WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1988

ENROLLED
Com. Sub. for
HOUSE BILL No. H379

(By Delegates Ariens and)

Passed March 12, 1988
In Effect Chron. 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 this article is to establish a state agency to be known as the West Virginia board of regents which will have
the general determination, control, supervision and management of the financial, business, and educational policies and affairs of all state institutions of higher education. Except as otherwise provided by law, the board's responsibilities shall include, but shall not be limited to, the making of studies and recommendations respecting higher education in West Virginia; allocating among the state institutions of higher education specific functions and responsibilities; submitting budget requests for such institutions; and equitably allocating available state appropriated funds among the institutions.

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

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

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

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

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

There is hereby created a state agency to be known as the West Virginia board of regents, which shall be a corporation and as such may contract and be contracted with, plead and be impleaded, sue and be sued, and have and use a common seal.

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


(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 manpower needs, enrollment levels and other planning 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 government 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 education needs of the state and to avoid unnecessary duplication;

(4) Consult with the executive branch and the Legislature in the establishment of funding parameters, priorities 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 institutional 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;

(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;

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

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

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

(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 univer-
sity or state college to the president or other adminis-
trative 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 ensure the full implementation of its powers and duties.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within bill was passed by this the 30th day of March, 1988.

Governor