

WEST VIRGINIA CODE: §18b-1D-9

§18B-1D-9. Commission, council, and institutional governing board training and development; training and development requirements, applicability and exceptions.

(a) The Chancellor for higher education and the chancellor for community and technical college education, as those terms are defined in §18B-1-2 of this code, or their designees, shall develop a comprehensive orientation and training program for new members of the commission, the council, and the institutional governing boards and continuing education opportunities for all ongoing members of those bodies, hereinafter referred to as "governing bodies."

(b) Training and development is required as follows:

(1) New Members: The orientation and training offered to new members of the governing bodies shall comprise six hours of instruction time and shall include, but not be limited to:

(A) Information concerning the roles of the governing bodies and their members;

(B) The state goals for higher education set forth in §18B-1-1a of this code;

(C) The higher education accountability system established in §18B-1D-1, *et seq.* of this code;

(D) The fiduciary duties and responsibilities of the governing bodies;

(E) Legal considerations including statutory duties, authorities, and responsibilities of the governing bodies and open records and open meetings requirements;

(F) Ethical considerations arising from membership on a governing body, including the provisions of the West Virginia Governmental Ethics Act set forth in §6B-1-1, *et seq.* of this code;

(G) The removal and replacement provisions of members of governing bodies as established in §6-6-5 and §6-6-6 of this code; and

(H) The circumstances under which the commission or the council, as appropriate, may withdraw specific powers from the institutional governing boards, as set forth in §18B-1B-4 and §18B-2B-6 of this code.

(2) The six hours of orientation and training provided to new members of the governing bodies may be completed in one block or broken up over the member's first year of service: *Provided*, That the new governing body member completes the full six hours of training within twelve months of his or her appointment to the governing body.

(3) Ongoing members - With the exception of the ex officio members of the commission and the council and the student member of a governing board, beginning the second year of the member's service on a governing body, each member shall complete at least four hours of training and development related to his or her duties each full fiscal year following his or her appointment.

(4) Alternate training - The chancellors may grant credit for training, professional development, or continuing education developed or delivered by an institution of higher education or a third-party training provider: *Provided*, That the chancellors or their designees determine that the training meets the requirements for governing body member training established by this section.

(c) Annually, by July 31, the chairs of the commission, the council, and each governing board shall certify to the chancellors the number of hours of training and development that each member of their respective governing body received during the preceding fiscal year.

(d) If the certification indicates that a member of a governing body has not completed the training and development required by this section, the appropriate chancellor shall send a notice to the affected board member and his or her governing body and to the Governor and the Secretary of State, or to the institutional appointing entity, that the member of the governing body is disqualified from continued service notwithstanding the provisions of §6-6-5 and §6-6-6 of this code. The commission or council, as appropriate, shall request the Governor or appointing entity to appoint a replacement for that governing body member.

(e) As used in this section, "member" means all members of the commission, council and the governing boards unless a specific exception is provided in this section.