

4379-Vet

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 4379

(By  *Delegates Givens and*
Love)

— ● —

Passed March 12, 1988

In Effect From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4379
(By DELEGATES GIVENS and LOVE)

[Passed March 12, 1988; in effect from passage.]

AN ACT to amend and reenact sections one, three and eight, article twenty-six, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to state institutions of higher education and board of regents; providing for legislative intent regarding delegation of responsibilities and equitable allocation of state funds; declaring that higher education have funding priority equal to that of free schools; requiring certain studies and reports; and continuing the board of regents until one thousand nine hundred ninety-two.

Be it enacted by the Legislature of West Virginia:

That sections one, three, and eight, article twenty-six, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 26. WEST VIRGINIA BOARD OF REGENTS.

§18-26-1. Legislative purpose.

- 1 The purpose of the Legislature in the enactment of
- 2 this article is to establish a state agency to be known
- 3 as the West Virginia board of regents which will have

4 the general determination, control, supervision and
5 management of the financial, business, and educational
6 policies and affairs of all state institutions of higher
7 education. Except as otherwise provided by law, the
8 board's responsibilities shall include, but shall not be
9 limited to, the making of studies and recommendations
10 respecting higher education in West Virginia; allocating
11 among the state institutions of higher education specific
12 functions and responsibilities; submitting budget
13 requests for such institutions; and equitably allocating
14 available state appropriated funds among the
15 institutions.

16 It is the intent of the Legislature that the board shall
17 delegate, as far as is lawful, efficient and fiscally
18 responsible and within prescribed standards and
19 limitations, such part of its power and control over
20 financial, educational and administrative affairs to the
21 president or other administrative head of each state
22 institution of higher education. This shall not be
23 interpreted to include the classification of employees,
24 lawful appeals made by students in accordance with
25 board policy, lawful appeals made by faculty or staff,
26 or final review of new or established academic or other
27 programs.

28 The Legislature finds and declares that the state
29 system of higher education is essential to a thorough and
30 efficient education and that the system of higher
31 education shall be given funding priority equal with the
32 priority provided for the free public school system
33 pursuant to article twelve of the state constitution:
34 *Provided*, That nothing herein shall be construed to
35 prohibit the charging of tuition and fees.

36 The Legislature further intends that, in order to
37 allocate funding for higher education in an equitable
38 manner to achieve the goals and objectives of the system
39 as determined by the board of regents and to promote
40 the mission of each state institution of higher education,
41 the board of regents implement a funding formula for
42 the distribution of state funds on and after the first day
43 of July, one thousand nine hundred eighty-eight, and
44 shall annually review and revise such formula

45 thereafter.

46 Except as is otherwise provided by law or rule, the
 47 president or other administrative head of each state
 48 institution of higher education shall exercise all the
 49 duties and powers conferred by law in the government
 50 of the institution under such person's management and
 51 control and, subject to review by the board, shall have
 52 the authority and responsibility for overseeing the
 53 routine matters of the institution, which include but are
 54 not limited to travel approval, sabbaticals, budget
 55 oversight, and special student fees. The president or
 56 other administrative head of each state institution of
 57 higher education shall also be responsible for seeking
 58 community advice on academic or other programs.

§18-26-3. West Virginia board of regents created; general powers; continuation.

1 There is hereby created a state agency to be known
 2 as the West Virginia board of regents, which shall be
 3 a corporation and as such may contract and be con-
 4 tracted with, plead and be impleaded, sue and be sued,
 5 and have and use a common seal.

6 After having conducted a performance audit through
 7 its joint committee on government operations, pursuant
 8 to section nine, article ten, chapter four of this code, the
 9 Legislature hereby finds and declares that the West
 10 Virginia board of regents should be continued and
 11 reestablished. Accordingly, notwithstanding the provi-
 12 sions of section four, article ten, chapter four of this
 13 code, the West Virginia board of regents shall continue
 14 to exist until the first day of July, one thousand nine
 15 hundred ninety-two.

§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
 4 of 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
9 manpower needs, enrollment levels and other planning
10 determinates and projections necessary in such a plan.
11 The plan shall also address the roles and missions of
12 other public and private postsecondary education
13 providers in the state. The board shall involve in the
14 development of the plan all segments of postsecondary
15 education in the state, the executive and legislative
16 branches of government and the general public. The
17 plan shall be established for periods of not less than five
18 nor more than ten years, and shall be periodically
19 revised as necessary;

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

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

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

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

42 (7) Prepare and submit to the speaker of the House
43 of Delegates and the president of the Senate, no later
44 than the first day of the regular session of the Legis-
45 lature, and to any member of the Legislature upon
46 request, an analysis of the budget request submitted

47 under subdivision (6) of this subsection. The analysis
48 shall summarize all amounts and sources of funds
49 outside of the general revenue fund anticipated to be
50 received by each state college and university and the
51 effect of such funds on the budget request;

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

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

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

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

70 (12) Administer a uniform system of personnel
71 classification and compensation for all employees other
72 than faculty and policy level administrators;

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

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

84 (15) Submit to the joint committee on government and

85 finance, no later than the first day of December of each
86 year, an annual report of the performance of the state
87 system of higher education during the previous fiscal
88 year as compared to stated goals in the master plan and
89 the budget appropriations for that fiscal year;

90 (16) Authorize a complete and thorough independent
91 study to be made of the governance structure of higher
92 education in this state, utilizing any available private
93 matching funds to the greatest extent possible and
94 public funds subject to the prior approval of the Joint
95 Committee on Government and Finance, and shall
96 submit a report thereon to the Legislature on the first
97 day of January, one thousand nine hundred ninety;

98 (17) Establish guidelines for and implement a uni-
99 form personnel policy including a review and revision
100 of the grievance procedure and shall report the same to
101 the Legislature no later than the first day of January,
102 one thousand nine hundred eighty-nine; and

103 (18) Study, recommend and report on an adequate
104 structure to effect a statewide university system or other
105 system, and shall submit the same to the Legislature no
106 later than the first day of December, one thousand nine
107 hundred eighty-nine.

108 (b) The power herein given to the board to prescribe
109 and allocate among the state colleges and universities
110 specific functions and responsibilities to meet the higher
111 educational needs of the state and avoid unnecessary
112 duplication shall not be restricted by any provision of
113 law assigning specified functions and responsibilities to
114 designated state colleges and universities but such
115 power shall supersede any such provision of law:
116 *Provided*, That the board may delegate, with prescribed
117 standards and limitations, such part of its power and
118 control over the business affairs of a particular univer-
119 sity or state college to the president or other adminis-
120 trative head of such university or college in any case
121 where it deems such delegation necessary and prudent
122 in order to enable such institution to function in a proper
123 and expeditious manner. Any such delegation of power
124 and control may be rescinded by the board at any time,

125 in whole or in part.

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

*Not necessary
to be included
in the bill*

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

Bruce O. Williams
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect from passage.

Jed C. Wicks
Clerk of the Senate

Donald G. Kopp
Clerk of the House of Delegates

Dan Tonburton
President of the Senate

Robert O. Anderson
Speaker of the House of Delegates

The within *disapproved* this the *30th*
March
day of _____, 1988.

Arch A. Parag
Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/88

Time 3:49 p.m.

RECEIVED

1808 MAR 31

PM 5:15

OFFICE OF ASST. ATTORNEY
GENERAL
STATE OF TEXAS