WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED
SENATE BILL NO. 579
(By Mr. Galperin's 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.

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

In addition to the fees mentioned in the preceding
paragraph, the board of regents may impose and collect a
student union building fee. All such building fees collected at the institution shall be paid into a special student union building fund for such institution, which is hereby created in the state treasury, and shall be used only for the construction, operation and maintenance of a student union building or a combination student union and dining hall building or for the payment of the principal of and interest on any bond issued to finance part or all of the construction of a student union building or a combination student union and dining hall building or the renovation of an existing structure for use as a student union building or a combination student union and dining hall building, all as more fully provided in section six of this article. Any moneys in such funds not immediately needed for such purposes may be invested in any such bonds or other securities as are now or hereafter be authorized as proper investments for state funds.

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

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

In addition to the fees specifically provided for in section one of this article, all students enrolled for credit at the state's public colleges and universities shall pay a higher education resource fee. The West Virginia board of regents shall fix the fee rates for the various institutions and classes of students and may from time to time change these rates. The amount of the fee charged at each institution shall be prorated for part-time students. The fee imposed by this section is in addition to the maximum fees allowed to be collected under the provision of section one of this article and is not limited thereby. Refunds of such fee may be made in the same manner as any other fee collected at state institutions of higher education.
Eighty percent of the total fees collected at each institution pursuant to this section shall be deposited in a special fund in the state treasury for the institution at which the fees are collected and may be used by the institution for libraries and library supplies, including books, periodicals, subscriptions and audiovisual materials, instructional equipment and materials; and for the improvement in quality and scope of student services. The remaining twenty percent of fee collections shall be deposited in a special fund and expended or allocated by the board of regents to meet general operating expenses of the state system of higher education, excluding personal services: Provided, That the board shall, to the maximum extent practicable, offset the impact, if any, on financially needy students of any potential fee increases under this section by allocating an appropriate amount of such fee revenue to the state scholarship program to be expended in accordance with the provisions of article twenty-two-b of this chapter.

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

ARTICLE 26. WEST VIRGINIA BOARD OF REGENTS.
§18-26-6. Meetings; quorum; per diem and expenses of members.

The board shall hold at least ten 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 June. At least four meetings shall be held on the campuses of different state colleges and universities each year, at which meetings the board shall set aside time to afford administrators, faculty, students and classified staff an opportunity to discuss issues affecting those groups. At least one meeting each year shall be held with both the advisory council of faculty and the advisory council of students, each of these bodies, to be met with separately. Except as otherwise provided in this section, meetings shall be held on such
dates and at such places as the board may prescribe. 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 request of at least five appointed members of the board.

Of the twelve members, six 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 one hundred 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.

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

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

The board shall employ a chancellor and such other professional, administrative, clerical and other employees as may be necessary to assist the board in the performance of its duties and responsibilities. The board shall further delineate staff responsibilities as deemed desirable and appropriate to provide mission and program liaison with (1) the state universities, graduate schools and professional schools, (2) the state colleges, exclusive of the community colleges, and (3) the community colleges and community college components of four-year institutions, recognizing the inherent differences in the missions and capabilities of these three categories of higher education institutions. The board shall prescribe
the duties and fix the compensation and emoluments of
all such employees, and they shall serve at the will and
pleasure and under the direction and control of the board
or its designated representative. The board shall provide
suitable offices for the chancellor and his staff in Charles-
ton.


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

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

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

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

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

(5) Establish guidelines for and direct the preparation
of budget requests for each of the state colleges and
universities, such requests to relate directly to missions,
goals and projections in the state master plan for higher
education;
(6) 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, 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;

(7) Prepare and submit to the speaker of the House of Delegates and the president of the Senate, no later than the first day of the regular session of the Legislature, and to any member of the Legislature upon request, an analysis of the budget request submitted under subdivision (6) of this subsection. The analysis shall summarize all amounts and sources of funds outside of the general revenue fund anticipated to be received by each state college and university and the effect of such funds on the budget request;

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

(9) Establish a system of information and data management that can be effectively utilized in the development and management of higher education policy, mission and goals;

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

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

(12) Administer a uniform system of personnel classification and compensation for all employees other than faculty and policy level administrators;
(13) Establish a uniform system for the hearing of employee grievances and appeals therefrom, so that aggrieved parties may be assured of timely and objective review;

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

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

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

(a) After the thirtieth day of June, one thousand nine hundred eighty-one, there shall be established at each state college and university, hereinafter referred to as the "institution," excluding centers and branches thereof, an institutional board of advisors. The board of advisors shall replace any advisory board in existence under the previous provisions of this section, except that any such advisory board may continue until the thirtieth day of June, one thousand nine hundred eighty-one. The board of advisors shall consist of eleven members, including an administrative officer of the institution appointed by the president of the institution; a full-time member of the faculty with the rank of instructor or above duly elected by the faculty; a member of the student body in good academic standing, enrolled for college credit work and duly elected by the student body; a member of the institutional classified staff duly elected by the classified staff; and, appointed by the board of regents, seven lay citizens of the state who have demonstrated a sincere interest in and concern for the welfare of the institution and who are representative of its population and occupations, including at least two alumni of the institution. Of the seven lay citizen members, no more than four may be of the same political party. The administrative officer, faculty member, student member and classified staff member shall serve for a term of one year and the seven lay citizen members shall serve terms of four years each, except that the initial appointments shall be for terms of one, two, three and four years. All members shall be eligible to succeed themselves for no more than one additional term. A vacancy in an unexpired term of a member shall be filled within sixty days of the occurrence thereof in the same manner as the original appointment or election. All initial terms shall begin on the first day of July, one thousand nine hundred eighty-one. Except in the case of a vacancy, all elections shall be held and all appointments shall be made no later than the thirtieth day of April preceding the commencement of the term.
(b) The board of advisors shall hold a regular meeting at least quarterly, commencing in July of each year. Additional meetings may be held upon the call of the chairman, president of the institution, or upon the request of at least four members. One of the seven lay citizen members shall be elected as chairman by the board of advisors in July of each year: Provided, That a lay citizen member may not serve as chairman for more than two consecutive years at a time. A majority of the members shall constitute a quorum for conducting the business of the board of advisors. The president of the institution shall make available resources of the institution for conducting the business of the board of advisors. The members of the board of advisors shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties under this section upon presentation of an itemized sworn statement thereof. All expenses incurred by the board of advisors and the institution under this article shall be paid from funds allocated to the institution for such purpose.

(c) The board of advisors shall have the authority and duty to review, prior to their submission by the president to the board of regents, all proposals of the institution in the areas of mission, academic programs, budget, capital facilities and such other matters as requested by the president of the institution or the board of regents or otherwise assigned to it by law. The board of advisors shall comment on each such proposal in writing, with such recommendations for concurrence therein or revision or rejection thereof as it deems proper. Such written comments and recommendations shall accompany the proposal to the board of regents, and the board of regents shall include such comments and recommendations in its consideration of and action on the proposal. The board of regents shall promptly acknowledge receipt of the comments and recommendations and shall notify the board of advisors in writing of any action taken thereon.

(d) The board of advisors shall have the authority and duty to review, prior to their implementation by
the president, all proposals regarding institution-wide personnel policies. The board of advisors may comment on such proposals in writing.

(e) Upon the occurrence of a vacancy in the office of president of the institution, the board of advisors shall serve as a search and screening committee for candidates to fill the vacancy under guidelines established by the board of regents. When serving as a search and screening committee, the board of advisors and the board of regents are each authorized to appoint up to three additional persons to serve on the committee as long as the search and screening process is in effect. The three additional appointees of the board of advisors shall be faculty members of the institution. Only for the purposes of the search and screening process, such additional members shall possess the same powers and rights as the regular members of the board of advisors, including reimbursement for all reasonable and necessary expenses actually incurred. Following the search and screening process, the committee shall submit the names of at least three candidates to the board of regents for consideration and appointment. If the board of regents rejects all candidates so submitted, the committee shall submit the names of at least three additional candidates, and this process shall be repeated until the board of regents appoints one of the candidates so submitted. The board of regents shall provide all necessary staff assistance to the board of advisors in its role as a search and screening committee.
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 ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within _______ approved _______ this the 20

day of _______ 1981.

Governor