, each governed by its own independent governing board, and
109 each having a core mission of providing affordable access to and delivering high quality
110 community and technical education in every region of the state; and

111 “Vice chancellor for administration” means the person employed in accordance with §18B-
112 4-2 of this code. Any reference in this chapter or chapter 18C of this code to “senior administrator”
113 means vice chancellor for administration.

ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.**§18B-1B-6. Appointment of institutional presidents; evaluation.**

1 (a) Appointment of institutional presidents. — Appointment of presidents of the state
2 institutions of higher education, except the statutorily exempted schools, shall be made as follows:

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

6 (2) The president of a state institution of higher education serves at the will and pleasure
7 of the appointing governing board.

8 (3) The governing boards of the following institutions appoint a president: Bluefield State
9 College, Concord University, Fairmont State University, Glenville State College, Shepherd
10 University, West Liberty University and West Virginia State University, West Virginia University,
11 Marshall University, and the West Virginia School of Osteopathic Medicine.

12 (4) Subject to the approval of the council, the governing board of the community and
13 technical college appoints a president for Blue Ridge Community and Technical College, Bridge
14 Valley Community and Technical College, Eastern West Virginia Community and Technical
15 College, Mountwest Community and Technical College, New River Community and Technical
16 College, Pierpont Community and Technical College, Southern West Virginia Community and
17 Technical College, West Virginia Northern Community and Technical College and West Virginia
18 University at Parkersburg: Provided, That on and after July 1, 2021, Pierpont Community and
19 Technical College shall be a division of Fairmont State University.

20 (b) Other appointments. — The president of West Virginia University appoints a campus
21 president to be the administrative head of Potomac State College of West Virginia University and
22 a campus president to be the administrative head of West Virginia University Institute of
23 Technology.

24 (c) Evaluation of presidents. —

25 (1) The appointing governing board shall conduct written performance evaluations of the
 26 institution's president. Evaluations shall be done at the end of the initial contract period and in
 27 every third year of employment as president thereafter, recognizing unique characteristics of the
 28 institution and using institutional personnel including classified employees if any are employed by
 29 the institution, boards of advisors as appropriate, staff of the appropriate governing board, and
 30 persons knowledgeable in higher education matters who are not otherwise employed by a
 31 governing board. A part of the evaluation shall be a determination of the success of the institution
 32 in meeting ~~the requirements of its institutional compact and in achieving~~ the goals, objectives, and
 33 priorities established in §18B-1-1 *et seq.* and §18B-1D-1 *et seq.* of this code.

34 (2) After reviewing the evaluations, the governing board shall decide by majority vote of
 35 its members on continuing employment and the compensation level for the president in
 36 accordance with subsection (a) of this section.

37 (d) The legislative rules of the commission and council promulgated in accordance with
 38 §18B-1-6 and §29A-3A-1 *et seq.* of this code which are in effect on January 1, 2014, continue in
 39 effect unless amended or repealed. The rules provide guidance for the governing boards, but are
 40 not applicable to the statutorily exempted or the administratively exempted schools, in filling
 41 vacancies in the office of president in accordance with this chapter and shall include, but are not
 42 limited to, clarifying the powers, duties, and roles of the governing boards, commission, council,
 43 and chancellors in the presidential appointment process.

ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.

§18B-2A-1. Findings; composition of boards; terms and qualification of members; vacancies; eligibility for reappointment.

1 (a) Findings. –

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

4 (1) The academic expertise and institutional experience of faculty members and a student

5 of the institution governed by the board;

6 (2) The technical or professional expertise and institutional experience of a classified
7 employee or, as appropriate, nonclassified employee of the institution governed by the board;

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

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

12 (b) Boards of governors established. –

13 A board of governors is continued at each of the following institutions: Bluefield State
14 College, Blue Ridge Community and Technical College, ~~Bridgemont~~ BridgeValley Community and
15 Technical College, Concord University, Eastern West Virginia Community and Technical College,
16 Fairmont State University, Glenville State College, ~~Kanawha Valley Community and Technical~~
17 ~~College~~ Mountwest Community and Technical College, Marshall University, New River
18 Community and Technical College, Pierpont Community and Technical College, Shepherd
19 University, Southern West Virginia Community and Technical College, West Liberty University,
20 West Virginia Northern Community and Technical College, the West Virginia School of
21 Osteopathic Medicine, West Virginia State University, West Virginia University and West Virginia
22 University at Parkersburg: Provided, That the board of governors of Pierpont Community and
23 Technical College is hereby abolished as of July 1, 2021: Provided, however, That the members
24 of the board of governors of Pierpont Community and Technical College serving on June 30,
25 2021, shall become the initial advisory board of Pierpont College of Community and Technical
26 Education of Fairmont State University until June 30, 2022: Provided, further, That the members
27 of the initial advisory board shall elect a chairperson on or after July 1, 2021 to serve until June
28 30, 2022.

29 (c) Board membership. –

30 (1) An appointment to fill a vacancy on the board or reappointment of a member who is

31 eligible to serve an additional term is made in accordance with the provisions of this section.

32 (2) The board of governors for Marshall University consists of 16 persons. The board of
33 governors for West Virginia University consists of 17 persons. The board of governors for
34 Fairmont State University consists of 15 persons. The boards of governors of the other state
35 institutions of higher education consist of 12 persons.

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

37 (A) A full-time member of the faculty with the rank of instructor or above duly elected by
38 the faculty of the respective institution.

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

41 (C) A member from the institutional classified employees duly elected by the classified
42 employees of the respective institution or, if the respective institution does not have classified
43 employees, a member from the institutional nonclassified employees duly elected by the
44 nonclassified employees of the respective institution.

45 (4) For the board of governors at Marshall University, 13 lay members appointed by the
46 Governor, by and with the advice and consent of the Senate, pursuant to this section;

47 (5) For the board of governors at West Virginia University, 12 lay members appointed by
48 the Governor, by and with the advice and consent of the Senate, pursuant to this section, and
49 additionally:

50 (A) The chairperson of the board of visitors of West Virginia University Institute of
51 Technology; and

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

54 (6) For the board of governors at Fairmont State University, 10 lay members appointed by
55 the Governor, by and with the advice and consent of the Senate, pursuant to this section, including
56 at least one member with experience in community and technical education, and additionally:

57 (A) The chairperson of the advisory board of the Pierpont College of Community and
58 Technical Education; and

59 (B) A full-time faculty member representing the Pierpont College of Community and
60 Technical Education, selected by the faculty senate.

61 ~~(6)~~ (7) For each board of governors of the other state institutions of higher education, nine
62 lay members appointed by the Governor, by and with the advice and consent of the Senate,
63 pursuant to this section.

64 (A) Of the nine members appointed by the Governor, no more than five may be of the
65 same political party. Of the 13 members appointed by the Governor to the governing board of
66 Marshall University, no more than eight may be of the same political party. Of the 12 members
67 appointed by the Governor to the governing board of West Virginia University, no more than seven
68 may be of the same political party. Of the 10 members appointed by the Governor to the governing
69 board of Fairmont State University, no more than six may be of the same political party.

70 (B) Of the nine members appointed by the Governor, at least five shall be residents of the
71 state. Of the 13 members appointed by the Governor to the governing board of Marshall
72 University, at least eight shall be residents of the state. Of the 12 members appointed by the
73 Governor to the governing board of West Virginia University, at least seven shall be residents of
74 the state. Of the 10 members appointed by the Governor to the governing board of Fairmont State
75 University, at least six shall be residents of the state.

76 ~~(7)~~ (8) In making lay appointments, the Governor shall consider the institutional mission
77 and membership characteristics including the following:

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

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

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

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

85 (d) Board member terms. –

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

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

90 (3) The member representing classified employees or, as appropriate, nonclassified
91 employees serves for a term of two years. Each term begins on July 1. Members representing
92 classified employees or, as appropriate, nonclassified employees are eligible to succeed
93 themselves for three additional terms, not to exceed a total of eight consecutive years.

94 (4) The appointed lay citizen members serve terms of four years each and are eligible to
95 succeed themselves for no more than one additional term, except that citizen members who are
96 appointed to fill unexpired terms are eligible to succeed themselves for two full terms after
97 completing an unexpired term.

98 (5) A vacancy in an unexpired term of a member shall be filled for the unexpired term
99 within 30 days of the occurrence of the vacancy in the same manner as the original appointment
100 or election. Except in the case of a vacancy, all elections are held and all appointments are made
101 no later than June 30 preceding the commencement of the term. Each board of governors shall
102 elect one of its appointed lay members to be chairperson in June of each year. A member may
103 not serve as chairperson for more than four consecutive years.

104 ~~(6) The appointed members of the boards of governors serve staggered terms of up to~~
105 ~~four years except that four of the initial appointments to the governing boards of community and~~
106 ~~technical colleges that became independent July 1, 2008, are for terms of two years and five of~~
107 ~~the initial appointments are for terms of four years~~

108 (e) Board member eligibility, expenses. –

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

111 (A) For a baccalaureate institution or university, a person is ineligible for appointment who
112 is an officer, employee or member of any other board of governors within this state; an employee
113 of any institution of higher education within this state; an officer or member of any political party
114 executive committee; the holder of any other public office or public employment under the
115 government of this state or any of its political subdivisions; an employee of any affiliated research
116 corporation created pursuant to article 12 of this chapter; an employee of any affiliated foundation
117 organized and operated in support of one or more state institutions of higher education; or a
118 member of the council or commission: *Provided*, That if an appointee is an employee or board
119 member of an out-of-state higher education institution, there is no apparent conflict of interest
120 caused by the individual serving in both capacities. This subsection does not prevent the
121 representative from the faculty, classified employees or, as appropriate, nonclassified employees,
122 students or the superintendent of a county board of education from being members of the
123 governing boards.

124 (B) For a community and technical college, a person is ineligible for appointment who is
125 an officer, employee or member of any other board of governors within this state; a member of a
126 board of visitors of any public institution of higher education; an employee of any institution of
127 higher education within this state; an officer or member of any political party executive committee;
128 the holder of any other public office, other than an elected county office, or public employment,
129 other than employment by the county board of education, under the government of this state or
130 any of its political subdivisions; an employee of any affiliated research corporation created
131 pursuant to §18B-12-1 *et seq.* of this code; an employee of any affiliated foundation organized
132 and operated in support of one or more state institutions of higher education; or a member of the
133 council or commission: *Provided*, That if an appointee is an employee or board member of an out-
134 of-state higher education institution, there is no apparent conflict of interest caused by the

135 individual serving in both capacities. This subsection does not prevent the representative from
 136 the faculty, classified employees or, as appropriate, nonclassified employees or students from
 137 being members of the governing boards.

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

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

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

149 (5) The president of the institution shall make available resources of the institution for
 150 conducting the business of its board of governors. All expenses incurred by the board of governors
 151 and the institution under this section are paid from funds allocated to the institution for that
 152 purpose.

§18B-2A-7a. Transfer of orders, resolutions, policies and rules, obligations, etc.

1 [Repealed.]

ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.

**§18B-3C-13. Legislative intent; Pierpont Community and Technical College re-established
 as a division of Fairmont State University; institutional organization, structure, and
 accreditation.**

1 ~~(a) The intent of the Legislature in enacting this section is to provide for the most effective~~
 2 ~~education delivery system for community and technical education programs to the entire region~~

3 ~~to be served by Pierpont Community and Technical College and to focus the institutional mission~~
4 ~~on achieving state goals, objectives, priorities, and essential conditions as established in articles~~
5 ~~one, one-d, and three-c of this chapter. Effective July 1, 2021, Pierpont Community and Technical~~
6 ~~College is a fully integrated division of Fairmont State University. The fully integrated division is~~
7 ~~named the Pierpont College of Community and Technical Education. Any reference in this code~~
8 ~~to Pierpont Community and Technical College as an independent community and technical~~
9 ~~college after June 30, 2021 means the Pierpont College of Community and Technical Education~~
10 ~~of Fairmont State University. All administrative and academic units are consolidated with~~
11 ~~responsibility for direction and support assigned to Fairmont State University.~~

12 ~~(b) Pierpont Community and Technical College is established as an independent state~~
13 ~~institution of higher education. Any reference in this code to Fairmont State Community and~~
14 ~~Technical College or to Pierpont Community and Technical College, a division of Fairmont State~~
15 ~~University, means the independent state institution of higher education known as Pierpont~~
16 ~~Community and Technical College.~~

17 ~~(c) Effective July 1, 2008, the board of advisors for Pierpont Community and Technical~~
18 ~~College is the governing board for that institution subject to the provisions of article two-a of this~~
19 ~~chapter. The administrative head of Pierpont Community and Technical College on June 30,~~
20 ~~2008, is the president of the independent community and technical college subject to the~~
21 ~~provisions of section five of this article.~~

22 ~~(b) Effective July 1, 2021, the administrative head of the Pierpont College of Community~~
23 ~~and Technical Education of Fairmont State University shall be a dean who shall be appointed by~~
24 ~~the president of Fairmont State University.~~

25 ~~(d) In the delivery of community and technical college education and programs, Pierpont~~
26 ~~Community and Technical College shall adhere to all provisions set forth in this code and rules~~
27 ~~promulgated by the council for the delivery of education and programs, including, but not limited~~
28 ~~to, council review and approval of academic programs, institutional compacts, master plans and~~

29 ~~tuition and fee rates, including capital fees.~~

30 (c) Fairmont State University shall deliver community and technical college education
31 through the Pierpont College of Community and Technical Education and shall support the overall
32 mission of providing skilled workforce and technical training to the entire region served by the
33 institution.

34 ~~(e) Pierpont Community and Technical College shall pursue independent accreditation~~
35 ~~status and the board of Governors of the community and technical college shall provide through~~
36 ~~contractual arrangement for the administration and operation of Pierpont Community and~~
37 ~~Technical College by Fairmont State University while the community and technical college seeks~~
38 ~~appropriate independent accreditation. The contractual arrangement may not be implemented~~
39 ~~until approved by the council and shall include provisions to ensure that the programs offered at~~
40 ~~Pierpont Community and Technical College are accredited while independent accreditation is~~
41 ~~being sought. Fairmont State University shall continue to provide services to the community and~~
42 ~~technical college which the community and technical college or the council considers necessary~~
43 ~~or expedient in carrying out its mission under the terms of an agreement between the two~~
44 ~~institutions pursuant to the provisions of section twelve of this article.~~

45 (d) The Fairmont State University Pierpont College of Community and Technical
46 Education shall not maintain independent regional or national accreditation status but may
47 maintain program-specific accreditation. Fairmont State University shall ensure that the programs
48 offered by the Pierpont College of Community and Technical Education are accredited as
49 appropriate pursuant to the provisions of this section.

50 (e) No later than June 30, 2022, Fairmont State University shall seek one unified
51 accreditation from the Higher Learning Commission and shall seek authority and approval to
52 transfer accreditation for individual programs from Pierpont Community and Technical College to
53 Fairmont State University.

54 ~~(f) The council has the authority and the duty to take all steps necessary to assure that~~

55 ~~the institution acquires independent accreditation status as quickly as possible. If the community~~
56 ~~and technical college fails to achieve independent accreditation by July 1, 2011, the council shall~~
57 ~~sever any contractual agreement between Pierpont Community and Technical College and~~
58 ~~Fairmont State University and assign the responsibility for achieving independent accreditation to~~
59 ~~another state institution of higher education.~~

60 (f) The chairperson of the board of governors of Fairmont State University shall, no later
61 than June 30, 2022, name an advisory board of no less than five and no more than nine members
62 who shall provide guidance to the board of governors in fulfilling the academic mission of the
63 division. The chairperson of the advisory board shall be elected annually from among its members
64 and shall serve as an ex-officio, voting member of the board of governors of Fairmont State
65 University.

66 (g) As part of the reestablishment of Pierpont Community and Technical College as a fully
67 integrated division of Fairmont State University, effective July 1, 2021:

68 (1) The operating budget of Pierpont Community and Technical College is integrated
69 under the authority and jurisdiction of the board of governors of Fairmont State University:
70 Provided, That moneys appropriated by the Legislature to Pierpont Community and Technical
71 College exclusively for community and technical education shall be used for the delivery of
72 academic programming in the Pierpont College of Community and Technical Education of
73 Fairmont State University;

74 (2) All financial assets and liabilities, including fund balances, of Pierpont Community and
75 Technical College are transferred from the authority of the board of governors of Pierpont
76 Community and Technical College to the authority of the board of governors of Fairmont State
77 University;

78 (3) Any capital debt service payment formerly the responsibility of Pierpont Community
79 and Technical College continues in the required amount and is the responsibility of the board of
80 governors of Fairmont State University;

81 (4) The titles to all real property, facilities, and equipment of, as well as each valid
82 agreement and obligation undertaken by Pierpont Community and Technical College are
83 transferred to the board of governors of Fairmont State University which shall exercise general
84 determination, control, supervision, and management of the financial, business, and education
85 policies and affairs of the Pierpont College of Community and Technical Education as a fully
86 integrated division of Fairmont State University;

87 (5) The title to all property purchased for the use of Pierpont Community and Technical
88 College is vested in the board of governors of Fairmont State University;

89 (6) The faculty, classified employees, and nonclassified employees of Pierpont
90 Community and Technical College become the faculty, classified employees, and nonclassified
91 employees of Fairmont State University;

92 (7) Fairmont State University shall submit an annual report to the Council for Community
93 and Technical College Education and the Legislative Oversight Commission on Education
94 Accountability no later than December 31 of each year concerning the effectiveness and
95 implementation of the provisions of this section.

96 (8) The amendments to this section enacted during the 2021 Regular Session shall be
97 effective July 1, 2021.

NOTE: The purpose of this bill is to make Pierpont Community and Technical College a fully integrated division of Fairmont State University, all effective July 1, 2021.

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