

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time _____

No: 579

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

—•—

ENROLLED

SENATE BILL NO. 579

(By Mr. Galperin & Mr. Nelson)

—•—

PASSED April 9, 1981

In Effect ninety days from Passage



ENROLLED

Senate Bill No. 579

(By MR. GALPERIN and MR. NELSON)

[Passed April 9, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article twenty-four, 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 a new section, designated section one-a; and to amend and reenact sections six, seven, eight and nine, article twenty-six of said chapter eighteen, all relating to the West Virginia board of regents fixing tuition and other fees at state institutions of higher education and establishing a higher education resource fee to be charged all students enrolled for credit at state institutions of higher education; providing for the disposition of fee collections and institutional reports on the use of portions of said collections; requiring the West Virginia board of regents to hold a certain number of meetings each year and requiring said board to meet with certain persons, organizations and groups; establishing a certain structure and organization for the staff of said board; establishing and defining certain powers and duties of said board regarding planning, budgeting, submission of reports, review and evaluation of institutional programs and presidents and other areas; replacing institutional advisory boards with institutional boards of advisors.

Be it enacted by the Legislature of West Virginia:

That section one, article twenty-four, 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 a new section,

designated section one-a; and that sections six, seven, eight and nine, article twenty-six of said chapter eighteen be amended and reenacted, all to read as follows:

ARTICLE 24. FEES AND OTHER MONEY COLLECTED AT STATE INSTITUTIONS OF HIGHER EDUCATION.

§18-24-1. Enrollment, tuition and other fees at educational institutions; refund of fees.

1 The board of regents shall fix tuition and other fees
2 for each school term for the different classes or categories
3 of students enrolling at each state institution of higher
4 education and may include among such fees any one or
5 more of the following: (1) Health service fees, (2) infir-
6 mary fees; (3) student activities, recreational, athletic
7 and extracurricular fees, which said fees may be used to
8 finance a student's attorney to perform legal services for
9 students in civil matters at the state universities and
10 state colleges: *Provided*, That such legal services shall be
11 limited to only those types of cases, programs or services
12 approved by the administrative head of the state educa-
13 tional institution where such legal services are to be per-
14 formed; and (4) graduate center fees, and branch college
15 fees, or either, if the establishment and operations of
16 graduate centers or branch colleges are otherwise au-
17 thorized by law. All fees collected under (1), (2) and (3)
18 shall be paid into special funds and shall be used only for
19 the purposes for which the fees are collected; and all fees
20 collected at any graduate center or at any branch college
21 shall be paid into special funds and shall be used solely
22 for the maintenance and operation of the graduate center
23 or branch college at which they were collected: *Provided*,
24 That the maximum fees to be collected under this section
25 for resident students shall not exceed five hundred dol-
26 lars per semester; and for nonresident students, one
27 thousand dollars per semester. The schedule of all fees,
28 and any changes therein, shall be entered in the minutes
29 of the meeting of the board, and the board shall file with
30 the legislative auditor a certified copy of such schedule
31 and changes.

32 In addition to the fees mentioned in the preceding
33 paragraph, the board of regents may impose and collect a

34 student union building fee. All such building fees collec-
35 ted at the institution shall be paid into a special student
36 union building fund for such institution, which is hereby
37 created in the state treasury, and shall be used only for
38 the construction, operation and maintenance of a student
39 union building or a combination student union and dining
40 hall building or for the payment of the principal of and
41 interest on any bond issued to finance part or all of the
42 construction of a student union building or a combination
43 student union and dining hall building or the renovation
44 of an existing structure for use as a student union build-
45 ing or a combination student union and dining hall build-
46 ing, all as more fully provided in section six of this
47 article. Any moneys in such funds not immediately
48 needed for such purposes may be invested in any such
49 bonds or other securities as are now or hereafter be
50 authorized as proper investments for state funds.

51 Refund, as an erroneous payment, may be made of any
52 such fees, upon the voluntary or involuntary withdrawal
53 from classes of any student, until eight weeks of the
54 school semester or term have expired, but no refund may
55 be made thereafter.

**§18-24-1a. Higher education resource fee; disposition and use
of funds; reports of board of regents to legislative
auditor.**

1 In addition to the fees specifically provided for in
2 section one of this article, all students enrolled for
3 credit at the state's public colleges and universities shall
4 pay a higher education resource fee. The West Virginia
5 board of regents shall fix the fee rates for the various
6 institutions and classes of students and may from time to
7 time change these rates. The amount of the fee charged
8 at each institution shall be prorated for part-time stu-
9 dents. The fee imposed by this section is in addition to the
10 maximum fees allowed to be collected under the provision
11 of section one of this article and is not limited thereby.
12 Refunds of such fee may be made in the same manner as
13 any other fee collected at state institutions of higher
14 education.

15 Eighty percent of the total fees collected at each in-
16 stitution pursuant to this section shall be deposited in a
17 special fund in the state treasury for the institution at
18 which the fees are collected and may be used by the
19 institution for libraries and library supplies, including
20 books, periodicals, subscriptions and audiovisual materi-
21 als, instructional equipment and materials; and for the
22 improvement in quality and scope of student services. The
23 remaining twenty percent of fee collections shall be
24 deposited in a special fund and expended or allocated by
25 the board of regents to meet general operating expenses
26 of the state system of higher education, excluding per-
27 sonal services: *Provided*, That the board shall, to the
28 maximum extent practicable, offset the impact, if any, on
29 financially needy students of any potential fee increases
30 under this section by allocating an appropriate amount of
31 such fee revenue to the state scholarship program to be
32 expended in accordance with the provisions of article
33 twenty-two-b of this chapter.

34 The board of regents shall, on or before the first day
35 of July of each year, provide the legislative auditor with
36 a report of the projected fee collections for the board and
37 each of its institutions and the expenditures proposed for
38 such fee.

ARTICLE 26. WEST VIRGINIA BOARD OF REGENTS.

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

1 The board shall hold at least ten meetings in every
2 fiscal year commencing July one and ending the following
3 June thirty, one of which meetings, to be known as the
4 annual meeting, shall be held in June. At least four meet-
5 ings shall be held on the campuses of different state
6 colleges and universities each year, at which meetings
7 the board shall set aside time to afford administrators,
8 faculty, students and classified staff an opportunity to
9 discuss issues affecting those groups. At least one meeting
10 each year shall be held with both the advisory council of
11 faculty and the advisory council of students, each of these
12 bodies to be met with separately. Except as otherwise
13 provided in this section, meetings shall be held on such

14 dates and at such places as the board may prescribe. In
15 addition to the statutorily required meetings, the board
16 may meet at such other times as may be necessary, such
17 meetings to be held upon its own resolution or at the
18 request of at least five appointed members of the board.

19 Of the twelve members, six members of the board shall
20 constitute a quorum, and a majority vote of the quorum
21 shall be necessary to pass upon matters before the board.

22 The members of the board shall be paid one hundred
23 dollars per diem for actual time spent in the performance
24 of duties under this article and shall be reimbursed for
25 actual and necessary expenses incident to the perfor-
26 mance of their duties, upon presentation of an itemized
27 sworn statement thereof. The foregoing per diem and
28 reimbursement for actual and necessary expenses shall
29 be paid from appropriations made by the Legislature to
30 the board.

§18-26-7. Organization of board; staff; offices.

1 At its annual meeting in June of each year, the board
2 shall elect a president and such other officers as the board
3 may deem necessary or desirable for a one-year term
4 commencing the first day of July following the annual
5 meeting and ending the thirtieth day of June of the fol-
6 lowing year. The president and such other officers shall
7 be elected from the members of the board appointed by
8 the governor. The president of the board shall be eligible
9 to succeed himself for one term.

10 The board shall employ a chancellor and such other
11 professional, administrative, clerical and other employees
12 as may be necessary to assist the board in the perfor-
13 mance of its duties and responsibilities. The board shall
14 further delineate staff responsibilities as deemed desir-
15 able and appropriate to provide mission and program
16 liaison with (1) the state universities, graduate schools
17 and professional schools, (2) the state colleges, exclusive
18 of the community colleges, and (3) the community col-
19 leges and community college components of four-year
20 institutions, recognizing the inherent differences in the
21 missions and capabilities of these three categories of
22 higher education institutions. The board shall prescribe

23 the duties and fix the compensation and emoluments of
24 all such employees, and they shall serve at the will and
25 pleasure and under the direction and control of the board
26 or its designated representative. The board shall provide
27 suitable offices for the chancellor and his staff in Charles-
28 ton.

§18-26-8. Powers and duties.

1 (a) The board shall have the power and duty to:

2 (1) Determine, control, supervise and manage the
3 financial, business and educational policies and affairs of
4 the state colleges and universities;

5 (2) Prepare a master plan for public higher education
6 in the state, including therein, both statewide and for
7 each state college and university, the goals, missions,
8 resource requirements, physical plant needs, state man-
9 power needs, enrollment levels and other planning de-
10 terminates and projections necessary in such a plan. The
11 plan shall also address the roles and missions of other
12 public and private postsecondary education providers in
13 the state. The board shall involve in the development of
14 the plan all segments of postsecondary education in the
15 state, the executive and legislative branches of govern-
16 ment and the general public. The plan shall be established
17 for periods of not less than five nor more than ten years,
18 and shall be periodically revised as necessary;

19 (3) Prescribe and allocate among the state colleges and
20 universities, in accordance with the master plan, specific
21 functions and responsibilities to meet the higher educa-
22 tion needs of the state and to avoid unnecessary duplica-
23 tion;

24 (4) Consult with the executive branch and the Legis-
25 lature in the establishment of funding parameters, pri-
26 orities and goals;

27 (5) Establish guidelines for and direct the preparation
28 of budget requests for each of the state colleges and
29 universities, such requests to relate directly to missions,
30 goals and projections in the state master plan for higher
31 education;

32 (6) Consider, revise and submit to the appropriate
33 agencies of the executive and legislative branches of state
34 government separate budget requests on behalf of the
35 state colleges and universities; or the board may, in its
36 discretion, submit a single budget for the state colleges
37 and universities, but, if a single budget is submitted, it
38 shall be accompanied by a tentative schedule of proposed
39 allocations of funds to the separate colleges and univer-
40 sities;

41 (7) Prepare and submit to the speaker of the House of
42 Delegates and the president of the Senate, no later than
43 the first day of the regular session of the Legislature, and
44 to any member of the Legislature upon request, an analy-
45 sis of the budget request submitted under subdivision
46 (6) of this subsection. The analysis shall summarize all
47 amounts and sources of funds outside of the general rev-
48 enue fund anticipated to be received by each state college
49 and university and the effect of such funds on the budget
50 request;

51 (8) Prepare and submit to the legislative auditor, no
52 later than the first day of July of each year, the approved
53 operating budgets of each state college and university for
54 the fiscal year beginning on that date and shall also
55 submit, no later than the first day of August, a summary
56 of federal and other external funds received at each in-
57 stitution during the previous fiscal year;

58 (9) Establish a system of information and data manage-
59 ment that can be effectively utilized in the development
60 and management of higher education policy, mission and
61 goals;

62 (10) Review, at least every five years, all academic
63 programs offered at any state college and university. The
64 review shall address the viability, adequacy and necessity
65 of the programs in relation to the master plan;

66 (11) Utilize faculty, students, and classified staff in
67 planning and decision making at the institution level
68 which affects those groups;

69 (12) Administer a uniform system of personnel classi-
70 fication and compensation for all employees other than
71 faculty and policy level administrators;

72 (13) Establish a uniform system for the hearing of
73 employee grievances and appeals therefrom, so that ag-
74 grieved parties may be assured of timely and objective
75 review;

76 (14) Conduct performance evaluations of institution
77 presidents in every fourth year of their employment as
78 president, recognizing unique characteristics of their
79 institutions and utilizing institutional personnel, institu-
80 tional boards of advisors, board staff and persons
81 knowledgeable in higher education matters who are not
82 otherwise employed by the board; and

83 (15) Submit to the joint committee on government and
84 finance, no later than the first day of December of each
85 year, an annual report of the performance of the state
86 system of higher education during the previous fiscal year
87 as compared to stated goals in the master plan and the
88 budget appropriations for that fiscal year.

89 (b) The power herein given to the board to prescribe
90 and allocate among the state colleges and universities
91 specific functions and responsibilities to meet the higher
92 educational needs of the state and avoid unnecessary
93 duplication shall not be restricted by any provision of law
94 assigning specified functions and responsibilities to desig-
95 nated state colleges and universities but such power shall
96 supersede any such provision of law: *Provided*, That the
97 board may delegate, with prescribed standards and limi-
98 tations, such part of its power and control over the
99 business affairs of a particular university or state college
100 to the president or other administrative head of such
101 university or college in any case where it deems such
102 delegation necessary and prudent in order to enable such
103 institution to function in a proper and expeditious man-
104 ner. Any such delegation of power and control may be
105 rescinded by the board at any time, in whole or in part.

106 The board is authorized and empowered, from time to
107 time, to promulgate such rules and regulations as it may
108 deem necessary and convenient to insure the full imple-
109 mentation of its powers and duties.

§18-26-9. Institutional boards of advisors; composition; powers and duties; expenses.

1 (a) After the thirtieth day of June, one thousand nine
2 hundred eighty-one, there shall be established at each
3 state college and university, hereinafter referred to as
4 the "institution," excluding centers and branches thereof,
5 an institutional board of advisors. The board of
6 advisors shall replace any advisory board in ex-
7 istence under the previous provisions of this section,
8 except that any such advisory board may continue un-
9 til the thirtieth day of June, one thousand nine hundred
10 eighty-one. The board of advisors shall consist of
11 eleven members, including an administrative officer of
12 the institution appointed by the president of the institu-
13 tion; a full-time member of the faculty with the rank
14 of instructor or above duly elected by the faculty; a
15 member of the student body in good academic standing,
16 enrolled for college credit work and duly elected by the
17 student body; a member of the institutional classified
18 staff duly elected by the classified staff; and, appointed
19 by the board of regents, seven lay citizens of the state who
20 have demonstrated a sincere interest in and concern for
21 the welfare of the institution and who are representative
22 of its population and occupations, including at least two
23 alumni of the institution. Of the seven lay citizen
24 members, no more than four may be of the same political
25 party. The administrative officer, faculty member, stu-
26 dent member and classified staff member shall serve for
27 a term of one year and the seven lay citizen members
28 shall serve terms of four years each, except that the
29 initial appointments shall be for terms of one, two,
30 three and four years. All members shall be eligible to
31 succeed themselves for no more than one additional
32 term. A vacancy in an unexpired term of a member
33 shall be filled within sixty days of the occurrence thereof
34 in the same manner as the original appointment or
35 election. All initial terms shall begin on the first day
36 of July, one thousand nine hundred eighty-one. Except
37 in the case of a vacancy, all elections shall be held and
38 all appointments shall be made no later than the thirtieth
39 day of April preceding the commencement of the term.

40 (b) The board of advisors shall hold a regular meet-
41 ing at least quarterly, commencing in July of each year.
42 Additional meetings may be held upon the call of the
43 chairman, president of the institution, or upon the re-
44 quest of at least four members. One of the seven lay
45 citizen members shall be elected as chairman by the
46 board of advisors in July of each year: *Provided*, That
47 a lay citizen member may not serve as chairman for
48 more than two consecutive years at a time. A majority
49 of the members shall constitute a quorum for conduct-
50 ing the business of the board of advisors. The presi-
51 dent of the institution shall make available resources
52 of the institution for conducting the business of the
53 board of advisors. The members of the board of ad-
54 visors shall be reimbursed for all reasonable and neces-
55 sary expenses actually incurred in the performance of
56 their duties under this section upon presentation of an
57 itemized sworn statement thereof. All expenses incurred
58 by the board of advisors and the institution under this
59 article shall be paid from funds allocated to the institu-
60 tion for such purpose.

61 (c) The board of advisors shall have the authority
62 and duty to review, prior to their submission by the
63 president to the board of regents, all proposals of the
64 institution in the areas of mission, academic programs,
65 budget, capital facilities and such other matters as re-
66 quested by the president of the institution or the board
67 of regents or otherwise assigned to it by law. The board
68 of advisors shall comment on each such proposal in
69 writing, with such recommendations for concurrence
70 therein or revision or rejection thereof as it deems proper.
71 Such written comments and recommendations shall ac-
72 company the proposal to the board of regents, and the
73 board of regents shall include such comments and recom-
74 mendations in its consideration of and action on the
75 proposal. The board of regents shall promptly acknowl-
76 edge receipt of the comments and recommendations and
77 shall notify the board of advisors in writing of any
78 action taken thereon.

79 (d) The board of advisors shall have the authority
80 and duty to review, prior to their implementation by

81 the president, all proposals regarding institution-wide
82 personnel policies. The board of advisors may com-
83 ment on such proposals in writing.

84 (e) Upon the occurrence of a vacancy in the office
85 of president of the institution, the board of advisors
86 shall serve as a search and screening committee for
87 candidates to fill the vacancy under guidelines estab-
88 lished by the board of regents. When serving as a search
89 and screening committee, the board of advisors and the
90 board of regents are each authorized to appoint up to
91 three additional persons to serve on the committee as
92 long as the search and screening process is in effect. The
93 three additional appointees of the board of advisors shall
94 be faculty members of the institution. Only for the pur-
95 poses of the search and screening process, such addi-
96 tional members shall possess the same powers and rights
97 as the regular members of the board of advisors, includ-
98 ing reimbursement for all reasonable and necessary
99 expenses actually incurred. Following the search and
100 screening process, the committee shall submit the
101 names of at least three candidates to the board of
102 regents for consideration and appointment. If the board of
103 regents rejects all candidates so submitted, the committee
104 shall submit the names of at least three additional candi-
105 dates, and this process shall be repeated until the board of
106 regents appoints one of the candidates so submitted. The
107 board of regents shall provide all necessary staff assist-
108 ance to the board of advisors in its role as a search and
109 screening committee.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R. P. Baylor
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Judd C. Willis
Clerk of the Senate

VA Blankenship
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the 20

day of April, 1981.

[Signature]
Governor

RECEIVED
APR 27 12:00 PM '81
OFFICE OF THE GOVERNOR

RECEIVED
81 APR 29 4:36
OFFICE
SECY. OF STATE