WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED
Committee Substitute
SENATE BILL NO. 173

(By Mr. , original sponsor)

PASSED
March 13, 1976

In Effect
July 1, 1976

FILED IN THE OFFICE OF THE SECRETARY OF STATE OF WEST VIRGINIA
THIS DATE 3/31/76
AN ACT to amend and reenact sections four, five, six, eight and nine, article twenty-six, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto two new sections, designated sections nine-a and nine-b, all relating to the West Virginia board of regents, its membership, terms, appointment of members, meetings, powers and duties in regard to budget submissions and advisory boards; creating the advisory council of faculty and the advisory council of students and specifying the elections of such councils and the meetings and procedures of such councils.

Be it enacted by the Legislature of West Virginia:

That sections four, five, six, eight and nine, article twenty-six, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto two new sections, designated sections nine-a and nine-b, all to read as follows:

ARTICLE 26. WEST VIRGINIA BOARD OF REGENTS.

§18-26-4. Composition of board; terms of members; qualifications of members.

1 The board shall consist of twelve members, of whom one shall be the state superintendent of schools, ex officio, who shall not be entitled to vote, one shall be the
chairman of the advisory council of students, ex officio, who shall not be entitled to vote, and one shall be the chairman of the advisory council of faculty, ex officio, who shall not be entitled to vote. The other nine members shall be citizens of the state, appointed by the governor, by and with the advice and consent of the Senate, for overlapping terms of six years, except that three of the original appointments shall be for terms of two years, three of the original appointments shall be for terms of four years, and three of the original appointments shall be for terms of six years.

Each of the members appointed to the board by the governor shall be especially qualified in the field of higher education by virtue of his knowledge, learning, experience or interest in the field.

Except for the ex officio members, no person shall be eligible for appointment to membership on the board who is an officer, employee or member of an advisory board of any state college or university, or an officer or member of any political party executive committee, or the holder of any other public office or public employment under the federal government or under the government of this state or any of its political subdivisions, or an appointee or employee of the board. Of the nine members appointed by the governor from the public at large, not more than five thereof shall belong to the same political party and at least one member of the board shall be appointed from each congressional district.

Except as provided in this section, no other person may be appointed to the board.

§18-26-5. Commencement of terms of members; vacancies; eligibility for reappointment; oath of office; removal from office.

The governor shall appoint the nine members of the board to be appointed by him as soon after the effective date of this article as is practicable, and the original terms of the nine members appointed by the governor and of the one member, who is such by virtue of being the state superintendent of schools, shall commence on
July one, one thousand nine hundred sixty-nine. The
chairman of the advisory council of students, ex officio,
and the chairman of the advisory council of faculty, ex
officio, shall serve one-year terms, beginning on the first
day of September, one thousand nine hundred seventy-
six, and annually thereafter; these members shall be
eligible to succeed themselves. All members of the board
of regents serving as of the effective date of this enact-
ment shall continue to serve until the end of their term
as provided for above.

The governor shall appoint a member to fill any va-
cancy among the nine members of the board appointed by
the governor, by and with the advice and consent of the
Senate, which member appointed to fill such vacancy
shall serve for the unexpired term of the vacating mem-
ber.

All members of the board appointed by the governor
shall be eligible for reappointment. A person who has
served as a member during all or any part of the two
consecutive terms shall be ineligible to serve as a member
for a period of three years immediately following the
second of the two consecutive terms.

Before exercising any authority or performing any
duties as a member of the board, each member shall
qualify as such by taking and subscribing to the oath of
office prescribed by section five, article four of the state
constitution, the certificate whereof shall be filed with
the secretary of state.

No member of the board appointed by the governor
may 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 by the governor of state elective
officers.

§18-26-6. Meetings; quorum; per diem and expenses of mem-
bers.

The board shall hold at least six meetings in every
fiscal year commencing July one and ending the following
June thirty, one of which meetings, to be known as the
annual meeting, shall be held in July, or as soon thereafter as practicable, in the year one thousand nine hundred sixty-nine and in June of each subsequent year. Annual meetings, as well as the five additional required meetings in each fiscal year, shall be held on such dates and at such places as the board may prescribe, subject only to the requirement that the annual meeting shall be held in June. In addition to the statutorily required meetings, the board may meet at such other times as may be necessary, such meetings to be held upon its own resolution or at the call of the president of the board.

Of the nine appointed, five members of the board shall constitute a quorum, and a majority vote of the quorum shall be necessary to pass upon matters before the board. The members of the board shall be paid fifty dollars per diem for actual time spent in the performance of duties under this article, and shall be reimbursed for actual and necessary expenses incident to the performance of their duties, upon presentation of an itemized sworn statement thereof. The foregoing per diem and reimbursement for actual and necessary expenses shall be paid from appropriations made by the Legislature to the board.


On and after the effective date of this article, the general determination, control, supervision and management of the financial, business and educational policies and affairs of all state colleges and universities shall be under the control, supervision and management of the board. In addition, the board is fully authorized and empowered to make studies and recommendations relating to all aspects of higher education in the state; it shall, upon reasonable basis, prescribe and allocate among the state colleges and universities specific functions and responsibilities to meet the higher educational needs of the state and avoid unnecessary duplication; and it shall consider, revise, and submit to the appropriate agencies of the executive and legislative branches of state government separate budget requests on behalf of the state colleges and universities or the board may, in its discretion, submit a single budget for the state colleges and universities.
and allocate among them appropriations made for the state colleges and universities, but, if a single budget is submitted, it shall be accompanied by a tentative schedule of proposed allocations of funds to the separate colleges and universities.

The power herein given to the board to prescribe and allocate among the state colleges and universities specific functions and responsibilities to meet the higher educational needs of the state and avoid unnecessary duplication shall not be restricted by any provision of law assigning specified functions and responsibilities to designated state colleges and universities but such power shall supersede any such provision of law: Provided, That the board may delegate, with prescribed standards and limitations, such part of its power and control over the business affairs of a particular university or state college to the president or other administrative head of such university or college in any case where it deems such delegation necessary and prudent in order to enable such institution to function in a proper and expeditious manner. Any such delegation or power and control may be rescinded by the board at any time, in whole or in part.

The board is authorized and empowered, from time to time, to promulgate such rules and regulations as it may deem necessary and convenient to insure the full implementation of its powers and duties.


Each state college and university president or other administrative head shall be authorized to appoint an advisory board, consisting of seven members, to serve as advisors and consultants to him.

The appointments shall be for terms of seven years, except that the original appointments shall be for terms of one, two, three, four, five, six and seven years. Thereafter each member shall be appointed to serve for a term of seven years or until his successor is appointed. An appointment to fill a vacancy shall be for the unexpired term of the vacating member.

Members of advisory boards shall be eligible to succeed themselves. Members of advisory boards shall serve...
without compensation, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of the duties of their office to be paid by the state college or university served.

The advisory boards created pursuant to this section as it existed in chapter one hundred thirty, acts of the Legislature, one thousand nine hundred sixty-nine, are hereby abolished; members of those advisory boards shall be eligible for appointment to the advisory boards created by this section.

§18-26-9a. Advisory council of faculty.

During the month of September, one thousand nine hundred seventy-six, and annually thereafter, each state college, community college, including Potomac State College of West Virginia University, and university president or other administrative head shall convene a meeting of all faculty members at his institution. At these meetings, the faculty members of each such college and university shall elect one faculty member to serve on the advisory council of faculty, which is hereby created, consisting of one faculty member, so elected, from each such college and university. Terms of the members of such council shall be for one year and shall begin on the first day of October of each year.

The advisory council of faculty shall meet at least once each quarter, and shall meet during each month of October, at which meeting, the council shall elect a chairman, who shall be, by virtue of his office, a member of the West Virginia board of regents.

The advisory council of faculty, through its chairman and in any other appropriate manner, shall consult and advise the board of regents in matters of higher education in which the faculty members of this state's colleges and universities may have an interest.

Members of the advisory council shall be eligible to succeed themselves. Members of the advisory council shall serve without compensation, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of the duties of their office to be paid by the state college or university served.
The board of regents shall furnish a secretarial service to the advisory council, and the advisory council shall cause to be prepared minutes of its meetings, which minutes shall be available, upon request, to any faculty member of this state's colleges and universities.

§18-26-9b. Advisory council of students.

The elected head, or president, of the student government organization at each state college, community college, including Potomac State College of West Virginia University, and university shall serve on the advisory council of students which is hereby created, consisting of each student government head, or president, elected from each such college or university. Terms of the members of such council shall be for one year and shall begin on the first day of August of each year.

The advisory council of students shall meet at least once each quarter, and shall meet during each month of October, at which meeting, the council shall elect a chairman, who shall be, by virtue of his office, a member of the West Virginia board of regents.

The advisory council of students, through its chairman and in any other appropriate manner, shall consult and advise the board of regents in matters of higher education in which the students of this state's colleges and universities may have an interest.

Members of the advisory council shall be eligible to succeed themselves. Members of the advisory council shall serve without compensation, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of the duties of their office to be paid by the state college or university served.

The board of regents shall furnish a secretarial service to the advisory council, and the advisory council shall cause to be prepared minutes of its meetings, which minutes shall be available, upon request, to any student in this state's colleges and universities.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1976.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 20th day of June, 1976.

Governor