WEST VIRGINIA CODE: §18B-2A-1

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

(a) Findings.

The Legislature finds that the State of West Virginia is served best when the membership of each governing board is informed by the following:

(1) The academic expertise and institutional experience of faculty members and a student of the institution governed by the board;

(2) The technical or professional expertise and institutional experience of a classified or non-classified employee of the institution governed by the board;

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

(4) The diverse perspectives that arise from a membership that is balanced and representative of West Virginia and its citizens; and

(5) For West Virginia's land grant institutions at West Virginia University and West Virginia State University, focused on serving the needs of West Virginia and its citizens.

(b) Boards of governors established.

A board of governors is continued at each of the following institutions: Bluefield State University, Blue Ridge Community and Technical College, BridgeValley Community and Technical College, Concord University, Eastern West Virginia Community and Technical College, Fairmont State University, Glenville State University, Mountwest Community and Technical College, Marshall University, New River Community and Technical College, Pierpont Community and Technical College, Shepherd University, Southern West Virginia Community and Technical College, West Liberty University, West Virginia Northern Community College, the West Virginia School of Osteopathic Medicine, West Virginia State University, West Virginia University and West Virginia University at Parkersburg.

(c) Board membership.

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

(2) The Board of Governors for Marshall University consists of 16 persons. The Board of Governors for West Virginia University consists of 19 persons. The boards of governors of the other state institutions of higher education consist of 12 persons.

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

(A) A full-time member of the faculty with the rank of instructor or above duly elected by the faculty of the respective institution, who shall serve as a nonvoting, advisory member;

(B) A member of the student body in good academic standing, enrolled for college credit, and duly elected by the student body of the respective institution, who shall serve as a nonvoting, advisory member; and

(C) A member from the institutional classified or non-classified employees duly elected by the classified or non-classified employees of the respective institution, who shall serve as a nonvoting, advisory member.

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

(5) For the Board of Governors at West Virginia University, 15 lay members appointed by the Governor, by and with the advice and consent of the Senate, pursuant to this section, and a full-time faculty member representing the extension service at the institution or a full-time faculty member representing the health sciences, selected by the faculty senate, who shall serve as a nonvoting, advisory member.

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

(A) Of the nine members appointed by the Governor, no more than five may be of the same political party. Of the 13 members appointed by the Governor to the governing board of Marshall University, no more than eight may be of the same political party. Of the 15 members appointed by the Governor to the governing board of West Virginia University, no more than nine may be of the same political party.

(B) Of the nine members appointed by the Governor, at least five shall be residents of the state. Of the 13 members appointed by the Governor to the governing board of Marshall University, at least eight shall be residents of the state. Of the 15 members appointed by the Governor to the governing board of West Virginia University, at least eight shall be residents of the state.

(C) Of the 15 members appointed by the Governor to the governing board of West Virginia University, one shall be specifically designated as a representative of agriculture, forestry, or the agricultural or silvicultural sciences and shall have a background in one or more such fields. One shall be a graduate of the West Virginia University Institute of Technology. One shall be a graduate of Potomac State College of West Virginia University.

(D) Of the nine members appointed by the Governor to the governing board of West Virginia State University, one shall be specifically designated as a representative of agriculture,

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forestry, or the agricultural or silvicultural sciences and shall have a background in one or more such fields.

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

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

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

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

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

(E) The needs of the State of West Virginia and its citizens.

(d) Board member terms.

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

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

(3) The member representing classified or non-classified employees serves for a term of two years. Each term begins on July 1. Members representing classified or non-classified employees are eligible to succeed themselves for one additional term, not to exceed a total of four consecutive years.

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

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

(6) The appointed members of the boards of governors serve staggered terms of up to four years except that four of the initial appointments to the governing boards of community and

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technical colleges that became independent July 1, 2008, are for terms of two years and five of the initial appointments are for terms of four years.

(e) Board member eligibility, expenses.

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

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

(B) For a community and technical college, a person is ineligible for appointment who is an officer, employee or member of any other board of governors within this state; a member of a board of visitors of any public institution of higher education; an employee of any institution of higher education within this state; an officer or member of any political party executive committee; the holder of any other public office, other than an elected county office, or public employment, other than employment by the county board of education, under the government of this state or any of its political subdivisions; an employee of any affiliated research corporation created pursuant to §18B-12-1 *et seq*. of this code; an employee of any affiliated foundation organized and operated in support of one or more state institutions of higher education; or a member of the council or commission: *Provided*, That if an appointee is an employee or board member of an out-of-state higher education institution, there is no apparent conflict of interest caused by the individual serving in both capacities. This subsection does not prevent the representative from the faculty, classified or non-classified employees, or students from being members of the governing boards.

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

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

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elective officers by the Governor.

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

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

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