WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

ENROLLED
Com. Sub. for Com. Sub. for
SENATE BILL NO. 420

(By Senator Tucker, Mr. President, et al)

PASSED April 8, 1989
In Effect July 1, 1989
AN ACT to repeal articles twenty-two, twenty-four, twenty-six, twenty-six-b, twenty-six-c and twenty-six-d, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section ten, article two, chapter two of said code; to amend and reenact section eleven, article one, chapter nine-a of said code; to amend and reenact section two, article five, chapter ten of said code; to amend and reenact sections one, three and ten, article two, chapter eighteen of said code; to amend and reenact sections two, three, four and five, article two-b of said chapter; to further amend said chapter eighteen by adding thereto a new article, designated article ten-h; to amend and reenact sections one, two, three and six, article twenty-six-a of said chapter; to amend and reenact section five, article twenty-nine of said chapter; to amend and reenact section five and thirteen, article thirty of said chapter; to further amend said code by adding thereto two new chapters, designated chapters
eighteen-b and eighteen-c; and to amend and reenact
section four, article three-b, chapter sixty-one of said
code, all relating to the reorganization of higher
education; clarifying the meaning of board of regents in
rules for construction of statutes; changing membership
on the advisory council to the department of veterans'
affairs, the educational broadcasting authority and the
state board of education; authorizing the state board of
education to promulgate rules for granting certificates
and awards with respect to certain vocational-technical-
occupational programs; abolishing the state board of
vocational education effective the first day of July, one
thousand nine hundred ninety; establishing the joint
commission on vocational-technical-occupational educa-
tion effective the first day of July, one thousand nine
hundred eighty-nine; providing that the joint commis-
sion shall be the sole agency for administering
vocational-technical-occupational education; establish-
ing implementation team to review the work of the
joint commission and requiring certain reports; estab-
lishing area vocational education program funds for
secondary vocational education and post-secondary
vocational education; authorizing certain boards to
expend funds; vesting title to property in certain boards
effective the first day of July, one thousand nine
hundred eighty-nine; creating the Albert Yanni pro-
grams of excellence in vocational-technical education;
establishing an academy for talented vocational-
technical education students and administrators; estab-
lishing a scholarship program for secondary vocational-
technical education graduates and educators for enu-
merated purposes; establishing an interdisciplinary
doctoral program for vocational-technical education;
establishing an effective schools program in vocational-
technical education; establishing a unified technology
transfer program; placing state autism training center
under jurisdiction of board of trustees; providing that
same hearing examiner may not hear grievance
brought before education employees grievance board by
former grievant; changing composition and quorum of
board of directors of the West Virginia higher education
tuition trust; changing conditions precedent to adminis-
transmission of trust; creating the University of West Virginia board of trustees and the board of directors of the state college system; providing definitions and assigning the state institutions of higher education to the state university system or the state college system and providing for the governance of each system by separate governing boards; transferring the powers, duties, authorities, orders, resolutions, rules, titles to property, valid agreements and obligations, and statutory powers and duties of the board of regents to the appropriate governing boards and abolishing the board of regents; placing board of trustees and board of directors under the jurisdiction of the department of education and the arts; providing for coordination of policies and purposes of state university system and state college system by secretary of education and the arts; requiring study of certain institutions of higher education for the purpose of determining their role and mission within the reorganized system of higher education; providing for review of rules promulgated by board of trustees and board of directors; transferring supervision of state institutions of higher education from board of regents to appropriate governing board; requiring each governing board to develop a system of comparison information and allocation decisions for implementation; providing powers and duties of governing boards and institutional presidents; establishing a task force on faculty salaries and resource allocation; providing for composition, appointment, terms and qualifications of members of University of West Virginia board of trustees; providing for meetings and compensation; providing additional duties of board of trustees; changing name of college of graduate studies to University of West Virginia college of graduate studies and transferring operation of the institution to the board of trustees; transferring operation of West Virginia school of osteopathic medicine to board of trustees; providing for composition, appointment, terms and qualifications of members of board of directors of the state college system; providing for meetings and compensation; providing additional duties of board of directors; providing for the continuance and establishment of community colleges, technical courses
and job training and establishing eight community college service areas; establishing a separate division of community colleges within the state college system and creating position of vice chancellor for community colleges; moving the authority to adopt rules for accreditation of private proprietary institutions awarding specialized associate degrees from the state board of education to the board of directors of state college system and providing penalties for violations; providing definition for proprietary schools that award specialized associate degrees; providing remedies for students under consumer laws; establishing the West Virginia joint commission for vocational-technical-occupational education subject to the jurisdiction of the department of education and the arts; providing definitions; providing for composition, terms and qualifications of members of joint commission; providing for meetings, compensation and duties and responsibilities of members of the joint commission; providing for general administration of board of trustees and board of directors; providing for employment of chancellors, senior administrator and staff for the boards; appointing director of state department of health as vice chancellor for health affairs and requiring study of role and mission of state medical schools for governor and legislature; enumerating powers and duties of senior administrator; authorizing board of trustees and board of directors to participate in reciprocal regional and interstate higher educational agreements; authorizing board of trustees and board of directors to apply for, accept, administer and expend funds from federal and private grants, appropriations, allocations and programs for higher education and establishing related powers and duties; authorizing board of trustees and board of directors to appoint and compensate security officers; granting powers, authority and responsibilities of law-enforcement officers to security officers and establishing eligibility for law-enforcement training at an approved academy; authorizing the acquisition, operation and regulation of parking areas, roads and facilities at state institutions of higher education and providing civil and criminal penalties for violations; providing for
accreditation of institutions of higher education and standards for degrees; providing three areas for budget appropriations within the system of higher education; providing for allocation and disposition of appropriated funds; authorizing the board of trustees and the board of directors to contract for programs, services and facilities; providing for purchase or acquisition of materials, supplies, equipment and printing through the senior administrator; permitting private institutions of higher education to join as purchasers and to be responsible for payment of purchases; eliminating reference to board of regents in various code provisions and replacing it with reference to governing boards; providing that members of advisory councils of faculty may be elected by ballot process; providing for proportional representation on advisory councils of students; increasing membership on advisory councils of classified employees; increasing membership on advisory council on federal resources and increasing mileage allowance; eliminating reference to West Virginia Anatomical Board and replacing it with reference to the University of West Virginia Anatomical Board; seniority for full-time classified personnel; seniority to be observed in reducing work force; preferred recall list; renewal of listing; notice of vacancies; eliminating reference to board of regents and replacing it with reference to governing boards in code provisions relating to granting sabbatical leaves, effect of leave of absence on academic tenure and rank, notice to probationary faculty members of retention or nonretention and hearing procedures, and faculty and classified employee continuing education and development program; defining Marshall University as a doctoral institution and placing it on the minimum salary schedule for full-time faculty at doctoral institutions; providing a five percent salary increase for faculty beginning the first day of January, one thousand nine hundred ninety and providing for the distribution of such salary increase; providing for the employment of faculty after the first day of July, one thousand nine hundred eighty-nine and assigning them to the appropriate salary schedule; eliminating reference to board of
regents and replacing it with reference to appropriate governing board in code provisions relating to merit increases and salary adjustment, additional employment by mutual agreement and classified employee salary schedule and classification system; changing definition of classified employee and adding new definition for job and grade classification; redesignating chapter number for higher education classified employee monthly salary schedule; eliminating reference to board of regents and replacing it with reference to governing boards in code provisions relating to establishment of personnel classification system, assignment to classification and to salary schedule and classified employee salary; requiring governing boards to establish by rule an equitable system of job classifications for review by secretary of education and the arts and for implementation by the first day of July, one thousand nine hundred ninety; requiring governing boards to notify employees of assignment to classification, job title, pay grade and providing for appeal procedures; eliminating reference to board of regents and replacing it with reference to governing boards in code provisions relating to classified employees salary, annual review of classifications and classification system, conferences regarding personnel classification,hirings after effective date and additional employment by mutual agreement; establishing effective date of the first day of July, one thousand nine hundred eighty-nine for classified employee salary and experience increment; providing five percent salary increase and method of distributing such increase for classified staff beginning on the first day of January, one thousand nine hundred ninety; eliminating reference to board of regents and replacing it with reference to governing boards in code provisions relating to fees and other money collected at state institutions of higher education, enrollment, tuition and other fees at educational institutions, refund of fees, higher education resource fee, faculty improvement fee and medical education fee; establishing a health professions education fee; eliminating reference to board of regents and replacing it with reference to governing boards in code provisions
relating to fee waivers—undergraduate schools, fee waivers—professional and graduate schools and tuition and fee waivers for children and spouses of officers and firefighters killed in the line of duty; providing that additional registration fees collected from students shall be paid into special capital improvements fund which shall be expended jointly by the governing boards; redesignating chapter reference in code provision relating to authority to excuse students in certain educational programs from payment of enrollment fees; eliminating reference to board of regents and replacing it with reference to governing boards in code provisions relating to disposition and use of student union fees, issuance of revenue bonds, fees and money derived from athletic contests, fees from operation of dormitories, faculty homes, dining halls, and cafeterias, book stores, changing disposition of end of year bookstore moneys, authority of educational institutions to provide special services and programs, collection and disposition of fees; providing that funds collected from certain sources and interest revenue generated by special student fee account shall be expended only at or for the institution where such funds or fee was collected; creating a center for regional progress and providing for a director, powers and mission and purpose; redesignating chapter reference for code provisions relating to institute for public affairs and institute for international trade development; providing for private non-profit research and development corporations under agreements with state institutions of higher education; research and development agreements for state institutions of higher education; creating a “High-Tech 2000” program and foundation for science and technology to assist business and industry in adopting new technology; redesignating chapter reference in code provisions relating to authorization to sell West Virginia University poultry farm properties located in Morgantown and authorization to sell West Virginia University vacant lot located in Morgantown and biological research station located in Terra Alta; providing that senior administrator shall administer programs for student financial assistance, guaranteed student loans and medical stu-
dent loans; authorizing board of trustees to contract for
training of students in optometry; eliminating reference
to board of regents and replacing it with reference to
governing boards in code provisions relating to trespass
on student residence premises or student facility
premises of an institution of higher education.

Be it enacted by the Legislature of West Virginia:

That articles twenty-two, twenty-four, twenty-six,
twenty-six-b, twenty-six-c and twenty-six-d, chapter eight­
een of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, be repealed; that section
ten, article two, chapter two of said code be amended and
reenacted; that section eleven, article one, chapter nine-a of
said code be amended and reenacted; that section two,
article five, chapter ten of said code be amended and
reenacted; that sections one, three and ten, article two,
chapter eighteen of said code be amended and reenacted;
that sections two, three, four and five, article two-b of said
chapter be amended and reenacted; that said chapter
eighteen be further amended by adding thereto a new
article, designated article ten-h; that sections one, two,
three and six, article twenty-six-a of said chapter be
amended and reenacted; that sections five and thirteen,
article twenty-nine of said chapter be amended and
reenacted; that section five, article thirty of said chapter be
amended and reenacted; that said code be further amended
by adding thereto two new chapters, designated chapters
eighteen-b and eighteen-c; and that section four, article
three-b, chapter sixty-one of said code be amended and
reenacted, all to read as follows:

CHAPTER 2. COMMON LAW, STATUTES, LEGAL
HOLIDAYS, DEFINITIONS AND LEGAL CAPACITY.

ARTICLE 2. LEGAL HOLIDAYS; SPECIAL MEMORIAL DAYS; CON­
STRUCTION OF STATUTES; DEFINITIONS.

§2-2-10. Rules for construction of statutes.

1 The following rules shall be observed in the con­
2 struction of statutes, unless a different intent on the
3 part of the Legislature be apparent from the context:

4 (a) A word importing the singular number only may
be applied to several persons or things, as well as to one person or thing; a word importing the plural number only may be applied to one person or thing as well as to several; and a word importing the masculine gender only may be applied to females as well as males;

(b) Words purporting to give a joint authority to three or more persons confer such authority upon a majority of them, and not upon any less number;

(c) The words "written" or "in writing" include any representation of words, letters or figures, whether by printing, engraving, writing or otherwise. But when the signature of any person is required, it must be in his or her own proper handwriting, or his or her mark, attested, proved or acknowledged;

(d) The words "preceding," "succeeding" or "following" used in reference to any section or sections of a chapter or statute, mean next preceding, next succeeding or next following that in which such reference is made, unless a different interpretation be required by the context;

(e) An officer shall be deemed to have qualified when he or she has done all that is required by law to be done before proceeding to exercise the authority and discharge the duties of his or her office;

(f) The words "the governor" are equivalent to "the executive of the state" or "the person having the executive power";

(g) "Justice" or "justices" as used in article one, chapter fifty-one of this code and in other references to a member or members of the supreme court of appeals shall mean and apply to a judge or the judges of said court as provided for in the constitution of the state. The word "justice" in any other context is equivalent to the words "justice of the peace," and the word "notary" is equivalent to "notary public";

(h) The word "state," when applied to a part of the United States and not restricted by the context, includes the District of Columbia and the several
territories, and the words "United States" also include the said district and territories;

(i) The word "person" or "whoever" shall include corporations, societies, associations and partnerships, if not restricted by the context;

(j) The words "personal representative" include the executor of a will, the administrator of the estate of a deceased person, the administrator of such estate with the will annexed, the administrator de bonis non of such estate, whether there be a will or not, the sheriff or other officer lawfully charged with the administration of the estate of a deceased person, and every other curator or committee of a decedent's estate for or against whom suits may be brought for causes of action which accrued to or against such decedent;

(k) The word "will" embraces a testament, a codicil, an appointment by will or writing in the nature of a will in exercise of a power, also any other testamentary disposition;

(l) The word "judgment" includes decrees and orders for the payment of money or the conveyance or delivery of land or personal property, or some interest therein, or any undertaking, bond or recognizance which has the legal effect of a judgment;

(m) The words "under disability" include persons under the age of eighteen years, insane persons, and convicts while confined in the penitentiary;

(n) The words "insane person" include everyone who has mental illness as defined in section two, article one, chapter twenty-seven of this code;

(o) The word "convict" means a person confined in the penitentiary of this or any other state, or of the United States;

(p) The word "land" or "lands" and the words "real estate" or "real property" include lands, tenements and hereditaments, all rights thereto and interests therein except chattel interests;

(q) The words "personal estate" or "personal prop-
The word "property" or "estate" embraces both real and personal estate;

The word "offense" includes every act or omission for which a fine, forfeiture or punishment is imposed by law;

The expression "laws of the state" includes the constitution of the state and the constitution of the United States, and treaties and laws made in pursuance thereof;

The word "town" includes a city, village or town, and the word "council," any body or board, whether composed of one or more branches, who are authorized to make ordinances for the government of a city, town or village;

When a council of a town, city or village, or any board, number of persons or corporations, are authorized to make ordinances, bylaws, rules, regulations or orders, it shall be understood that the same must be consistent with the laws of this state;

The words "county court" include any existing tribunal created in lieu of a county court; the words "commissioner of the county court" and "county commissioner" mean, and have reference to, the commissioners, or one of them, composing the county court, in pursuance of section twenty-two, article eight of the constitution, as amended, or any existing tribunal created in lieu of a county court;

The word "horse" embraces a stallion, a mare and a gelding;

The words "railroad" and "railway" shall be construed by the courts of this state to mean the same thing in law; and, in any proceeding wherein a railroad company or a railway company is a party, it shall not be deemed error to call a railroad company a railway company or vice versa; nor shall any demurrer, plea or any other defense be set up to a
motion, pleading or indictment in consequence of such
misdescription;

(z) The sectional headings or headlines of the several
sections of this code printed in black-faced type are
intended as mere catchwords to indicate the contents
of the section and shall not be deemed or taken to be
titles of such sections, or as any part of the statute,
and, unless expressly so provided, they shall not be so
ded when any of such sections, including the
headlines, are amended or reenacted;

(aa) The words "infant" and "minor" mean persons
under the age of eighteen years as such words are
used in this code or in rules and regulations promul-
gated by the supreme court of appeals;

(bb) A statute is presumed to be prospective in its
operation unless expressly made retrospective;

(cc) Unless there is a provision in a section, article
or chapter of this code specifying that the provisions
thereof shall not be severable, the provisions of every
section, article or chapter of this code, whether
enacted before or subsequent to the effective date of
this subdivision, shall be severable so that if any
provision of any such section, article or chapter is held
to be unconstitutional or void, the remaining provi-
sions of such section, article or chapter shall remain
valid, unless the court finds the valid provisions are so
essentially and inseparably connected with, and so
dependent upon, the unconstitutional or void provision
that the court cannot presume the Legislature would
have enacted the remaining valid provisions without
the unconstitutional or void one, or unless the court
finds the remaining valid provisions, standing alone,
are incomplete and are incapable of being executed in
accordance with the legislative intent: Provided, That
if any such section, article or chapter of this code has
its own severability clause, then such severability
clause shall govern and control with respect to such
section, article or chapter in lieu of the provisions of
this subdivision. The provisions of this subdivision
shall be fully applicable to all future amendments or
additions to this code, with like effect as if the provisions of this subdivision were set forth in extenso in every such amendment or addition and were reenacted as a part thereof, unless such amendment or addition contains its own severability clause;

(dd) A reference to any section, article or chapter of this code applies to all reenactments, revisions or amendments thereof;

(ee) If a statute refers to a series of numbers or letters, the first and the last numbers or letters in the series are deemed to be included;

(ff) The words “board of regents,” wherever they appear in the code, means the board of trustees created by section one, article one, chapter eighteen-b of this code and the board of directors created by section one, article one, chapter eighteen-b of this code unless the term is used in relation to activities conducted solely by an institution or institutions governed by article two, chapter eighteen-b of this code in which case it only means the board of trustees, or where the term is used in relation to activities conducted solely by an institution or institutions governed by article three, chapter eighteen-b of the code in which case it only means the board of directors.

CHAPTER 9A. VETERANS’ AFFAIRS.

ARTICLE 1. DEPARTMENT OF VETERANS’ AFFAIRS.


There is hereby established an advisory council to the West Virginia department of veterans’ affairs, which shall meet on the call of the chairman of the veterans’ council with the veterans’ council at any of its regular or special meetings, in connection with the establishment of rules of the department to effectuate the purposes of this article and promote the efficient operation of the department, but the advisory council shall have no vote. The director, in carrying out his powers and duties, shall have the right to call on the individual members of the advisory council, and through them or their department, agency or organi-
organization, and also to call on such other departments or
agencies of the state, as may be necessary, for advice,
aid and assistance. The members of the advisory
council shall be the state superintendent of free
schools, commissioner of agriculture, adjutant general,
state banking commissioner, state director of health,
secretary of education and the arts, commissioner of
corrections, commissioner of the department of high-
ways and the commissioner of the department of
human services, or their duly authorized and accre-
dited representatives.

CHAPTER 10. PUBLIC LIBRARIES; PUBLIC RECRE-
ATION; ATHLETIC ESTABLISHMENTS; MONUMENTS
AND MEMORIALS; ROSTER OF SERVICEMEN; EDUCA-
TIONAL BROADCASTING AUTHORITY.

ARTICLE 5. EDUCATIONAL BROADCASTING AUTHORITY.

§10-5-2. West Virginia educational broadcasting authority;
members; organization; officers; employees;
meetings; expenses.

The West Virginia educational broadcasting author-
ity, heretofore created, is hereby continued as a public
benefit corporation. It shall consist of eleven voting
members, who shall be residents of the state, of whom
one shall be the state superintendent of schools, one
shall be a member of the West Virginia board of
education to be selected by it annually, one shall be a
member of the university of West Virginia board of
trustees to be selected by it annually, and one shall be
a member of the board of directors of the state college
system to be selected by it annually. The other seven
members shall be appointed by the governor by and
with the advice and consent of the Senate for overlap-
ing terms of seven years, one term expiring each
year, except that the appointment to fill the member-
ship position for the term expiring in the year one
thousand nine hundred eighty-three, shall be for a
term of six years. Not less than one appointive mem-
ber shall come from each congressional district.
Employees of noncommercial broadcasting stations in
West Virginia are not eligible for appointment to the
22 authority. The present members of the authority shall
23 continue to serve out the terms to which they were
24 appointed. Any vacancy among the appointive
25 members shall be filled by the governor by appoint-
26 ment for the unexpired term.
27 The chairperson and vice chairperson of the author-
28 ity as of the effective date of this section shall continue
29 in their respective offices until their successors are
30 elected. Thereafter, at its annual meeting in each year
31 the authority shall elect one of its members as chair-
32 person and one as vice chairperson. The authority is
33 authorized to select an executive director and such
34 other personnel as may be necessary to perform its
35 duties and to fix the compensation of such personnel
36 to be paid out of moneys appropriated for this purpose.
37 The executive director shall keep a record of the
38 proceedings of the authority and shall perform such
39 other duties as it may prescribe. The authority is
40 authorized to establish such office or offices as may be
41 necessary for the proper performance of its duties.
42 The authority shall hold an annual meeting and may
43 meet at such other times and places as may be
44 necessary, such meetings to be held upon its own
45 resolution or at the call of the chairperson of the
46 authority. The members shall serve without compen-
47 sation but may be reimbursed for actual expenses
48 incident to the performance of their duties upon
49 presentation to the chairperson of an itemized sworn
50 statement thereof.

CHAPTER 18. EDUCATION.
ARTICLE 2. STATE BOARD OF EDUCATION.
§18-2-1. Creation; composition; appointment, qualifications,
terms and removal of members; offices.
1 There shall be a state board of education, to be
2 known as the West Virginia board of education, which
3 shall be a corporation and as such may contract and be
4 contracted with, plead and be impleaded, sue and be
5 sued, and have and use a common seal. The state
6 board shall consist of twelve members, of whom one
shall be the state superintendent of schools, ex officio; one of whom shall be the chancellor of the board of trustees, ex officio; and one of whom shall be the chancellor of the board of directors, ex officio, none of whom shall 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 nine years, except that the original appointments shall be for terms of one, two, three, four, five, six, seven, eight and nine years, respectively. Terms of office shall begin on the fifth day of November of the appropriate year and end on the fourth day of November of the appropriate year. At least two but not more than three members shall be appointed from each congressional district.

No more than five of the appointive members shall belong to the same political party, and no person shall be eligible for appointment to membership on the state board who is a member of any political party executive committee or holds 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 who is an appointee or employee of the board. Members shall be eligible for reappointment. Any vacancy on the board shall be filled by the governor by appointment for the unexpired term.

Notwithstanding the provisions of section four, article six, chapter six of this code, no member of the state board 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.

Before exercising any authority or performing any duties as a member of the state board, each member shall qualify as such by taking and subscribing to the oath of office prescribed by section five, article four of the constitution of West Virginia, the certificate whereof shall be filed with the secretary of state. A suitable office in the state department of education at
§18-2-3. Meetings; compensation and expenses of members.

1. The state board shall hold at least six meetings in every year at such times and places as it may prescribe. It 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 state board. The members of the state board, other than the ex officio members of the board, shall be paid one hundred dollars per diem each day or any part thereof spent in the performance of their duties under this article, and shall be reimbursed for all reasonable and necessary expenses actually incurred incident to the performance of their duties. The state superintendent of schools, the chancellor of the board of trustees and the chancellor of the board of directors shall be reimbursed for such expenses, but shall not receive a per diem allowance. Upon presentation of itemized sworn statements, the per diem and reimbursement payments shall be made from appropriations made by the Legislature to the state board.

§18-2-10. Certificates and awards.

1. The state board of education shall make rules and regulations and shall determine the minimum standards for the granting of certificates and awards for secondary vocational education, adult basic education, adult occupational education and adult technical preparatory education, subject to the provisions of section two, article two-b of this chapter and article three-a of chapter eighteen-b of this code.

ARTICLE 2B. AREA VOCATIONAL PROGRAM.

§18-2B-2. State board of vocational education; authority to establish programs, etc. until July 1, 1990; Joint Commission for Vocational-Technical-Occupational Education; state board of education and board of directors; authority to establish programs, etc.; division of vocational education established; rules and regulations; director.
(a) For the purpose of this article, the state board of education is designated as the state board of vocational education serving and meeting as the sole agency responsible for the administration of vocational education and for supervision of the administration thereof by local educational agencies and is hereby authorized and empowered to establish, operate and maintain area vocational educational programs including the acquisition by purchase, lease, gift or otherwise of necessary lands and the construction, expansion, remodeling, alteration and equipping of necessary buildings for the purpose of operating and conducting educational training centers. The state board of vocational education may delegate for such period of time as it may determine its operational authority for multi-county vocational centers to an administrative council composed of equal representation from each of the participating county boards of education, the superintendent of schools from each participating county, and the state director of vocational education or his representative. To this end, there is hereby expressly established in the state board of education a division of vocational education which shall establish the area or areas in which the programs are to be conducted and shall have authority to promulgate, pursuant to the provisions of chapter twenty-nine-a of this code, rules and regulations necessary to carry out the provisions of this article. The administration and supervision of the area vocational educational programs shall be administered by the director of the division of vocational education.

(b) Effective the first day of July, one thousand nine hundred ninety, the West Virginia Joint Commission for Vocational-Technical-Occupational Education, hereinafter referred to as "Joint Commission," established pursuant to the provisions of article three-a, chapter eighteen-b of this code, is designated as the sole agency responsible for the administration of vocational-technical-occupational education in the state. The joint commission is designated thereafter to receive federal money for vocational-technical-occupational education in the state as of the first day.
of July, one thousand nine hundred ninety. Effective
the first day of July, one thousand nine hundred
eighty-nine the joint commission shall determine
which adult occupational education programs and
which adult technical preparatory educational pro-
grams as defined in section one-b, article three-a,
chapter eighteen-b of this code, shall be under the
jurisdiction of the state board of education and which
said programs shall be under the jurisdiction of the
board of directors. Effective the first day of July, one
thousand nine hundred eighty-nine any proposed new
program by the state board of education or the board
of directors in the areas of adult occupational educa-
tion or adult technical preparatory education as
defined in section one-b, article three-a, chapter
eighteen-b of this code shall be filed with the joint
commission with notice of intent to plan, which such
new program shall require approval by the joint
commission prior to institution of such new program.
The secondary and post-secondary vocational educa-
tion programs of the state existing as of the effective
date of this article shall remain in place until the first
day of July, one thousand nine hundred ninety during
which time the joint commission shall conduct a study
of secondary and post-secondary vocational education
in the state including definitions of same, and shall
make recommendations to the Legislature respecting
secondary and post-secondary vocational education in
the state, including recommendations as to the defini-
tions of same, on or before the first day of December,
one thousand nine hundred ninety. As of the first day
of July, one thousand nine hundred ninety the joint
commission is authorized to implement policies to
supervise and coordinate the secondary and post-
secondary vocational education programs in the state.
The joint commission is hereby empowered as of the
first day of July, one thousand nine hundred ninety to
determine the standards for the certification and
awards of vocational programs in the state or to
delegate said authority, based on the joint commis-
sion’s aforesaid study of the secondary and post-
secondary vocational education in the state. The state
board of education shall be responsible for the administration of secondary vocational education programs, as determined by the joint commission, and for supervision of the administration thereof by local educational agencies and is hereby authorized and empowered to establish, operate and maintain area vocational educational programs including the acquisition by purchase, lease, gift or otherwise of necessary lands and the construction, expansion, remodeling, alteration and equipping of necessary buildings for the purpose of operating and conducting secondary educational training centers. The state board of education may delegate for such period of time as it may determine its operational authority for multi-county vocational centers to an administrative council composed of equal representation from each of the participating county boards of education, the superintendent of schools from each participating county, and the state director of vocational education or his representative. To this end, there is hereby expressly established in the state board of education a division of secondary vocational education which shall establish the area or areas in which the programs are to be conducted and shall have authority to promulgate, pursuant to the provisions of chapter twenty-nine-a of this code, rules and regulations necessary to carry out the provisions of this article. The administration and supervision of the area vocational educational programs shall be administered by the director of the division of vocational education. The state board of vocational education, previously established under this article, is abolished effective the first day of July, one thousand nine hundred ninety.

The board of directors shall be responsible for the administration of all post-secondary vocational education in the state, as determined by the joint commission, which shall be administered as a part of the state college system as defined in section two, article one, chapter eighteen-b of this code. In the development of the post-secondary education portion of any and all state plans or amendments thereto as may be required for participation in the Vocational Education Act of
127 1963, as amended, or as may be required for state
128 participation in any federally funded post-secondary
129 vocational-technical or occupational education pro-
130 grams, the board of directors shall solicit recommenda-
131 tions from the state board of education and the
132 director of the division of vocational education for the
133 post-secondary education provisions to be included in
134 all such plans.
135
136 The joint commission shall, in any and all plans
137 submitted for federal vocational education funds in
138 support of vocational-technical or occupational educa-
139 tion, provide that:
139
140 (a) The secondary vocational-technical-occupational
141 education programs administered by the state board of
142 education shall be eligible to receive vocational-
143 technical-occupational education funds in accordance
144 with federal guidelines;
145
146 (b) The comprehensive community college education
147 service regions as established by the board of directors
148 shall be eligible to receive post-secondary vocational-
149 technical-occupational funds in accordance with fed-
150 eral guidelines;
151
152 (c) Services, programs, equipment and facilities may
153 be contracted between comprehensive community
154 colleges, area vocational technical schools and county
155 boards of education as a means of preventing unnec-
156 essary duplication;
157
158 (d) Federal funds provided to the state in support of
159 vocational-technical-occupational education shall be
160 allocated to the state board of education and to the
161 board of directors for use in the state system of
162 comprehensive vocational-technical-occupational edu-
163 cation in an amount in direct proportion as the
164 respective vocational-technical-occupational enrol-
165 lments of each program is to the total vocational-
166 technical-occupational enrollment of the state.
167
168 (e) There shall be established an implementation
169 team to review the work of the joint commission for
169 vocational-technical-occupational education and to file
a report with the governor and the Legislature by the first day of December, one thousand nine hundred ninety and shall also file a report with the legislative oversight commission on education accountability no later than the first day of December, one thousand nine hundred eighty-nine. The implementation team shall be composed of one representative of the state department of education, one representative of the community colleges, three members of the senate education committee and three members of the house education committee all to be appointed by the governor. The secretary of education and the arts shall be responsible for staffing the implementation team utilizing existing personnel, equipment and offices of the board of directors of the state college system and the state board of education.

§18-2B-3. Area vocational education program funds.

There is hereby established a fund to be known as "the area vocational education program fund for secondary education." There is hereby established a separate fund to be known as "the area vocational education program fund for post-secondary vocational education." All moneys appropriated for such purpose by the Legislature as well as any gifts or grants made to the appropriate fund by any governmental subdivision of the state or by the United States government or by any individual, firm or corporation, to carry out the provisions of this article shall be expended by the state board of education or the board of directors, as the case may be.

§18-2B-4. Expenditure of funds.

The state board of education and the board of directors, as the case may be, are authorized and empowered to expend the area vocational education program funds for salaries, teachers' retirement contributions, and necessary travelling expenses of teachers, and other necessary employees, including, but not limited to, vocational guidance counselors, for purchase, rental, maintenance and repair of instructional equipment, buildings and supplies, and for the necessary costs of transportation of certified students.
§18-2B-5. Title to property.

1. Title to any property, equipment, tools, furniture or instructional materials purchased prior to the effective date of this section out of the fund provided for area vocational education program funds previously established and existing immediately prior to the effective date of this article shall be transferred to and vested in the West Virginia board of education. After the effective date of this article, purchases from funds established in section four shall be vested in the state board of education or the board of directors as the case may be.

ARTICLE 10H. ALBERT YANNI PROGRAMS OF EXCELLENCE IN VOCATIONAL-TECHNICAL EDUCATION.

§18-10H-1. Purpose; legislative intent.

1. Rapid technological advances, the advent of a global economy, changing demographics and restructuring of the traditional workplace have dictated changes in educational programs designed to prepare work force entrants and incumbents. More emphasis must be placed on the transfer of technology, via the educational system, to the workplace resulting in an academically and technically literate work force. A structure must be established to provide incentives, high expectations and encouragement for talented vocational-technical students to pursue advanced education and training related to their technical disciplines, as well as provide a mechanism for the technical updating of vocational-technical teachers and administrators, including opportunities for the attainment of advanced degrees.

17. The economic future of the state of West Virginia will be greatly influenced by the ability of the educational system to prepare competent individuals for a highly competitive and technological workplace. Excellence in terms of faculty, programs and educational opportunities for all West Virginians will greatly affect the degree of future economic prosperity within the state. With the enactment of this article, the Legislature intends to address a major void in the current
system of vocational-technical education in West Virginia through the creation of a comprehensive program of educational incentives for talented students, teachers and administrators. The results of the programs and initiatives proposed by this article can have a significant impact toward achieving excellence in vocational-technical education within West Virginia and revitalizing the state's economy.


The West Virginia board of education shall establish by the first day of July, one thousand nine hundred ninety, an annual academy for talented vocational-technical education students, including a foundation for receiving private financial support. The purposes of the academy are to stimulate and reward student commitment to excellence in secondary vocational-technical education; to stimulate growth in the critical and creative thinking abilities of vocational-technical students; to assist exceptionally talented secondary vocational-technical education students to achieve their individual potentials; to bridge the gap between educational practice and the technological workplace; and to provide a medium for interaction between talented vocational-technical students and innovative leaders of business and industry and labor.

The state board of education may establish a coordinating committee to set operating guidelines for the academy and supporting foundation, including, but not limited to, selection of participants, promotion, program development, location, facilities and staffing.

The nonprofit academy foundation shall exist to solicit private funds and resources to enhance the operation of the academy.

§18-10H-3. Scholarship fund for vocational-technical education students and educators.

Beginning with the school year one thousand eighty-nine—ninety, the state board of education shall establish a scholarship program for outstanding secondary
vocational-technical education graduates to pursue additional post-secondary college work in a related career or technical field. The board may award twenty annual scholarships, not to exceed two thousand dollars each, based on criteria to be established by the board. Additionally, the board may award fifteen annual scholarships, not to exceed one thousand dollars each, to outstanding vocational-technical teachers for the purpose of pursuing advanced degrees or technical updating of their professional competencies. The criteria for awarding the educator scholarships shall be promulgated by the board. The foundation provided for in section two of this article shall solicit private sector funds for these scholarships.

§18-10H-4. Interdisciplinary doctoral program in vocational-technical education.

The West Virginia board of regents shall establish by the first day of July, one thousand nine hundred ninety-one, a plan for a coordinate interdisciplinary doctoral program in vo-tech education utilizing existing facilities and personnel of state universities, colleges, the state department of education vocational-technical staff and board of regents members.

§18-10H-5. Vocational-technical education administrator’s academy.

The West Virginia board of education shall maintain and expand an annual vocational-technical education administrator’s academy. The purposes of this academy are to stimulate excellence in vocational-technical education programming statewide through the development of progressive instructional leadership, planning and program development competencies of vocational-technical education administrators.

The board may establish a coordinating committee made up of the department of education staff, local vocational administrators and representatives of the vocational-technical education department at Marshall University to plan and administer this program. The non-profit academy foundation established in section two of this article shall exist to solicit private funds and resources to enhance the operation of the academy.
§18-10H-6. Effective schools program in vocational-technical education.

1 The state board of education shall establish and operate an effective schools program for vocational-technical education. The purpose of the program is to provide vocational-technical education personnel with resources and staff development for school program improvement based on application of the effective schools research, including components such as instructional leadership, school climate, high student expectations, emphasis on academic and occupational achievement, and community and parental involvement. The program shall be coordinated by the bureau of vocational, technical and adult education with the advisement from a committee composed of two vocational administrators, two vocational teachers, one vocational guidance counselor, one educator of vocational teachers, one county school superintendent, one comprehensive high school principal, one academic teacher, two business/industry representatives, one labor representative, and one vocational education program completer.

§18-10H-7. Unified technology transfer program.

1 The state board of education shall establish a unified technology transfer program for vocational-technical educators, beginning the first day of July, one thousand nine hundred ninety. This program shall emphasize initiatives designed to improve the transfer of technology through the vocational-technical education curriculum. Such initiatives must impact on improved staff development, curricula and instructional methods reflecting work applications of the new and emerging technologies. The vocational-technical education system must be a catalyst in bridging the gap between high technology and the workplace. Workers for the twenty-first century must know how to install, operate and maintain high technology equipment, systems and processes.

16 The unified technology transfer program shall provide innovative staff development opportunities through the following initiatives:
(a) A technical update program for vocational-technical education teachers to learn high technology skills needed to teach the operation, maintenance, or repair of high technology equipment, through placement in industry, formal technical coursework, seminars, teleconferences and other staff development functions.

(b) A “Teachers-Teach-Teachers” program to allow the most effective teachers in the state to instruct fellow teachers on how to effectively teach and incorporate high technology skills in the classroom and laboratory.

(c) An “Academy chair” program to allow education or business-industry persons to serve as a resident expert in the transfer of technology, including conducting seminars in educational institutions, teleconferences and in the workplace.

(d) A business and education exchange program to allow vocational-technical education teachers to work in a company or business, while the business person teaches in the vocational-technical education program.

(e) A beginning teacher internship program to allow new vocational-technical teachers to receive guidance from a mentor teacher in teaching high technology skills, including acquisition of such skills; and

(f) A vocational-technical completer capstone experience program that allows talented students an opportunity to learn high technology skills appropriate for their occupational area of study through internship placement in an appropriate business or industry setting.

The state board of education may formulate policies and procedures designed to implement this section.

The foundation provided for in section two of this article shall solicit private sector funds and encourage partnerships to implement this program.
ARTICLE 26A. STATE AUTISM TRAINING CENTER.

§18-26A-1. Purpose.

1 The purpose of the Legislature in the enactment of this article is to establish and develop an autism training center in the state of West Virginia with a highly skilled, interdisciplinary, appropriately experienced staff which will train teachers, parents, guardians and others important to the autistic person's education and training. The center shall be established and operated by the West Virginia board of trustees or its designees.


1 For the purposes of this article:
2 "Board" means the West Virginia board of trustees;
3 "Center" means the autism training center;
4 "Client" means a person with the primary diagnosis of autism or autistic-like behavior; and
5 "Expenses" means those reasonable and customary expenditures related to training and treatment of eligible clients as defined in the rules and regulations promulgated by the center.


1 The board of trustees is authorized to operate a state autism training center, including either the acquisition by purchase, lease, gift or otherwise, of necessary lands, and the construction of necessary buildings; the expansion, remodeling, altering or equipping of necessary buildings; and the making of contracts by the board of trustees with any state, county or municipal agency, or nonprofit institution, providing for the equipment, expenses, compensation of personnel, operation and maintenance of any facility of such agency or institution utilized for the purposes of this article. The board or its designees may make and enter into all contracts and agreements necessary and incidental to the performance of its powers and duties.
under this section, and may cooperate with other agencies of the state, county and federal governments.

§18-26A-6. Advisory board.

1. The board of trustees shall appoint a board of West Virginia citizens to advise the center director on matters of policy. The advisory board shall be composed of fifty percent parents or guardians of clients eligible for the center's program; forty percent persons from professional fields related to autism, such as special education, psychology, hearing and speech, neurology and pediatrics; and ten percent knowledgeable lay citizens such as legislators or other lay community leaders. The director of the center shall be an ex officio nonvoting member of the advisory board.

ARTICLE 29. GRIEVANCE PROCEDURE.

§18-29-5. Education employees grievance board; hearing examiners.

1. (a) There is hereby created and shall be an education employees grievance board which shall consist of three members who shall be citizens of the state appointed by the governor by and with the advice and consent of the Senate for overlapping terms of three years, except that the original appointments shall be for a period of one, two and three years, respectively, commencing on the first day of July, one thousand nine hundred eighty-five. No two members shall be from the same congressional district, and no more than two of the appointed members shall be from the same political party. No person shall be appointed to membership on the board who is a member of any political party executive committee or holds any other public office or public employment under the federal government or under the government of this state. Members shall be eligible for reappointment, and any vacancy on the board shall be filled within thirty days of the vacancy by the governor by appointment for the unexpired term.

A member of the board may not be removed from office except for official misconduct, incompetence,
neglect of duty, gross immorality or malfeasance, and
then only in the manner prescribed in article six,
chapter six of this code for the removal by the
governor of the state elected officers.

The board shall hold at least two meetings yearly at
such times and places as it may prescribe and may
meet at such other times as may be necessary, such
meetings to be agreed to in writing by at least two of
the members. Members of the board shall each be paid
seventy-five dollars for each calendar day devoted to
the work of the board, but not more than seven
hundred and fifty dollars during any one fiscal year.
Each member shall be reimbursed for all reasonable
and necessary expenses actually incurred in the
performance of board duties, but shall submit a
request therefor upon sworn itemized statement.

The board is hereby authorized and required to
administer the grievance procedure at level four as
provided for in section four of this article and shall
employ at least two full-time hearing examiners on an
annual basis and such clerical help as is necessary to
implement the legislative intent expressed in section
one of this article.

The board shall hire hearing examiners who reside
in different regional educational service agency areas
unless and until the number of hearing examiners
exceeds the number of such areas, at which time two
hearing examiners may be from the same such area.
If a grievant previously before a hearing examiner
again brings a grievance, a different hearing examiner
shall be required to hear the grievance upon written
request therefor by any party to the grievance. These
hearing examiners shall serve at the will and pleasure
of the board.

The board shall submit a yearly budget and shall
report annually to the governor and Legislature
regarding receipts and expenditures, number of level
four hearings conducted, synopses of hearing outcomes
and such other information as the board may deem
appropriate. The board shall further evaluate on an
annual basis the level four grievance process and the
performance of all hearing examiners and include
such evaluation in the annual report to the governor
and Legislature. In making such evaluation, the board
shall notify all institutions, employee organizations
and all grievants participating in level four grievances
in the year for which evaluation is being made and
shall provide for the submission of written comment
and/or the hearing of testimony regarding the griev-
ance process. The board shall provide suitable office
space for all hearing examiners in space other than
that utilized by any institution as defined in section
two of this article and shall ensure that reference
materials are generally available.

The board is authorized to promulgate rules and
regulations consistent with the provisions of this
article, such rules and regulations to be adopted in
accordance with chapter twenty-nine-a of this code.

(b) Hearing examiners are hereby authorized and
shall have the power to consolidate grievances, allocate
costs among the parties in accordance with section
eight of this article, subpoena witnesses and docu-
ments in accordance with the provisions of section
one, article five, chapter twenty-nine-a of this code,
provide such relief as is deemed fair and equitable in
accordance with the provisions of this article, and such
other powers as will provide for the effective resolu-
tion of grievances not inconsistent with any rules or
regulations of the board or the provisions of this
article.

ARTICLE 20. WEST VIRGINIA HIGHER EDUCATION TUITION TRUST
ACT.

§18-30-5. Appointment of board of directors; terms; compen-
sation; proceedings generally.

(a) The board of directors shall consist of the
secretary of education and the arts, who shall be the
chairman of the board, the state treasurer, and the
state superintendent of schools, who shall serve as ex
officio voting members of the board, and six other
members with knowledge, skill and experience in an
academic, business or financial field, who shall be residents of the state appointed by the governor, by and with the advice and consent of the Senate. Of the six appointed members, four shall be appointed from nominations as follows: One shall be a private citizen not employed by or an officer of the state or any political subdivision thereof appointed from one or more nominees of the speaker of the House of Delegates; one shall be a private citizen not employed by or an officer of the state or any political subdivision thereof appointed from one or more nominees of the president of the Senate; one shall be a president of a state institution of higher education who shall be appointed from one or more nominees of the council of presidents of state colleges and universities; and one shall represent the interests of private institutions of higher education located in this state who shall be appointed from one or more nominees of the West Virginia association of private colleges. Of these six members first appointed, two shall be appointed for terms that expire on the thirty-first day of December, one thousand nine hundred eighty-nine, two shall be appointed for terms that expire on the thirty-first day of December, one thousand nine hundred ninety, and two shall be appointed for a term that expires on the thirty-first day of December, one thousand nine hundred ninety-one. Following the expiration of these fixed terms, a member shall be appointed for a term of three years. A member shall serve until a successor is appointed, and a vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment. The chancellor, treasurer, state superintendent or president of a state institution of higher education may appoint a designee to serve as a voting member of the board in such person's absence.

(b) Members of the board shall serve without compensation, but shall receive reimbursement for reasonable and necessary expenses actually incurred in the performance of their duties as board members unless such member is otherwise reimbursed as an employee of the state.
(c) A majority of the voting members appointed to
the board shall constitute a quorum for the transaction
of business at a meeting of the board, or the exercise
of a power or function of the trust, notwithstanding
the existence of one or more vacancies. Voting upon
action taken by the board shall be conducted by
majority vote of the members present in person at a
meeting of the board, and, if authorized by the bylaws
of the board and when a quorum is present in person
at the meeting, by use of amplified telephonic equip-
ment. The board shall meet at the call of the chairman
and as may be provided in its bylaws. Meetings of the
board may be held anywhere within the state.

(d) The board is subject to the open governmental
proceedings and freedom of information provisions of
article nine-a, chapter six, and chapter twenty-nine-b,
respectively, of this code.

ARTICLE 30. WEST VIRGINIA HIGHER EDUCATION TUITION TRUST
ACT.

§18-30-13. Conditions precedent to administration of trust;
disclaimer; enforcement.

(a) Before the trust can enter into a tuition prepay-
ment contract or tuition trust account contract with
purchasers, it shall provide the Legislature with a
report outlining any ruling or opinion rendered by the
Internal Revenue Service regarding the federal tax
consequences of any benefits or refunds received from
the trust under the applicable contract. This ruling or
opinion rendered by the Internal Revenue Service
may be a ruling or opinion sought by the trust or a
ruling or opinion that relates to similar contracts in
another state.

(b) Before entering into a tuition prepayment
contract or tuition trust account contract with pur-
chasers, the state shall solicit answers to appropriate
ruling requests from the federal Securities and
Exchange Commission regarding the application of
federal security laws to the trust. No contracts may be
entered without the trust making known to the
Legislature the status of the request.
(c) Nothing in this article or in a contract entered into pursuant to this article may be construed as a promise or guarantee by the trust or the state that a person will be admitted to a particular institution of higher education, will be allowed to continue to attend an institution of higher education after having been admitted or will be graduated from an institution of higher education.

(d) The board, state institutions of higher education, purchasers and qualified beneficiaries may enforce this article and any contract entered into pursuant to this article in the circuit court of Kanawha County.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 1. GOVERNANCE.

§18B-1-1. Legislative purpose; creation of governing boards.

The purpose of the Legislature in the enactment of this article is to establish a governance structure for the state institutions of higher education consisting of a board to govern the University of West Virginia system, designated the "University of West Virginia Board of Trustees," and a board to govern the state college system, designated the "Board of Directors of The State College System."

In furtherance of this purpose, there are hereby created two governing boards to be known as the university of West Virginia board of trustees, and the board of directors of the state college system, which shall be corporations and as such may contract and be contracted with, plead and be impleaded, sue and be sued, and have and use common seals.

§18B-1-2. Definitions.

The following words when used in this chapter and chapter eighteen-c of this code shall have the meaning hereafter ascribed to them unless the context clearly indicates a different meaning:

(a) "Governing board" or "board" means the university of West Virginia board of trustees or the board of directors of the state college system, whichever is
applicable within the context of the institution or institutions referred to in this chapter or in other provisions of law;

(b) "Governing boards" or "boards" means both the board of trustees and the board of directors;

(c) "Community colleges" means Southern West Virginia Community College, West Virginia Northern Community College, and any institution of higher education which has been designated as a community college by the board of directors under the provisions of section four, article three of this chapter;

(d) "Directors" or "board of directors" mean the board of directors of the state college system created pursuant to article three of this chapter or the members thereof;

(e) "Higher educational institution" means any institution as defined by sections 401(f), (g), (h) of the federal higher education facilities act of 1963, as amended;

(f) "Post-secondary vocational education programs" means any college-level course or program beyond the high school level provided through an institution of higher education which results in or may result in the awarding of a two-year associate degree, under the jurisdiction of the board of directors;

(g) "Rule" or "rules" mean a regulation, standard, policy or interpretation of general application and future effect;

(h) "Senior administrator" means the person hired by the governing boards in accordance with section one, article four of this chapter, with such powers and duties as may be provided for in section two of said article four;

(i) "State college" means Bluefield State College, Concord College, Fairmont State College, Glenville State College, Shepherd College, West Liberty State College, West Virginia Institute of Technology, or West Virginia State College;
(j) "State college system" means the state colleges and community colleges, and also shall include post-secondary vocational education programs in the state, as those terms are defined in this section;

(k) "State institution of higher education" means any university, college or community college in the state university system or the state college system as those terms are defined in this section;

(l) "Trustees" and "board of trustees" mean the University of West Virginia board of trustees created pursuant to article two of this chapter or the members thereof;

(m) "University of West Virginia" and "state university system" means the multi-campus, integrated university of the state, consisting of West Virginia University including West Virginia University at Parkersburg, Potomac State College of West Virginia University and the West Virginia University School of Medicine; Marshall University including the Marshall University School of Medicine; the University of West Virginia College of Graduate Studies; and the West Virginia School of Osteopathic Medicine;

(n) "University" means the multi-campus, integrated university of the state, consisting of West Virginia University including West Virginia University at Parkersburg, Potomac State College of West Virginia University and the West Virginia University School of Medicine; Marshall University including the Marshall University School of Medicine; the University of West Virginia College of Graduate Studies; or the West Virginia School of Osteopathic Medicine.

§18B-1-3. Transfer of powers, duties, property, obligations, etc., of prior governing boards to the board of trustees and board of directors.

(a) All powers, duties and authorities transferred to the board of regents pursuant to former provisions of chapter eighteen of this code are hereby transferred to the governing boards created in this chapter and shall be exercised and performed by the governing boards
as such powers, duties and authorities may apply to each governing board and to institutions under its jurisdiction.

(b) Title to all property previously transferred to or vested in the board of regents formerly existing under the provisions of chapter eighteen of this code are hereby transferred to such governing board as those titles may apply to property which is appropriately under the jurisdiction of that governing board. Property transferred to or vested in the board of regents shall include (1) all property vested in the board of governors of West Virginia University and transferred to and vested in the West Virginia board of regents; (2) all property acquired in the name of the state board of control or the West Virginia board of education and used by or for the state colleges and universities and transferred to and vested in the West Virginia board of regents; and (3) all property acquired in the name of the state commission on higher education and transferred to and vested in the West Virginia board of regents.

(c) Each valid agreement and obligation previously transferred to or vested in the board of regents formerly existing under the provisions of chapter eighteen of this code is hereby transferred to the governing boards as those agreements and obligations may apply to each governing board and to institutions under its jurisdiction. Valid agreements and obligations transferred to the board of regents shall include (1) each valid agreement and obligation of the board of governors of West Virginia University transferred to and deemed the agreement and obligation of the West Virginia board of regents; (2) each valid agreement and obligation of the state board of education with respect to the state colleges and universities transferred to and deemed the agreement and obligation of the West Virginia board of regents; and (3) each valid agreement and obligation of the state commission on higher education transferred to and deemed the agreement and obligation of the West Virginia board of regents.
(d) All orders, resolutions and rules adopted or promulgated by the board of regents and in effect immediately prior to the first day of July, one thousand nine hundred eighty-nine, are hereby transferred to the governing boards as those orders, resolutions and rules may apply to each governing board and to institutions under its jurisdiction and shall continue in effect and shall be deemed the orders, resolutions and rules of the respecting governing boards until rescinded, revised, altered or amended by the appropriate governing board in the manner and to the extent authorized and permitted by law. Such orders, resolutions and rules shall include (1) those adopted or promulgated by the board of governors of West Virginia University and in effect immediately prior to the first day of July, one thousand nine hundred sixty-nine, unless and until rescinded, revised, altered or amended by the board of regents in the manner and to the extent authorized and permitted by law; (2) those respecting state colleges and universities adopted or promulgated by the West Virginia board of education and in effect immediately prior to the first day of July, one thousand nine hundred sixty-nine, unless and until rescinded, revised, altered or amended by the board of regents in the manner and to the extent authorized and permitted by law; and (3) those adopted or promulgated by the state commission on higher education and in effect immediately prior to the first day of July, one thousand nine hundred sixty-nine, unless and until rescinded, revised, altered or amended by the board of regents in the manner and to the extent authorized and permitted by law.

(e) As to any title, agreement, obligation, order, resolution, rule or any other matter about which there is some uncertainty, misunderstanding or question regarding the applicability to one or both of the governing boards, the matter shall be summarized in writing and sent to the secretary of education and the arts, who shall make a determination regarding such matter within thirty days of receipt thereof.

(f) Rules or provisions of law which refer to other
provisions of law which were repealed, rendered
inoperative, or superseded by the provisions of this
section shall remain in full force and effect to such
extent as may still be applicable to higher education
and may be so interpreted. Such references include,
but are not limited to, references to sections and prior
enactments of article twenty-six, chapter eighteen of
this code and code provisions relating to retirement,
health insurance, grievance procedures, purchasing,
student loans and savings plans. Any determination
which needs to be made regarding applicability of any
provision of law shall first be made by the secretary of
education and the arts.

§18B-1-4. Prior transfer of powers, etc., to board of regents; 
board of regents abolished.

(a) All the powers, duties and authorities which the
board of governors of West Virginia University,
previously established by article eleven of chapter
eighteen of the code or by any other provisions of law,
may have had immediately prior to the first day of
July, one thousand nine hundred sixty-nine, shall be
the powers, duties and authorities of the West Virginia
board of regents until the first day of July, one
thousand nine hundred eighty-nine. Until such date,
all of the policies and affairs of West Virginia Univer-
sity shall be determined, controlled, supervised and
managed by the West Virginia board of regents, who
shall exercise and perform all such powers, duties and
authorities.

All powers, duties and authorities which the West
Virginia board of education may have had with
respect to state colleges and universities immediately
prior to the first day of July, one thousand nine
hundred sixty-nine, shall be the powers, duties and
authorities of the West Virginia board of regents until
the first day of July, one thousand nine hundred
eighty-nine. Until such date, all of the policies and
affairs of the state colleges and universities shall be
determined, controlled, supervised and managed by
the West Virginia board of regents, who shall exercise
and perform all such powers, duties and authorities:
Provided, That the standards for education of teachers and teacher preparation programs at the state colleges and universities shall continue to be under the general direction and control of the West Virginia board of education, and the West Virginia board of education shall have sole authority to continue, as authorized by section six, article two, chapter eighteen of this code, to enter into agreements with county boards of education for the use of the public schools to give prospective teachers teaching experience.

All powers, duties and authorities vested in the state commission on higher education by previous provisions of chapter eighteen of this code or by any other provisions of law shall be the powers, duties and authorities of the West Virginia board of regents until the first day of July, one thousand nine hundred eighty-nine. Until such date, all of the powers, duties, and authorities of the state commission on higher education shall be exercised and performed by the West Virginia board of regents.

(b) The board of regents shall be abolished on the first day of July, one thousand nine hundred eighty-nine.

§18B-1-5. Board of trustees and board of directors under department of education and the arts.

(a) The university of West Virginia board of trustees and the board of directors of the state college system, created in articles two and three of this chapter, are under the jurisdiction of the department of education and the arts created in article one, chapter five-f of this code, and are subject to the supervision of the secretary of education and the arts. Rules adopted by the governing boards shall be subject to approval by the secretary of education and the arts. The budget submitted by each board pursuant to the provisions of section eight of this article shall be subject to approval of the secretary of the department of education and the arts, all pursuant to the provisions of article two, chapter five-f of this code.

(b) The secretary of education and the arts is
responsible for the coordination of policies and purposes of the state university system and the state college system and shall provide for and facilitate sufficient interaction between the governing boards, and between the governing boards and the state board of education, to assure appropriate mission and program coordination and cooperation among (1) the state university system, (2) the state college system, exclusive of the community colleges, (3) the community colleges and community college components of four-year institutions, if any, and (4) the vocational-technical centers in the state, recognizing the inherent differences in the missions and capabilities of these four categories of institutions.

(c) The secretary of education and the arts shall conduct a special study of the West Virginia University at Parkersburg, Potomac State College of West Virginia University and the University of West Virginia College of Graduate Studies to determine the role and mission of said institutions in the reorganized system of higher education in the state and shall submit a report on the study to the Legislature on or before the first day of January, one thousand nine hundred ninety.

§18B-1-6. Rule-making.

The university of West Virginia board of trustees and the board of directors of the state college system are hereby empowered to promulgate, adopt, amend or repeal rules, subject to the approval of the secretary of education and the arts, in accordance with the provisions of article three-a, chapter twenty-nine-a of this code, as they may deem necessary and convenient to ensure the full implementation of their powers and duties. Each governing board shall file a copy of any rule it proposes to promulgate, adopt, amend or repeal under the authority of this article with the legislative oversight commission on education accountability created in said article three-a, chapter twenty-nine-a of this code.

Nothing in this section shall be construed to apply to
§18B-1-7. Supervision by governing boards; delegation to president.

On and after the first day of July, one thousand nine hundred eighty-nine, the governing boards shall determine, control, supervise and manage all of the policies and affairs of the state institutions of higher education under their jurisdiction and shall exercise and perform all such powers, duties and authorities respecting those institutions as were previously exercised and performed by the West Virginia board of regents.

The governing boards have the general determination, control, supervision and management of the financial, business, and educational policies and affairs of all state institutions of higher education under their jurisdiction. The board of trustees and the board of directors shall seek the approval of the West Virginia Legislature before either governing board takes action that would result in the creation or closing of a state institution of higher education.

Except as otherwise provided by law, each 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 under their jurisdiction specific functions and responsibilities; submitting budget requests for such institutions; and equitably allocating available state appropriated funds among such institutions.

Each 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 of each state institution of higher education to the president or other administrative head of those institutions. 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.

To promote the missions and achieve the goals and
objectives of the institutions and systems under their
jurisdiction and to provide information and guidance
for the allocation of funding among institutions in the
separate systems in an equitable manner in relation to
their missions, goals and objectives, the board of
trustees and the board of directors shall each develop
comparison information including such factors as peer
institution information, enrollment information, data
on institutional program scope and diversity, and
measures of institutional quality and performance, and
shall annually present such information to the secre-
tary of education and the arts and the Legislature
along with the resulting allocation decisions made by
the respective governing boards. This system shall be
implemented by the first day of July, one thousand
nine hundred ninety-one. Until the new system is
implemented, the current resource allocation model,
updated for enrollment and in accordance with other
provisions of this code, shall be in effect.


(a) Each governing board shall separately have the
cpower and duty to:

(1) Determine, control, supervise and manage the
financial, business and educational policies and affairs
of the state institutions of higher education under its
jurisdiction;

(2) Prepare a master plan for the state institutions of
higher education under its jurisdiction, setting forth
the goals, missions, degree offerings, resource require-
ments, physical plant needs, state personnel needs,
enrollment levels and other planning determinates
and projections necessary in such a plan: Provided,
That the master plan for post-secondary vocational
education is subject to approval by the joint commis-
sion for post-secondary occupational education. The
plan shall also address the roles and missions of
private post-secondary education providers in the
Each board shall involve the executive and legislative branches of state government and the general public in the development of all segments of the plan for post-secondary education in the state. The plan shall be established for periods of not less than five nor more than ten years and shall be periodically revised as necessary, including the addition or deletion of degree programs as in the discretion of the boards may be necessary. Whenever a state institution of higher education desires to establish a new degree program, such program proposal shall not be implemented until the same is filed with both governing boards. Upon objection thereto within sixty days by either governing board, such program proposal shall be filed with the secretary of education and the arts, who shall approve or disapprove such proposal within one year of the filing of said program proposal;

3) Prescribe and allocate among the state institutions of higher education under its jurisdiction, in accordance with its 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 institutions of higher education under its jurisdiction, such requests to relate directly to missions, goals and projections in its state master plan;

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 institutions of higher education under its jurisdiction or a single budget for the state institutions of higher education under its jurisdiction: Provided, That when a single budget is submitted, that budget shall be accompanied by a tentative schedule of proposed allocations of funds to the separate state institutions of higher education under its jurisdiction;
(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 each 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 institution of higher education under its jurisdiction 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 institution of higher education under its jurisdiction for the fiscal year beginning on that date and, no later than the first day of August, a summary of federal and other external funds received at each such 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 the state institutions of higher education under its jurisdiction. The review shall address the viability, adequacy and necessity of the programs in relation to its master plan;

(11) Utilize faculty, students, and classified staff in institutional level planning and decision-making when those groups are affected;

(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) Solicit and utilize or expend voluntary support,
including financial contributions and support services, for the state institutions of higher education;

(15) Appoint a president or other administrative head for each institution of higher education from candidates submitted by the search and screening committees of the institutional boards of advisors pursuant to section one, article six of this chapter;

(16) Conduct performance evaluations of each institution's president in every fourth year of employment as president, recognizing unique characteristics of the institution and utilizing institutional personnel, institutional boards of advisors, staff of the appropriate governing board and persons knowledgeable in higher education matters who are not otherwise employed by a governing board;

(17) 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 system of higher education under its jurisdiction during the previous fiscal year as compared to stated goals in its master plan and budget appropriations for that fiscal year.

(b) The power herein given to each governing board to prescribe and allocate among the state institutions of higher education under its jurisdiction 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 institutions of higher education, and such power shall supersede any such provision of law: Provided, That each governing board may delegate, with prescribed standards and limitations, such part of its power and control over the business affairs of a particular state institution of higher education to the president or other administrative head of such state institution of higher education 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: Provided, however, That such

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, subject to review by the appropriate governing 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 shall assist the chancellors in developing or evaluating policy options for the governing boards, but not both developing and evaluating for the same policy, and may propose policy options for consideration by their governing board. 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.

§18B-1-10. Task force on faculty salaries and resource allocation.

Not later than the first day of July, one thousand nine hundred eighty-nine, there shall be established a task force on faculty salaries and resource allocation which shall meet, study and make recommendations as herein provided.

The task force shall be composed of two members of the Senate appointed by the President, two members of the House of Delegates appointed by the Speaker, one member of the faculty advisory council to the board of trustees chosen by said council, one member...
of the faculty advisory council to the board of directors
chosen by said council, one member of the board of
trustees chosen by said board, one member of the
board of directors chosen by said board, one institu-
tional president chosen by the presidents under the
board of trustees, one institutional president chosen by
the presidents under the board of supervisors and
three members appointed by the governor to repre-
sent the public interest.

The task force shall conduct studies on faculty
salaries, faculty salary schedules, faculty compensation
and specifically on resource allocation models. The
task force shall develop a faculty salary program with
the overall goal that compares average faculty salaries
with similar groups of disciplines at comparable peer
institutions. The task force shall make such recom-
mandations as it deems appropriate to address needs
identified in the studies and shall specifically make
recommendations on the resource allocation model
and the faculty salary schedules to the board of
trustees and the board of supervisors.

Additionally, the task force shall file a report with
the Legislature and the governor on or before the first
day of December, one thousand nine hundred and
eighty-nine.

The secretary of the department of education and
the arts shall be responsible for staffing the task force
utilizing existing personnel, equipment and offices of
the board of trustees and the board of directors.

In the case of the board of trustees, the task force
shall recommend, that the board adopt a faculty salary
schedule with an overall goal that compares average
faculty salaries with similar groups of disciplines at
comparable peer institutions (Doctoral I at West
Virginia University; Doctoral III at Marshall Univer-
sity, and appropriate and comparable levels at the
University of West Virginia College of Graduate
Studies, and the West Virginia School of Osteopathic
Medicine, Potomac State College of West Virginia
University and West Virginia University at
Parkersburg.)
The salary program shall incorporate a minimum salary schedule, approved by the Legislature, for West Virginia University, Marshall University, the University of West Virginia College of Graduate Studies and the West Virginia School of Osteopathic Medicine and a minimum salary schedule for Potomac State College of West Virginia University and West Virginia University at Parkersburg. It shall be the goal that these minimum salary schedules shall be fully in effect within three years after the effective implementation of those schedules.

Salary funds shall be distributed to all of the respective institutions based upon legislative intent to achieve basic improvements in compensation for all employees with any additional funds being distributed to the respective institutions based on the proportion needed to move to parity in relation to the overall goal described above. If needed, no less than fifty percent of new salary funds at each institution shall be used to assure that the appropriate minimum schedule is so implemented.

ARTICLE 2. UNIVERSITY OF WEST VIRGINIA BOARD OF TRUSTEES.

§18B-2-1. Composition of board; terms and qualifications of members; vacancies; eligibility for reappointment; oath of office; removal from office.

(a) The board of trustees shall consist of seventeen persons, of whom one shall be the chancellor of the board of directors of the state college system, ex officio, who shall not be entitled to vote; 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 be entitled to vote; one shall be the chairman of the advisory council of faculty, ex officio, who shall be entitled to vote; and one shall be the chairman of the advisory council of classified employees, ex officio, who shall be entitled to vote. The other twelve trustees shall be citizens of the state, appointed by the governor, by and with the advice and consent of the Senate.
Each of the trustees appointed to the board by the governor shall represent the public interest and shall be especially qualified in the field of higher education by virtue of the person's knowledge, learning, experience or interest in the field.

Except for the ex officio trustees, no person shall be eligible for appointment to membership on the board of trustees who is an officer, employee or member of an advisory board of any state college or university, an officer or member of any political party executive committee, 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 trustees or the board of directors. Of the twelve trustees appointed by the governor from the public at large, not more than six thereof shall belong to the same political party and at least two trustees shall be appointed from each congressional district.

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

(b) The governor shall appoint twelve trustees as soon after the first day of July, one thousand eight hundred eighty-nine, as is practicable, and the original terms of all trustees shall commence on that date.

The terms of the trustees appointed by the governor shall be for overlapping terms of six years, except, of the original appointments, four shall be appointed to terms of two years, four shall be appointed to terms of four years, and four shall be appointed to terms of six years. Each subsequent appointment which is not for the purpose of filling a vacancy in an unexpired term shall be for a term of six years.

The governor shall appoint a trustee to fill any vacancy among the twelve trustees appointed by the governor, by and with the advice and consent of the Senate, which trustee appointed to fill such vacancy shall serve for the unexpired term of the vacating trustee. The governor shall fill the vacancy within sixty days of the occurrence of the vacancy.
All trustees appointed by the governor shall be eligible for reappointment: Provided, That a person who has served as a trustee or director during all or any part of two consecutive terms shall be ineligible to serve as a trustee or director for a period of three years immediately following the second of the two consecutive terms.

The chairman of the advisory council of students, ex officio; the chairman of the advisory council of faculty, ex officio; and the chairman of the advisory council of classified employees, ex officio, shall serve the terms for which they were elected by their respective advisory councils. These members shall be eligible to succeed themselves.

(c) Before exercising any authority or performing any duties as a trustee, each trustee shall qualify as such by taking and subscribing to the oath of office prescribed by section five, article four of the constitution of West Virginia, and the certificate thereof shall be filed with the secretary of state.

(d) No trustee appointed by the governor shall 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 of the state elective officers by the governor.


(a) The board of trustees shall hold at least ten meetings in every fiscal year, including an annual meeting each June: Provided, That an annual meeting for the purpose of selecting the first chairman shall be held during July, one thousand nine hundred eighty-nine. Except for the annual meeting, which may be held at a location anywhere in the state, the said meetings shall be held on different campuses of institutions in the university system on a rotating basis or at the central office. The board of trustees may set aside time at the meetings at the campuses to afford administrators, faculty, students and classified staff at the institution an opportunity to discuss issues affect-
ing these groups. The board of trustees shall hold at
least one meeting each year with the advisory council
of faculty, the advisory council of students, and the
advisory council of classified employees, 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 trustees may
prescribe. In addition to the statutorily required
meetings, the trustees may meet at such other times
as may be necessary, such meetings to be held upon its
own resolution or at the written request of at least
three appointed trustees.

Of the fifteen voting members of the board of
trustees, eight shall constitute a quorum, and a
majority vote of the quorum shall be necessary to pass
upon matters before the trustees.

(b) The trustees shall be reimbursed for actual and
necessary expenses incident to the performance of
such duties upon presentation of an itemized sworn
statement thereof. The foregoing reimbursement for
actual and necessary expenses shall be paid from
appropriations made by the Legislature to the trustees.


(a) The trustees shall govern the University of West
Virginia. The trustees shall develop a master educa-
tional plan for the university system in the state,
establish research policies for the several institutions
within the university system and shall oversee gradu-
ate, professional and medical education at the appro-
priate institutions of higher education under their
jurisdiction to the end of avoiding duplication in
advanced study, specialty institutes and research.

(b) The board of trustees shall adopt a faculty salary
program with an overall goal that compares average
faculty salaries with similar groups of disciplines at
comparable peer institutions (Doctoral I at West
Virginia University; Doctoral III at Marshall Univer-
sity; and appropriate levels at the University of West
Virginia College of Graduate Studies, Potomac State
College of West Virginia University, West Virginia
University at Parkersburg and the School of Osteopathic Medicine as determined by the Board of Trustees). Salary funds shall be distributed to the respective institutions based on the proportion needed to move to parity in relation to the overall goal described above. The salary program shall incorporate a minimum salary schedule which shall be fully in effect within three years after the effective date of this section. If needed, up to fifty percent of new salary funds at each institution shall be used to assure that the minimum schedule is so implemented. The existing minimum salary schedule as set forth within the provisions of article eight of this chapter shall remain in effect until the board of trustees adopts the salary program mandated herein and is then repealed.

§18B-2-4. Establishment and operation of graduate college; transfer of programs, etc., of Kanawha Valley Graduate Center of West Virginia University.

The power of the board of regents, effective July one, one thousand nine hundred seventy-two, to establish, name, maintain and operate a graduate college whose major administrative offices are located in Kanawha county shall be transferred to the board of trustees effective July one, one thousand eight-nine, and shall be known as the "University of West Virginia College of Graduate Studies". The board of trustees shall employ a president and such staff and faculty as determined appropriate for the school, appoint an advisory board consistent with section one, article six of this chapter and shall exercise general determination, control, supervision and management of the financial, business and educational policies and affairs of the graduate college. The college shall be authorized to offer, in their entirety or in cooperation with other institutions, such curricula, programs, courses and services and confer such graduate degrees as may be approved by the board of trustees. The trustees shall fix tuition and establish and set other fees to be charged students as it deems appropriate, including the establishment of
special fees for specific purposes. Special fees shall be
paid into special funds and used only for the purposes
for which collected. The board of trustees may allocate
from the appropriations for the state university system
for the operation and capital improvement of the
graduate college.

All programs, activities, operations, accounts, and
resources of the Kanawha Valley Graduate Center of
West Virginia University which were transferred to
the graduate college, and the title to all property of the
Kanawha Valley Graduate Center of West Virginia
University which was transferred to or later vested in
the graduate college, shall be transferred to and
remain vested in the trustees. The trustees are auth-
orized to enter into contracts on behalf of the graduate
college with public and private educational institu-
tions, agencies and boards; with governmental agen-
cies; and with corporations, partnerships and individ-
uals for the use of physical facilities, equipment and
for the performance of instructional or other services.

§18B-2-5. Establishment and operation of a state school of
osteopathic medicine; authority and duty to
purchase property, expend appropriations
and conduct programs of the West Virginia
School of Osteopathic Medicine.

The board of trustees shall operate and maintain the
state school of osteopathy, known as the “West Vir-
ginia School of Osteopathic Medicine” and located in
Lewisburg, Greenbrier County as previously estab-
lished by the board of regents, as a part of the
University of West Virginia as defined in section two,
article one of this chapter. The title to all the real
property and all facilities and equipment of the West
Virginia School of Osteopathic Medicine and the
previously existing Greenbrier College of Osteopathic
Medicine, located at Lewisburg, Greenbrier County,
shall be and remain vested in the board of trustees.
The title to any such property originally acquired by
or vested in the name of the board of regents is hereby
transferred to and shall remain vested in the board of
trustees.
The board of trustees shall employ a president and such staff and faculty as determined appropriate for the school, appoint an advisory board consistent with section one, article six of this chapter and exercise general determination, control, supervision and management of the financial, business and educational policies and affairs of the school of osteopathic medicine.

The school shall be authorized to offer such curricula, programs, courses and services and confer such degrees as may be approved by the board of trustees. The board of trustees shall fix tuition and establish and set other fees to be charged students as it deems appropriate, including the establishment of special fees for specific purposes. Special fees shall be paid into special funds and be used only for the purposes for which said fees were collected.

The board of trustees shall expend from the appropriations allocated for the West Virginia School of Osteopathic Medicine such funds as are necessary for the operation and conduct of programs, the acquisition of clear title to the property of the Greenbrier College of Osteopathic Medicine, and for necessary capital improvements. The title to all property purchased for the use of the West Virginia School of Osteopathic Medicine shall be vested in the board of trustees.

The board of trustees is authorized to enter into contracts on behalf of the West Virginia School of Osteopathic Medicine with public and private educational institutions, agencies and boards, with governmental agencies and with corporations, partnerships, and individuals for the performance of instructional or other services.

The board of trustees is hereby specifically authorized to contract with the West Virginia anatomical board and the West Virginia anatomical board is hereby specifically authorized to contract with the board of trustees on behalf of the West Virginia School of Osteopathic Medicine for the requisition, use, disposition and control of any body as may come under
the authority of the anatomical board: Provided, That
such body be used exclusively for educational purposes
of the West Virginia School of Osteopathic Medicine.

The board of trustees is further authorized to
contract with any other person, corporation or entity
for the purchase of cadavers for educational purposes
at the West Virginia School of Osteopathic Medicine,
notwithstanding any provision of law to the contrary.

ARTICLE 3. BOARD OF DIRECTORS OF THE STATE COLLEGE SYSTEM.

§18B-3-1. Composition of board; terms and qualifications of
members; vacancies; eligibility for reappointment; oath of office; removal from office.

(a) The board of directors of the state college system
shall consist of seventeen persons, of whom one shall
be the chancellor of the university of West Virginia, ex
officio, who shall not be entitled to vote; 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 be entitled to vote; one shall be the chairman of
the advisory council of faculty, ex officio, who shall be
entitled to vote; and one shall be the chairman of the
advisory council of classified employees, ex officio,
who shall be entitled to vote. The other twelve
directors shall be citizens of the state, appointed by the
governor, by and with the advice and consent of the
Senate.

Each of the directors appointed to the board by the
governor shall represent the public interest and shall
be especially qualified in the field of higher education
by virtue of the person’s knowledge, learning, experi-
ence or interest in the field.

Except for the ex officio directors, no person shall be
eligible for appointment to membership on the board
of directors who is an officer, employee or member of
an advisory board of any state college or university, an
officer or member of any political party executive
committee, 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 trustees or board of directors. Of the
twelve directors appointed by the governor from the
public at large, not more than six thereof shall belong
to the same political party and at least two directors 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.

(b) The governor shall appoint twelve directors as
soon after July one, one thousand nine hundred
eighty-nine, as is practicable, and the original terms of
all directors shall commence on that date. The terms
of the directors appointed by the governor shall be for
overlapping terms of six years, except, of the original
appointments, four shall be appointed to terms of two
years, four shall be appointed to terms of four years,
and four shall be appointed to terms of six years. Each
subsequent appointment which is not for the purpose
of filling a vacancy in an unexpired term shall be
appointed to a term of six years.

The governor shall appoint a director to fill any
vacancy among the twelve directors appointed by the
governor, by and with the advice and consent of the
Senate, which director appointed to fill such vacancy
shall serve for the unexpired term of the vacating
director. The governor shall fill the vacancy within
sixty days of the occurrence of the vacancy.

All directors appointed by the governor shall be
eligible for reappointment: Provided, That a person
who has served as a director or trustee during all or
any part of two consecutive terms shall be ineligible to
serve as a director for a period of three years imme-
diately following the second of the two consecutive
terms.

The chairman of the advisory council of students, ex
officio; the chairman of the advisory council of faculty,
ex officio; and the chairman of the advisory council of
67 classified employees, ex officio, shall serve the terms
68 for which they were elected by their respective
69 advisory councils. These members shall be eligible to
70 succeed themselves.
71 (c) Before exercising any authority or performing
72 any duties as a director, each director shall qualify as
73 such by taking and subscribing to the oath of office
74 prescribed by section five, article four of the constitu-
75 tion of West Virginia, and the certificate thereof shall
76 be filed with the secretary of state.
77 (d) No director appointed by the governor shall be
78 removed from office by the governor except for
79 official misconduct, incompetence, neglect of duty or
80 gross immorality, and then only in the manner pres-
81 cribed by law for the removal by the governor of the
82 state elective officers.

§18B-3-2. Meetings and compensation.

1 (a) The board of directors shall hold at least ten
2 meetings in every fiscal year, including an annual
3 meeting each June: Provided, That an annual meeting
4 for the purpose of selecting the first chairman shall be
5 held during July, one thousand nine hundred eighty-
6 nine. Except for the annual meeting, which may be
7 held at a location anywhere in the state, the said
8 meetings shall be held on different campuses of
9 institutions in the state college system on a rotating
10 basis or at the central office. The directors may set
11 aside time at these meetings held at the campuses to
12 afford administrators, faculty, students and classified
13 staff at these institutions an opportunity to discuss
14 issues affecting these groups. The directors shall hold
15 at least one meeting each year with the advisory
16 council of faculty, the advisory council of students and
17 the advisory council of classified employees, each of
18 these bodies to be met with separately. Except as
19 otherwise provided in this section, meetings shall be
20 held on such dates and at such places as the directors
21 may prescribe. In addition to the statutorily required
22 meetings, the directors may meet at such other times
23 as may be necessary, such meetings to be held upon its
own resolution or at the written request of at least five appointed directors.

Of the fifteen voting members of the board of directors, eight shall constitute a quorum, and a majority vote of the quorum shall be necessary to pass upon matters before the directors.

(b) The directors shall be reimbursed for actual and necessary expenses incident to the performance of such duties, upon presentation of an itemized sworn statement thereof. The foregoing reimbursement for actual and necessary expenses shall be paid from appropriations made by the Legislature to the directors.

§18B-3-3. Additional duties of board of directors.

(a) The board of directors shall determine programs to be offered by state institutions of higher education under its jurisdiction.

(b) The directors shall govern community colleges and shall organize eight community college service areas in accordance with section four of this article.

(c) The board of directors of the state college system shall govern the state college system. The directors shall develop by the first day of January, one thousand nine hundred ninety, a proposed classification plan and salary plan for full-time faculty based upon the level of program being taught by said full-time faculty member, whether baccalaureate programs or associate level programs. The classification plan and salary plan shall be submitted to the secretary of education and the arts for approval.

§18B-3-4. Community colleges.

(a) Effective the first day of July, one thousand nine hundred eighty-nine, the following institutions are hereby established or continued as freestanding community colleges: Southern West Virginia Community College and West Virginia Northern Community College. On or before the first day of July, one thousand nine hundred ninety, the board of directors may designate other facilities, centers, locations and
9 schools as freestanding community colleges. Such 
freestanding community colleges shall not be operated 
as branches or off-campus locations of any other state 
institution of higher education.

(b) The directors, in accordance with article two-b, 
chapter eighteen of this code, shall cooperate with the 
state board of vocational education, the state council of 
vocational-technical education, and the joint commis-
sion for post-secondary occupational education to 
develop a network of post-secondary vocational, job 
training and other educational centers, utilizing 
existing community colleges and programs, other 
existing facilities, and existing training needs within 
the service area. The community colleges shall be 
organized into eight community college service areas 
which shall have the same boundaries as the regional 
educational service agencies established by the state 
board of education pursuant to section twenty-six, 
article two, chapter eighteen of this code: Provided, 
That any community college and the branches thereof 
existing on the effective date of this section may be 
located in more than one community college service 
area created pursuant to this section and shall not be 
affected by such service area boundary.

(c) A separate division of community colleges shall 
be established under the board of directors and 
supervised by the vice chancellor for community 
colleges. The community colleges shall be responsible 
directly to and subject to the governance of the vice 
chancellor for community colleges, who shall regularly 
convene the presidents or other administrative heads 
of the community colleges as a community college 
council.

The vice chancellor for community colleges shall 
consider (1) existing branch colleges, community 
college components, off-campus locations, and, through 
agreements with the state board of vocational educa-
tion, vocational technical centers included within the 
boundaries of the eight community college service 
areas and (2) the needs of each such region in deter-
mining the enrollment, programs and functions of all
community colleges, and the names and locations of newly designated community colleges: Provided, That programs at community colleges shall be two years or less in duration.

(d) The board of directors may fix tuition and establish and set such other fees to be charged students as it deems appropriate, and shall pay such tuition and fees collected into a revolving fund for the partial or full support, including the making of capital improvements, of any community college established, continued or designated hereunder. Funds collected at any such community college may be used only for the benefit of that community college. The board of directors may also establish special fees for such purposes as, including, but not limited to, health services, student activities, student recreation, athletics or any other extracurricular purposes. Such special fees shall be paid into special funds and used only for the purposes for which collected.

Moneys collected at a branch college or off-campus location of a state institution of higher education which is subsequently designated as a community college shall be transferred to and vested in the successor community college.

(e) The board of directors may allocate funds from the appropriations for the state college system for the operation and capital improvement of any community college continued, established or designated under authority of this section and may accept federal grants and funds from county boards of education, other local governmental bodies, corporations or persons. The directors may enter into memoranda of agreements with such governmental bodies, corporations or persons for the use or acceptance of local facilities and/or the acceptance of grants or contributions toward the cost of the acquisition or construction of such facilities. Such local governmental bodies may convey capital improvements, or lease the same without monetary consideration, to the board of directors for the use by the community college, and the board of directors may accept such facilities, or the use or lease thereof, and
§18B-3-5. Permits required for correspondence, business, occupational and trade schools; surety bonds and fees; issuance, renewal and revocation of permit; reports; rules and regulations; penalty and enforcement.

It shall be unlawful for any person representing a correspondence, business, occupational or trade school inside or outside this state to solicit, sell or offer to sell courses of instruction to any resident of this state for consideration or remuneration unless the school first obtains a permit from the West Virginia board of directors in the manner and on the terms herein prescribed.

The application for a permit shall be made on forms to be furnished by the board, and a ten dollar fee shall be required. The application shall be accompanied by a surety bond in the penal sum of thirty-five thousand dollars for any school which has its physical facilities located in this state and which has operated in this state for at least ten years. For any other school a surety bond in the penal sum of not less than thirty-five thousand dollars, but not more than one hundred thousand dollars, shall be required, such amount to be determined in accordance with the rules of the board of directors. Schools with more than one campus within the state shall be required to provide a bond for each of its campuses in an amount equal to the bond required for its oldest established campus in this state.

The bond may be continuous and shall be conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used in procuring the student's enrollment or failure of the school to meet contractual obligations. The bond shall be given by the school itself as a blanket bond covering all of its representatives. The surety on any such bond may cancel the same upon giving thirty days' notice in writing to the principal on said bond and to the state board of directors and thereafter shall be relieved of...
liability for any breach of condition occurring after the
effective date of said cancellation. The ten dollar fee
will entitle a school to register up to two individual
solicitors. Additional solicitors may be registered by
paying a five dollar fee for each registration submitted.

A permit shall be valid for one year corresponding
to the effective date of the bond and, upon application,
accompanied by the required fee and the surety bond
as herein required, may be renewed. All fees collected
for the issuance or renewal of such permit shall be
deposited in the state treasury to the credit of the
board of directors.

The board may refuse a permit to any school if the
board finds that the school engages in practices which
are inconsistent with this section or with rules and
regulations issued pursuant thereto. A permit issued
hereunder, upon fifteen days’ notice and after a
hearing, if a hearing is requested by the school, may
be suspended or revoked by the board of directors for
fraud or misrepresentation in soliciting or enrolling
students, for failure of the school to fulfill its contract
with one or more students who are residents of West
Virginia, or for violation of or failure to comply with
any provision of this section or with any regulation of
the state board of directors pertinent thereto. Prior to
the board taking any adverse action, including refusal,
suspension or revocation of a permit, the school shall
be given reasonable opportunity to take corrective
measures. Any refusal, suspension or revocation of a
permit, or any other adverse action against a school,
shall comply with all constitutional provisions, includ­
ing due process, relating to the protection of property
rights.

All correspondence, business, occupational or trade
schools which have been issued a permit shall make
annual reports to the board of directors on forms
furnished by the board and shall provide such appro­
priate information as the board reasonably may
require. All correspondence, business, occupational or
trade schools which have been issued a permit shall
furnish to the board of directors a list of its official
Each school shall be issued a certificate of identification by the board of directors for each of its official representatives.

The issuance of a permit pursuant to this section does not constitute approval or accreditation of any course or school. No school nor any representative of a school shall make any representation stating, asserting or implying that a permit issued pursuant to this section constitutes approval or accreditation by the state of West Virginia, state board of directors or any other department or agency of the state.

The board of directors is hereby authorized to adopt rules and conduct on-site reviews to evaluate academic standards maintained by schools for the awarding of certificates, diplomas and specialized associate degrees, which standards may include curriculum, personnel, facilities, materials and equipment: Provided, That in the case of accredited correspondence, business, occupational and trade schools under permit on the effective date of this section, having their physical facilities located in this state, and which are accredited by the appropriate nationally recognized accrediting agency or association approved by the United States department of education, the accrediting agency's standards, procedures and criteria shall be accepted as meeting applicable laws, standards, rules and regulations of the board of directors: Provided, however, That the board of directors may authorize an investigation of written student complaints alleging a violation of this section, or board's rules or accreditation standards and may take appropriate action based on the findings of such an investigation.

The board of directors is hereby authorized to adopt rules for the awarding of any specialized associate degree by accredited proprietary institutions: Provided, That nothing contained herein shall infringe upon the rights of accredited West Virginia proprietary schools operating in West Virginia to confer specialized associate degrees, diplomas or certificates based on credit or clock hours in accordance with standards of the appropriate nationally recognized
accREDITING agency or association that is approved by
the United States department of education. For the
purposes of this section, proprietary schools that award
specialized associate degrees shall be defined as
institutions of higher education, and specialized associ-
ate degrees shall mean degrees awarded by such
institutions pursuant to a program of not less than two
academic years: Provided, however, That nothing
herein shall be construed to qualify the said propri-
etary schools for additional state monies not otherwise
qualified for under other provisions of the code.

In regard to private, proprietary educational institu-
tions operating under this section of the code, accre-
dited by a national or regional accrediting agency or
association recognized by the United States Depart-
ment of Education and which provide training at a
campus located in this state:

(a) Any rule or standard which is authorized by this
or any section of the code or other law, and which is
now in effect or promulgated hereafter by the board
of directors (or other agency with jurisdiction) shall be
clearly, specifically, and expressly authorized by
narrowly construed enabling law and shall be unen-
forceable and without legal effect unless authorized by
an act of the Legislature under the provisions of
article three-a, chapter twenty-nine-a of the code;

(b) Notwithstanding any other provision of this
section or other law to the contrary, the institution's
accrediting agency standards, procedures, and criteria
shall be accepted as the standards and rules of the
board of directors (or other agency with jurisdiction),
and as meeting other law or legal requirements
relating to the operation of proprietary institutions
which such board or other agency has the legal
authority to enforce under any section of the code or
other law: Provided, That nothing in this section shall
be construed to deny students the use of remedies that
would otherwise be available under state or federal
consumer laws or federal law relating to federal
college financial assistance programs.
(c) Accredited institutions operating hereunder are hereby recognized as post-secondary. Academic progress shall be measured and reported in credit hours and all reports/documents filed on a credit hour basis.

A representative of any school violating any provision of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than two hundred dollars per day of violation, not to exceed a maximum of two thousand dollars per violation, or imprisoned in the county jail not more than sixty days, or both fined and imprisoned. No correspondence, business, occupational or trade school shall maintain an action in any court of this state to recover for services rendered pursuant to a contract solicited by the school if the school did not hold a valid permit at the time the contract was signed by any of the parties thereto. The attorney general or any county prosecuting attorney, at the request of the board of directors or upon his or her own motion, may bring any appropriate action or proceeding in any court of competent jurisdiction for the enforcement of the provisions of this section relating to permits, bonds and sureties.

ARTICLE 3A. WEST VIRGINIA JOINT COMMISSION FOR VOCATIONAL-TECHNICAL-OCCUPATIONAL EDUCATION.


1 The West Virginia Joint Commission for Vocational-
2 Technical-Occupational Education, hereinafter referred to in this article as the joint commission, is hereby created, consisting of thirteen members appointed by the governor, with the advice and consent of the Senate, who shall be individuals broadly representative of citizens and organizations within the state having an interest in vocational education.

§18B-3A-1a. Department of education and the arts.

1 The joint commission herein established shall be subject to the jurisdiction of the department of education and the arts pursuant to the provisions of
article one, chapter five-f of this code, and the commission shall be subject to the supervision of the secretary of the department of education and the arts.

§18B-3A-1b. Definitions.

As used in this article:

(a) "Secondary vocational education" shall mean any high school level course or program which results or may result in a high school diploma or its equivalent, under the jurisdiction of the state board of education.

(b) "Post-secondary vocational education" shall mean any college-level course or program beyond the high school level provided through an institution of higher education which results in or may result in the awarding of a two-year associate degree, under the jurisdiction of the board of directors.

(c) "Adult basic education" shall mean adult basic skills education designed to satisfy the basic literacy needs of adults; to improve and/or upgrade information processing skills, communication skills, and computational skills leading to a high school equivalency diploma, under the jurisdiction of the state board of education.

(d) "Adult occupational education" shall mean adult skill training beyond the high school level not leading to a certificate or college credit, under the jurisdiction of the joint commission for vocational-technical-occupational education.

(e) "Adult technical preparatory education" shall mean adult skill training beyond the high school level, but less than the associate degree, leading to a certificate and/or articulated with post-secondary vocational education, under the jurisdiction of the joint commission for vocational-technical-occupational education.

§18B-3A-2. Composition of commission; terms of members; qualifications of members.

The members appointed by the governor shall include all of the following:
(a) Seven individuals who shall be representatives from business, industry, and agriculture, including one member representing small business concerns, one member of whom shall represent the governor's office of community and industrial development, one member of whom shall represent proprietary schools and one member of whom shall represent labor organizations. In selecting private sector individuals under this subdivision, the governor shall give due consideration to the appointment of individuals who serve on a private industry council or other appropriate state agencies.

(b) Six individuals, three of whom shall be representatives of secondary vocational education appointed by the state superintendent of schools and three of whom shall be representatives of post-secondary vocational education appointed by the chancellor of the board of directors.

In addition to the members appointed by the governor the state superintendent of schools and the vice chancellor of the board of directors shall serve as ex officio members.

Members of the commission shall serve for overlapping terms of four years, except that the original appointments to the commission shall be for staggered terms allocated in the following manner: One member appointed by the chancellor, one member appointed by the state superintendent of schools and two members appointed by the governor for terms of two years; one member appointed by the chancellor, one member appointed by the state superintendent of schools and two members appointed by the governor for terms of three years; and one member appointed by the state superintendent of schools, one member appointed by the chancellor and three members appointed by the governor for terms of four years.

§18B-3A-3. Meeting; compensation of members.

The joint commission shall meet quarterly and may meet at the request of the president, a majority of the board or at the call of the secretary of education and
the arts. One such meeting of the joint commission shall be a public forum for the discussion of the goals and standards for vocational education in the state. The members shall elect a president who shall serve a term of one year.

Members of the council shall serve without compensation. Members of the council appointed by the governor shall receive their actual necessary expenses incurred in the performance of their duties.

§18B-3A-4. Duties and responsibilities.

The joint commission shall have the duties and responsibilities set forth in the provisions of section two, article two-b, chapter eighteen of this code, and in addition shall:

(a) Meet with the state board of education and the board of directors, or their representatives, to advise them on state plans for vocational education; and

(b) Advise the state board of education and the board of directors, and report to the Legislature by the first day of December, one thousand nine hundred eighty-nine and annually thereafter regarding all of the following:

(1) Policies the state should pursue to strengthen vocational education with special emphasis on programs for the handicapped.

(2) Programs and methods through which the private sector could undertake to assist in the modernization of vocational education programs.

(c) Effective July one, one thousand nine hundred ninety, supervise the governance of all secondary and post-secondary vocational education programs in the state, including the programs assisted under the federal Vocational Education Act and the Job Training Partnership Act, and shall implement policies to both coordinate programs of the state board of education and the board of directors and to eliminate duplicative programs of same.

(d) Coordinate the delivery of vocational-technical-
occupational education in a manner designed to provide the greatest yet most reasonable level of accessibility to students in consideration of the most efficient use of available public funds.

(e) Encourage through articulation the most efficient utilization of available resources, both public and private, to meet the needs of vocational-technical-occupational education students.

(f) Analyze and report to the governor and the Legislature on the distribution of spending for vocational education in the state and on the availability of vocational education activities and services within the state.

(g) Consult with the state board of education and the board of directors on evaluation criteria for vocational education programs in the state.

(h) Recommend to the state board of education and the board of directors on the delivery of vocational education programs in the state which emphasize the involvement of business and labor organizations.

(i) Assess and report to the governor and Legislature on the distribution of federal vocational education funding provided under Public Law 98-524, with an emphasis on the distribution of financial assistance among secondary and post-secondary vocational education programs.

(j) Recommend procedures to the state board of education and the board of directors to ensure and enhance public participation in the provision of vocational education at the local level, with an emphasis on programs which involve the participation of local employers and labor organizations.

(k) Report to the state board of education, the board of directors, and the Legislature on the extent to which equal access to quality vocational education programs is provided to handicapped and disadvantaged individuals, adults who are in need of training and retraining, individuals who are single parents or homemakers, individuals participating in programs
designed to eliminate sexual bias and stereotyping in vocational education, and criminal offenders serving in correctional institutions.

(l) Evaluate at least once every two years:

(1) The adequacy and effectiveness of the vocational educational systems assisted under the federal Vocational Education Act and the Job Training Partnership Act in achieving the objectives defined in those acts.

(2) Develop uniform guidelines for the transferability of credits among institutions in the state and transferability of credits between and among the systems of higher education and the state board of education.

(m) Designate lead institutions and do a region by region study of existing programs, define peculiar needs of each region and devise a statewide plan for secondary and post-secondary vocational education.

(n) The secretary of the department of education and the arts shall be responsible for staffing the joint commission, utilizing existing personnel, equipment and offices of the state board of education and the board of directors.

ARTICLE 4. GENERAL ADMINISTRATION.

§18B-4-1. Officers of governing boards; employment of chancellors and senior administrator; offices.

(a) At its annual meeting in June of each year, each governing board shall elect from its members appointed by the governor a president and such other officers as it may deem necessary or desirable: Provided, That the initial annual meeting shall be held during July, one thousand nine hundred eighty-nine. The president and such other officers shall be elected for a one-year term commencing on the first day of July following the annual meeting and ending on the thirtieth day of June of the following year. The president of the board shall serve no more than two consecutive terms.

(b) Each governing board shall employ a chancellor
who shall serve at the will and pleasure of the employing board and shall assist the governing board in the performance of its duties and responsibilities. No chancellor may hold or retain any other administrative position within the system of higher education while employed as chancellor. Each chancellor is responsible for carrying out the directives of the governing board by which employed and shall work with such board in developing policy options. For the purpose of developing or evaluating policy options, the chancellors may request the assistance of the presidents of the institutions under their jurisdiction and their staffs. The respective chancellors shall jointly agree to, and shall hire, one senior administrator who shall serve at their will and pleasure in accordance with section two of this article.

(c) The director of health shall serve as the vice chancellor for health affairs, who shall coordinate the West Virginia University School of Medicine, the Marshall University School of Medicine, and the West Virginia School of Osteopathic Medicine. The vice chancellor for health affairs shall conduct a special study of the West Virginia University school of medicine, the Marshall University school of medicine and the West Virginia school of osteopathic medicine to determine the role and mission of said institutions in the reorganized system of higher education in the state. The special study shall include, but is not limited to, coordinating medical education, training and delivery of health services in the state; preparing nurse midwives, nurse practitioners, medical technologists and other members of the allied health professions; and providing for rural health care. The vice chancellor shall submit a report on said study to the governor and to the Legislature by the first day of December, one thousand nine hundred eighty-nine.

(d) The board of directors of the state college system shall employ a vice chancellor for community colleges to coordinate the community colleges.

(e) Suitable offices for the senior administrator and other staff shall be provided in Charleston.
§18B-4-2. Senior administrator's powers and duties generally.

(a) The senior administrator has a ministerial duty, in consultation with and under direction of the chancellors, to perform such functions, tasks and duties as may be necessary to carry out the policy directives of the governing boards and such other duties as may be prescribed by law.

(b) The senior administrator may employ and discharge, and shall supervise, such professional, administrative, clerical and other employees as may be necessary to these duties and shall delineate staff responsibilities as deemed desirable and appropriate. The senior administrator shall fix the compensation and emoluments of such employees: Provided, That effective the first day of July, one thousand nine hundred ninety, those employees whose job duties meet criteria listed in the system of job classifications as stated in article nine of this chapter shall be accorded the job title, compensation and rights established in said article as well as all other rights and privileges accorded classified employees by the provisions of this code.

(c) The senior administrator shall follow state and national educational trends and gather data on higher educational needs.

(d) The senior administrator, in accordance with established guidelines and in consultation with and under the direction of the chancellors, shall administer, oversee or monitor all state and federal student assistance and support programs administered on the state level, including those provided for in chapter eighteen-c of this code.

(e) The senior administrator has a fiduciary responsibility to administer the tuition and registration fee capital improvement revenue bond accounts of the governing boards.

(f) The senior administrator shall administer the purchasing system or systems of the governing boards.

36   (g) The senior administrator shall be responsible for
39   the management of the West Virginia network for
40   educational telecomputing (WVNET). The senior
41   administrator shall establish a computer policy board,
42   which shall be representative of both the university
43   system and the college system. It shall be the respon-
44   sibility of the computer policy board to recommend to
45   the secretary of the department of education and the
46   arts policies for a statewide shared computer system.

47   (h) Any program or service currently administered
48   by the board of regents and not specifically assigned to
49   the board of trustees or the board of directors may be
50   administered by the senior administrator. Such pro-
51   gram or service may include, but shall not be limited
52   to, telecommunications activities and other programs
53   and services provided for under grants and contracts
54   from federal and other external funding sources.

§18B-4-3. Authority to participate in reciprocal regional and
interstate higher educational agreements.

1   In order to provide higher educational opportunities
2   at minimum cost to students and the state, the govern-
3   ing boards, on behalf of the state of West Virginia, are
4   authorized and empowered to participate in the
5   Southern Regional Education Board interstate agree-
6   ment, namely the Academic Common Market, and in
7   such other regional and interstate agreements deter-
8   mined to be mutually beneficial to the citizens of the
9   participating states and which provide an opportunity
10   for qualified nonresident students to enroll in selected
11   programs and curricula on a resident tuition and fee
12   charge basis. Each governing board is specifically
13   authorized to waive the collection of nonresident
14   tuition and fee charges for students from other states
15   enrolled in programs and curricula under the jurisdic-
16   tion of and approved by the governing board as a part
17   of a regional or interstate agreement.

§18B-4-4. State agency for participation in federal and
private grants to higher education; related
powers and duties.

1   The governing boards, on behalf of the state of West
Virginia, are authorized and empowered to apply for, to accept and administer and expend for the purpose or purposes designated, any funds which now are, or may be made, available to the governing boards or to any institution under their jurisdiction from federal or private grants, appropriations, allocations and programs.

The governing boards have the power:

(1) To receive and disburse funds appropriated by the federal government for the construction, equipment, and improvement of academic facilities of institutions of higher education as required by the federal Higher Education Facilities Act of 1963, and any and all subsequent acts of Congress relating to the same subject;

(2) To apply for, receive, and administer, subject to any applicable regulations or laws of the federal government or any agency thereof, any federal grants, appropriations, allocations, and programs for the development of academic facilities on behalf of the state of West Virginia, or any institution of higher education, public or private, within the state;

(3) To develop, alter, amend, and submit to the federal government state plans for participation in federal grants, appropriations, allocations, and programs for the development of academic facilities and to formulate rules, criteria, methods, forms, procedures, and to do all other things which may be necessary to make possible the participation of the state in such federal grants, appropriations, allocations, and programs for the development of academic facilities;

(4) To hold hearings, and render decisions as to the priority assigned to any project, or as to any other matter or determination affecting any applicant for federal grants, appropriations, allocations and programs for the development of academic facilities;

(5) To hire personnel, purchase materials, make studies and reports, enter into contracts, and do all
other things necessary to accomplish the duties as set forth in this section within the limits of the funds available.

§18B-4-5. Security officers; appointment; qualifications; authority; compensation and removal.

The governing boards are hereby authorized to appoint bona fide residents of this state to act as security officers upon any premises owned or leased by the state of West Virginia and under the jurisdiction of the governing boards, subject to the conditions and restrictions hereinafter imposed. Before performing duties as a security officer in any county, each person so appointed shall qualify therefor in the same manner as is required of county officers by the taking and filing an oath of office as required by article one, chapter six of this code and by posting an official bond as required by article two, chapter six of this code. No security officer shall have authority to carry a gun or any other dangerous weapon until a license therefor has been obtained in the manner prescribed by section two, article seven, chapter sixty-one of this code.

It shall be the duty of any person so appointed and qualified to preserve law and order on any premises under the jurisdiction of the governing boards and on any other street, road or thoroughfare, except controlled access and open country highways, adjacent to or passing through such premises, to which the person may be assigned by the president or other administrative head of the state institution of higher education. For this purpose the security officer shall, as to offenses committed within any area so assigned, have and may exercise all the powers and authority and shall be subject to all the responsibilities of a law-enforcement officer as defined in section one, article twenty-nine, chapter thirty of this code and shall be eligible for law-enforcement training at an approved academy under said article, notwithstanding provisions to the contrary therein. The assignment of security officers to the duties authorized by this section shall not be deemed to supersede in any way the authority or duty of other peace officers to
preserve law and order on such premises. In addition, the security officers appointed under provisions of this section shall have authority to assist local peace officers on public highways in the control of traffic in and around premises owned by the state of West Virginia whenever such traffic is generated as a result of athletic or other activities conducted or sponsored by a state institution of higher education and when such assistance has been requested by the local peace officers.

The salary of all such security officers shall be paid by the appropriate governing board. Each state institution may furnish each such security officer with an official uniform to be worn while on duty and shall furnish and require each such officer while on duty to wear a shield with an appropriate inscription and to carry credentials certifying to the person's identity and authority as a security officer.

The governing boards may at their pleasure revoke the authority of any security officer. The president or other administrative head of the state institution of higher education shall report the termination of employment of a security officer by filing a notice to that effect in the office of the clerk of each county in which the security officer's oath of office was filed, and in the case of a security officer licensed to carry a gun or other dangerous weapon, by notifying the clerk of the circuit court of the county in which the license therefor was granted.

§18B-4-6. Acquisition, operation and regulation of parking areas and facilities at state institutions of higher education; regulation of parking, speed and flow of traffic on campus roads and driveways; civil and criminal penalties; disposition of revenue.

(a) The governing boards are hereby authorized to construct, maintain and operate automobile parking facilities or areas upon any premises owned or leased at any state institution of higher education under their jurisdiction for use by students, faculty, staff and
visitors. The governing boards may charge fees for use of the parking facilities or areas under their control. All moneys collected for the use of the parking facilities or areas shall be paid to the credit of the state institution of higher education at which the fees were charged into a special fund which is hereby created in the state treasury. The moneys in the fund shall be used first to pay the cost of maintaining and operating the parking facilities or areas, but any excess not needed for this purpose may be used for the acquisition of property by lease or purchase and the construction thereon of additional parking facilities or areas. Any money in the fund not needed immediately for the acquisition, construction, maintenance or operation of the parking facilities or areas may be temporarily invested by the governing boards with the state board of investments to the credit of the state institution of higher education at which the fees were charged.

(b) Notwithstanding any other motor vehicle or traffic law or regulation to the contrary, the governing boards are hereby authorized to regulate and control at any state institution of higher education under their jurisdiction the speed, flow and parking of vehicles on campus roads, driveways and parking facilities or areas. Rules for this purpose shall be promulgated by the governing boards in the manner prescribed in chapter twenty-nine-a of this code and when so promulgated shall have the force and effect of law. In each parking facility or area a summary of the rules governing the use of the facility or area including, but not limited to, the availability of temporary parking permits and where same may be obtained, and of the penalties which may be imposed for violations of the rules and shall be conspicuously posted. Along each campus road and driveway, notice signs pertaining to the speed of vehicles, spaces available for parking, directional flow of traffic and penalties which may be imposed for violations of the rules shall be conspicuously posted.

(c) Any person parking any vehicle or operating any
vehicle in violation of the rules shall be issued a
citation describing the offense charged and ordering
an appearance within ten days, excluding Saturdays,
Sundays and holidays observed by the college or
university, before a designated official of the state
institute of higher education and, if the person cited
fails to appear within said ten days, ordering an
appearance before a magistrate located in the county
in which the state institution of higher education is
located or before the judge of the municipal court, if
the state institution of higher education is located
within a municipality having such an official.

The designated official of the state institution of
higher education shall have exclusive jurisdiction of
the offense during the ten-day period. Any person so
cited may plead no contest to the offense and, by so
pleading, shall be subject to a civil penalty to be
determined uniformly by the designated official and
commensurate with the severity of the offense in an
amount not more than ten dollars for each offense as
partial reimbursement to the state institution of
higher education for the cost of regulating traffic and
parking. Moneys derived from civil penalties imposed
herein shall be deposited in the special fund in the
state treasury created by this section and credited to
the state institution of higher education at which the
penalty was paid.

Upon the expiration of the ten days, or upon a
pleading of not guilty before the designated official of
the state institution of higher education within the ten
days, the magistrate or judge of the municipal court
shall have jurisdiction of the offense, and any person
cited under the provisions of this section, upon a
finding of guilty by the magistrate or municipal judge,
shall be subject to a fine of not less than ten dollars
nor more than twenty dollars for each offense, the
amount to be commensurate with the severity of the
offense.

Each designated official of the state institution of
higher education presiding over a case under the
provisions of this section shall keep or cause to be kept
a record of every citation which alleges a violation of such provisions, or the rules promulgated in accordance therewith, and shall keep a record of every official action in reference thereto including, but not limited to, a record of every plea of no contest, conviction or acquittal of the offense charged and the amount of the fine or of the civil penalty resulting from each citation.

(d) Whenever a vehicle is parked on any state institution of higher education campus road, driveway or parking facility or area in a manner which violates posted rules and substantially impedes the flow of traffic or endangers the health and safety, the institution may, in addition to the issuing of a citation and subsequent procedures set forth herein, remove the vehicle, by towing or otherwise, to an area owned by the institution or areas designated for this purpose. The vehicle, having been towed to the designated area or areas, may be rendered immovable by use of locking wheel blocks or other device not damaging to the vehicle. The state institution of higher education shall maintain any vehicle so towed in the same condition as it was immediately prior to being towed, but shall not be liable for any damage to a vehicle towed to, or kept in, a designated area pursuant to the provisions of this section. The state institution of higher education shall pay for the cost of removing the vehicle and shall have a right to reimbursement from the owner for this cost and for the reasonable cost of keeping the vehicle in the designated area. Until payment of these costs, the state institution of higher education may retain possession of the vehicle, and the institution shall have a lien on the vehicle for the amount due. The state institution of higher education may enforce this lien in the manner provided in section fourteen, article eleven, chapter thirty-eight of this code for the enforcement of other liens.

§18B-4-7. Accreditation of institutions of higher education; standards for degrees.

1 The appropriate governing board shall make rules for the accreditation of institutions of higher education
in this state under its jurisdiction and shall determine
the minimum standards for the conferring of degrees.
No institution of higher education may confer any
degree on any basis of work or merit below the
minimum standards prescribed by the appropriate
governing board. Nothing contained herein shall
infringe upon the rights, including rights to award
degrees, granted to any institution by charter given
according to law, or by actions of the governing boards
or their predecessors, prior to the adoption of this
section.

No charter or other instrument containing the right
to confer degrees of higher educational status shall be
granted by the state of West Virginia to any institu-
tion, association or organization within the state, nor
shall any such degree be awarded, until the condition
of conferring such degree has first been approved in
writing by the appropriate governing board.

ARTICLE 5. HIGHER EDUCATION BUDGETS AND EXPENDITURES.

§18B-5-1. Budget appropriations.

The budget appropriations for the state system of
higher education under this chapter and other provi-
sions of law shall consist of three major areas of
appropriation consisting of (1) an appropriation for the
higher education governing boards which shall be for
the operation of the governing boards, the central
office, the senior administrator and the staff of the
senior administrator, (2) separate control accounts or
institutional control accounts, or some combination of
such accounts, for appropriations to the board of
trustees to be allocated to the institutions under the
state university system and to the board of directors to
be allocated to the state college system, and (3) such
special tuition and registration fee special capital
improvement funds and revenue bond funds as may
be necessary for the disposition of tuition and registra-
tion fee collections to protect the interests of all
holders of obligations for which such fees were
pledged by the board of regents and shall remain
pledged under the governing boards.
The appropriations for the state university system and the state college system until the first day of July, one thousand nine hundred ninety-one shall be in the same percentages of the total of the appropriations to such accounts as the percentages of the combined institutions under such systems received in allocations in the fiscal year one thousand nine hundred eighty-eight—eighty-nine.


From appropriations for the higher education governing boards, the governing boards shall jointly allocate funds for the operation of the central office under the senior administrator and shall share equally the cost of suitable offices for the senior administrator and other staff in Charleston.

Any tuition and registration fee collections paid into tuition and registration fee special capital improvement funds and special revenue bond funds which accrue in excess of the amounts necessary to protect the interests of all holders of obligations for which such fees were pledged by the board of regents and shall remain pledged under the governing boards, shall be allocated to each governing board in proportion to the amounts of such fees collected through the institutions under its jurisdiction and shall be deposited in special capital improvement funds in the state treasury under the name of the governing board for expenditure for capital improvements at the institutions under the appropriate board’s jurisdiction.

§18B-5-3. Authority to contract for programs, services and facilities.

The governing boards are authorized and empowered to enter into contracts and expend funds for programs, services and facilities provided by public and private educational institutions, associations, boards, agencies, consortia, corporations, partnerships, individuals and local, state and federal governmental bodies within and outside of West Virginia in order that maximum higher educational opportunities of high quality may be provided to the citizens of the
state in the most economical manner: Provided, That in no event shall a contract for such services and facilities be entered into unless the governing boards have determined that such services and facilities are necessary and that such services and facilities would be at a savings to the state.

Notwithstanding the provisions of this section, nothing herein contained shall supersede the responsibility and respective duties of the commissioner of finance and administration, the director of the purchasing division of such department and the attorney general for the execution and approval of the contracts entered into under this article and such contracts shall be in complete conformity with the provisions of articles three and five, chapter five-a of this code.

§18B-5-4. Purchase or acquisition of materials, supplies, equipment and printing.

(a) Each governing board, through the senior administrator, shall purchase or acquire all materials, supplies, equipment and printing required for that board, and the state institutions of higher education under its jurisdiction. The governing boards shall adopt rules governing and controlling acquisitions and purchases in accordance with the provisions of this section. Such rules shall assure that the governing board: (1) Shall not preclude any person from participating and making sales thereof to the board except as otherwise provided in section five of this article; (2) shall establish and prescribe specifications, in all proper cases, for materials, supplies, equipment and printing to be purchased; (3) shall adopt and prescribe such purchase order, requisition or other forms as may be required; (4) shall negotiate for and make purchases and acquisitions in such quantities, at such times and under contract, in the open market or through other accepted methods of governmental purchasing as may be practicable in accordance with general law; (5) shall advertise for bids on all purchases exceeding five thousand dollars, to purchase by means of sealed bids and competitive bidding or to effect advantageous purchases through other accepted
governmental methods and practices; and (6) shall post
in a public place in the central office of the governing
boards, in the purchasing office of the specific institu-
tion involved in the purchase and in the office of the
department of purchases, available to the public
during all business hours, notices of all acquisitions
and purchases for which competitive bids are being
solicited, at least two weeks prior to making such
purchases.

The governing boards shall further adopt rules
relating to purchasing in the open market pursuant to
section thirteen, article three, chapter five-a of this
code, and shall further make provision for vendor
notification of bid solicitation and emergency
purchasing.

Any or all bids may be rejected. However, all
purchases based on advertised bid requests shall be
awarded to the lowest responsible bidder taking into
consideration the qualities of the articles to be supp-
lowed, their conformity with specifications, their suita-
bility to the requirements of the governing boards and
delivery terms: Provided, That the preference for
resident vendors as provided in section forty-four,
article three of said chapter five-a shall apply to the
competitive bids made pursuant to this section.

The governing boards shall maintain a purchase file,
which shall be a public record and open for public
inspection. After the award of the order or contract,
the governing boards shall indicate upon the successful
bid that it was the successful bid, and shall further
indicate why bids are rejected and, if the mathemat-
ical low vendor is not awarded the order or contract,
the reason therefor. No records in the purchase file
shall be destroyed without the written consent of the
legislative auditor.

(b) The governing boards shall also adopt rules to
prescribe qualifications to be met by any person who,
on and after the effective date of this section, is to be
employed as a buyer pursuant to this section. Such
rules shall provide that no person shall be employed as
a buyer unless such person, at the time of employ-
ment, either is (1) a graduate of an accredited college
or university or (2) has at least four years’ experience
in purchasing for any unit of government or for any
business, commercial or industrial enterprise. Any
person making purchases and acquisitions pursuant to
this section shall execute a bond in the penalty of fifty
thousand dollars, payable to the state of West Virginia,
with a corporate bonding or surety company autho-
rized to do business in this state as surety thereon, in
form prescribed by the attorney general and condi-
tioned upon the faithful performance of all duties in
accordance with sections four through seven of this
article and the rules of the governing boards. In lieu
of separate bonds for such buyers, a blanket surety
bond may be obtained. Any such bond or bonds shall
be filed with the secretary of state. The cost of any
such bond or bonds shall be paid from funds approp-
riated to the applicable governing board.

(c) All purchases and acquisitions shall be made in
consideration and within limits of available appropri-
atations and funds and in accordance with applicable
provisions of article two, chapter five-a of this code,
relating to expenditure schedules and quarterly allot-
ments of funds and in accordance with section sixteen,
article three of said chapter.

The governing boards may make requisitions upon
the auditor for a sum to be known as an advance
allowance account, in no case to exceed five percent of
the total of the appropriations for the board, and the
auditor shall draw a warrant upon the treasurer for
such accounts; and all such advance allowance
accounts shall be accounted for by the applicable
governing board once every thirty days or more often
if required by the state auditor. Such authority shall
not be delegated to any state institution under the
control and supervision of the board.

Contracts entered into pursuant to this section shall
be signed by the applicable governing board in the
name of the state and shall be approved as to form by
the attorney general. A contract that requires more
than six months for its fulfillment shall be filed with
the state auditor. The governing board shall prescribe
the amount of deposit or bond to be submitted with a
bid or contract, if any, and the amount of deposit or
bond to be given for the faithful performance of a
contract. If the governing board purchases or contracts
for materials, supplies, equipment and printing con-
trary to the provisions of sections four through seven
of this article or the rules pursuant thereto, such
purchase or contract shall be void and of no effect.

Either governing board may request the director of
purchases to make available, from time to time, the
facilities and services of that department to the board
in the purchase and acquisition of materials, supplies,
equipment and printing, and the director of purchases
shall cooperate with that governing board in all such
purchases and acquisitions upon such request.

Each governing board shall permit private institu-
tions of higher education to join as purchasers on
purchase contracts for materials, supplies and equip-
ment entered into by that governing board. Any
private school desiring to join as purchasers on such
purchase contracts shall file with that governing board
an affidavit signed by the president of the institution
of higher education or a designee requesting that it be
authorized to join as purchaser on purchase contracts
of that governing board and agreeing that it will be
bound by such terms and conditions as that governing
board may prescribe, and that it will be responsible for
payment directly to the vendor under each purchase
contract.

§18B-5-5. Prequalification disclosure by vendors; register of
vendors; exceptions; suspension of vendors.

1 (a) Every person, firm or corporation selling or
offering to sell to the governing boards, upon compet-
itive bids or otherwise, any materials, equipment,
supplies or printing shall comply with all of the
provisions of section fourteen-a, article three, chapter
five-a of this code and shall file with the director of
the purchasing division of the state of West Virginia
the affidavit required herein: Provided, That every
such person, firm or corporation who is presently in compliance with said section shall not be required to requalify thereunder to be able to transact business with the governing boards.

(b) Any person, firm or corporation failing or refusing to comply with said statute as herein required shall be ineligible to sell or offer to sell commodities or printing to the governing boards as hereinafter set forth: Provided, That any person suspended under the provisions of section thirty-nine of said article three shall not be eligible to sell or offer to sell commodities or printing to the governing boards: Provided, however, That the governing boards shall have the power and authority to suspend, for a period not to exceed one year, the right and privilege of a person to bid on purchases of the governing boards when there is reason to believe that such person has violated any of the provisions in sections four through seven of this article or the rules of the governing boards pursuant thereto. Every person whose right to bid has been so suspended shall be notified thereof by a letter posted by registered mail containing the reason for such suspension and shall have the right to have the appropriate governing board's action reviewed in accordance with section forty, article three, chapter five-a of this code.

§18B-5-6. Other code provisions relating to purchasing not controlling; exceptions; criminal provisions and penalties; financial interest of governing boards, etc.; receiving anything of value from interested party and penalties therefor; application of bribery statute.

1 The provisions of article three, chapter five-a of this code shall not control or govern the purchase, acquisition or other disposition of any equipment, materials, supplies or printing by the governing boards, except as provided in sections four through seven of this article: Provided, That sections thirty-six, thirty-seven and thirty-eight, article three of said chapter five-a shall apply to all purchasing activities of the governing boards.
Neither the governing boards, nor any employee of the governing boards, shall be financially interested, or have any beneficial personal interest, directly or indirectly, in the purchase of any equipment, materials, supplies or printing, nor in any firm, partnership, corporation or association furnishing them. Neither the governing boards nor any employee of said boards shall accept or receive directly or indirectly from any person, firm or corporation, known by the governing boards or such employee to be interested in any bid, contract or purchase, by rebate, gift or otherwise, any money or other thing of value whatsoever, or any promise, obligation or contract for future reward, or compensation.

A person who violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be imprisoned in jail not less than three months nor more than one year, or fined not less than fifty nor more than one thousand dollars, or both imprisoned and fined, in the discretion of the court: Provided, That any person who violates any of such provisions by receiving money or other thing of value under circumstances constituting the crime of bribery under the provisions of section three, article five-a, chapter sixty-one of this code, shall, upon conviction of bribery, be punished as provided in section nine of said article five-a.

§18B-5-7. Disposition of obsolete and unusable equipment, surplus supplies and other unneeded materials; inventories.

The governing boards shall dispose of obsolete and unusable equipment, surplus supplies and other unneeded materials, either by transfer to other governmental agencies or institutions, by exchange or trade, or by sale as junk or otherwise. The governing boards shall adopt rules governing and controlling the disposition of all such equipment, supplies and materials. At least ten days prior to the disposition, the governing boards shall advertise, by newspaper publication as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine
of this code, in the county in which the equipment, supplies and materials are located the availability or sales of such disposable equipment, supplies and materials and may sell same, in whole or in part, at public auction, or may transfer, exchange or trade same to other governmental agencies or institutions (if by exchange or trade, then without advertising), in whole or in part, as sound business practices may warrant under existing circumstances and conditions. The governing boards shall inventory all such disposable equipment, supplies and materials from time to time as quantity and stocks may warrant, and shall make a complete annual inventory thereof as of the thirty-first day of March of each year. The governing boards may report such inventories to the director of purchases whose services and facilities shall be available to the governing boards in making advantageous disposition of any part or all of such disposable equipment, supplies and materials. Such inventories shall briefly describe the disposable items, the date of purchase thereof, the vendor to the applicable governing board, the purchase price paid therefor and the governing board's order number authorizing disposition thereof and shall indicate briefly the reason said items are no longer needed or can no longer be used by the governing board. All such inventories shall be kept as public records open to public inspection at one or more of the institutions under the jurisdiction of the governing boards for a period of five years and may thereafter be destroyed: Provided, That under no circumstances shall any of the property described in this section be sold, transferred or conveyed to any private person, firm or corporation other than by public auction or as provided in article eight, chapter five-a of this code.

ARTICLE 6. OTHER BOARDS AND ADVISORY COUNCILS.

§18B-6-1. Institutional boards of advisors.

(a) There shall be established at each state institution of higher education, hereinafter referred to as the "institution," excluding centers and branches thereof, an institutional board of advisors. The board of
5 advisors shall consist of eleven members, including an
6 administrative officer of the institution appointed by
7 the president of the institution; a full-time member of
8 the faculty with the rank of instructor or above duly
9 elected by the faculty; a member of the student body
10 in good academic standing, enrolled for college credit
11 work and duly elected by the student body; a member
12 of the institutional classified staff duly elected by the
13 classified staff; and, appointed by the appropriate
14 governing board, seven lay citizens of the state who
15 have demonstrated a sincere interest in and concern
16 for the welfare of that institution and who are represen-
17 tative of its population and fields of study, includ-
18 ing at least two alumni of the institution. Of the seven
19 lay citizen members, no more than four may be of the
20 same political party.

21 The administrative officer, faculty member, student
22 member and classified staff member shall serve for a
23 term of one year, and the seven lay citizen members
24 shall serve terms of four years each. All members
25 shall be eligible to succeed themselves for no more
26 than one additional term. A vacancy in an unexpired
27 term of a member shall be filled within sixty days of
28 the occurrence thereof in the same manner as the
29 original appointment or election. Except in the case of
30 a vacancy, all elections shall be held and all appoint-
31 ments shall be made no later than the thirtieth day of
32 April preceding the commencement of the term.

33 Each board of advisors shall hold a regular meeting
34 at least quarterly, commencing in July of each year.
35 Additional meetings may be held upon the call of the
36 chairman, president of the institution, or upon the
37 written request of at least four members. A majority
38 of the members shall constitute a quorum for conduct-
39 ing the business of the board of advisors.

40 (b) One of the seven lay citizen members shall be
41 elected as chairman by the board of advisors in July
42 of each year: Provided, That no member shall serve as
43 chairman for more than two consecutive years at a
44 time.
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 official 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 section shall be paid from funds allocated to the institution for such purpose.

(c) The board of advisors shall review, prior to the submission by the president to its governing board, 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 its governing board 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 governing board, and the governing board shall include such comments and recommendations in its consideration of and action on the proposal. The governing board shall promptly acknowledge receipt of the comments and recommendations and shall notify the board of advisors in writing of any action taken thereon.

(d) Upon request therefor in writing by the president of the institution, the board of advisors may authorize transfers between items of allocation or appropriation in accordance with the provisions of section nineteen-a, article two, chapter five-a of this code.

(e) The board of advisors shall 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.

(f) 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 its governing board. When serving as a search and screening committee, the board of advisors and its governing board 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 governing board for consideration and appointment. If the governing board 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 governing board appoints one of the candidates so submitted. The governing board shall provide all necessary staff assistance to the board of advisors in its role as a search and screening committee.

§18B-6-2. Advisory councils of faculty.

Effective the first day of July, one thousand nine hundred eighty-nine, each governing board shall be assisted by an advisory council of faculty. During the month of April of each year, each president or other administrative head of a state institution of higher education, including Potomac state college of West Virginia University and West Virginia University at Parkersburg, at the direction of the councils and in accordance with procedures established by the councils, shall convene a meeting or otherwise institute a balloting process to elect one faculty to serve on the appropriate governing board’s advisory council of faculty, which shall consist of one faculty, so elected, from each such institution under the appropriate governing board. Terms of the
members of each council shall be for one year and
shall begin on the first day of May of each year, and
members of each advisory council shall be eligible to
succeed themselves.

The advisory councils of faculty shall meet at least
once each quarter. One of the quarterly meetings shall
be during the month of June, at which meeting each
council shall elect a chairman, who shall be by virtue
of the office a voting member of the appropriate
governing board. No member may vote by proxy at
such election. In the event of a tie in the last vote
taken for such election, a member authorized by the
council shall select the chairman by lot from the
names of those persons tied. Immediately following
the election of a chairman, each council shall elect, in
the manner prescribed by this section for the election
of a chairman, a member of that council to preside
over meetings of the council in the chairman's
absence. Should the chairman vacate the position, the
council shall meet and elect a new chairman to fill the
unexpired term within thirty days following such
vacancy.

Each advisory council of faculty, through its chair-
man and in any other appropriate manner, shall
consult and advise its governing board in matters of
higher education in which the faculty members may
have an interest.

Members of each advisory council shall serve with-
out compensation, but shall be entitled to reimburse-
ment for actual and necessary expenses incurred in
the performance of their official duties from funds
allocated to the state institution of higher education
served.

Each governing board shall furnish secretarial
services to its advisory council of faculty, and each
advisory council shall cause to be prepared minutes of
its meetings, which minutes shall be available, upon
request, to any faculty member of a state institution of
higher education represented on the council. Such
minutes shall be forwarded to the advisory council of
faculty serving the other governing board.
§18B-6-3. Advisory councils of students.

Effective the first day of July, one thousand nine hundred eighty-nine, each governing board shall be assisted by an advisory council of students.

The student government organization at each state institution of higher education shall elect a student, who may be the elected head or president of such organization, to serve on the appropriate governing board's advisory council of students, which are hereby created, consisting of the elected representatives of each institution under the appropriate governing board: Provided, That the student government organization at each institution in the university system, including Potomac State College of West Virginia University and West Virginia University at Parkersburg, shall elect one student per three thousand students enrolled at each institution with a minimum of one representative from each institution. The student government of each institution shall determine how its representatives shall be elected. Terms of the members of such council shall be for one year and shall begin on the first day of May of each year, and members of the advisory councils shall be eligible to succeed themselves.

Each institution shall have only one vote in all matters. The advisory councils of students shall meet at least once each quarter, and shall meet during each month of June, at which meeting, each council shall elect a chairman, who prior to such elections must be entitled to vote in the state of West Virginia. By virtue of the office, the chairman shall be a voting member of the appropriate governing board. No member may vote by proxy at such election. In the event of a tie in the last vote taken for such election, a member authorized by the council shall select the chairman by lot from the names of those persons tied. Immediately following the election of a chairman, each council shall elect, in the manner prescribed by this section for the election of a chairman, a member of that council to preside over meetings of the council in the chairman's absence. Should the chairman vacate the position, the
council shall meet and elect a new chairman to fill the unexpired term within thirty days following such vacancy.

Each advisory council of students, through its chairman and in any other appropriate manner, shall consult and advise its governing board in matters of higher education in which the students may have an interest.

Members of each advisory council shall serve without compensation, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties from funds allocated to the state institution of higher education served.

Each governing board shall furnish secretarial services to its advisory council of students, and each advisory council shall cause to be prepared minutes of its meetings, which minutes shall be available, upon request, to any student of a state institution of higher education represented on the council. Such minutes shall be forwarded to the advisory council of students serving the other governing board.

§18B-6-4. Advisory councils of classified employees.

Effective the first day of July, one thousand nine hundred eighty-nine, each governing board shall be assisted by an advisory council of classified employees.

During the month of April of each year, each president or other administrative head of a state institution of higher education, including Potomac state college of West Virginia University and West Virginia University at Parkersburg, at the direction of the councils and in accordance with procedures established by the councils, shall convene a meeting or otherwise institute a balloting process to elect one classified employee to serve on the appropriate governing board's advisory council of classified employees, which shall consist of one classified employee, so elected, from each such institution under the appropriate governing board. Terms of the
members of such councils shall be for one year and shall begin on the first day of May of each year, and members of the advisory councils shall be eligible to succeed themselves. For the purpose of this section the term "institution of higher education" includes the facilities and staff supervised by the senior administrator employed by the governing boards, who shall be deemed a part of the state college system, and the West Virginia network for telecomputing, who shall be deemed a part of the state university system.

Each advisory council of classified employees shall meet at least once each quarter. One of the quarterly meetings shall be during the month of June, at which meeting each council shall elect a chairman, who shall be by virtue of the office a voting member of the appropriate governing board: Provided, That the board of directors' advisory council for classified employees' chairman shall not be a member of the staff supervised by the central administrative official. No member may vote by proxy at such election. In the event of a tie in the last vote taken for such election, a member authorized by the council shall select the chairman by lot from the names of those persons tied. Immediately following the election of a chairman, each council shall elect, in the manner prescribed by this section for the election of a chairman, a member of the council to preside over meetings of the council in the chairman's absence. Should the chairman vacate the position, the council shall meet and elect a new chairman to fill the unexpired term within thirty days following such vacancy.

Each advisory council of classified employees, through its chairman and in any other appropriate manner, shall consult and advise its governing board in matters of higher education in which the classified employees may have an interest.

Members of each advisory council shall serve without compensation, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties from funds allocated to the state institution of higher education served.
Each governing board shall furnish secretarial services to its advisory council of classified employees, and each advisory council shall cause to be prepared minutes of its meetings, which minutes shall be available, upon request, to any classified employee of a state institutions of higher education represented on the council. Such minutes shall be forwarded to the advisory council of classified employees serving the other governing board.

§18B-6-5. Creation of advisory council on federal resources; appointment, terms and qualifications of members; vacancies; compensation and expenses; meetings; quorum.

There is hereby created an advisory council to be known as the higher education advisory council on federal resources. The council shall review the state plan for administration of the federal Higher Education Facilities Act of 1963 and Titles I and VI of the federal Higher Education Act of 1965, as amended. The council shall also evaluate proposals pertaining to the aforementioned federal acts and shall submit such recommendations as it deems appropriate to the secretary of education and the arts. The council shall be involved in every significant function of the office of the secretary, including governing boards under the jurisdiction of the secretary, pertaining to said federal acts.

The advisory council shall consist of twelve members to be appointed as follows: One member of the board of trustees appointed by the president of the board of trustees, one member of the board of directors appointed by the president of the board of directors, two members appointed by the board of trustees to represent the public at large, two members appointed by the board of directors to represent the public at large, two members appointed by each governing board to represent the state institutions of higher education under its control, and one member appointed by each governing board to represent private institutions of higher education under its jurisdiction: Provided, That the two members repres-
enting private institutions of higher education shall be presidents of a private institution, and, of the four members representing public institutions of higher education, one appointed by each governing board shall be a president of a state institution of higher education. The secretary of education and the arts shall appoint a chairman of the advisory council who shall be selected from the representatives of the public at large.

The members shall serve for a term of six years, except that the original appointments shall be as follows: four members to serve two years, four members to serve four years, and four members to serve six years. Such appointments shall be made no later than the first day of September, one thousand nine hundred eighty-nine. The secretary of education shall appoint a member to fill any vacancy, which member shall serve for the unexpired term of the vacating member. All shall be eligible for reappointment.

The members of the advisory council shall serve without compensation, but shall be reimbursed for their necessary expenses actually incurred in the performance of their official duties not to exceed twenty-five dollars per day plus an allowance of twenty cents per mile actually traveled to and from such meetings.

A meeting of the advisory council shall be held on or before the first day of November, one thousand nine hundred eighty-nine, and thereafter the advisory council shall meet at least annually and at such other times as necessary upon the call of the chairman. Five members of the advisory council shall constitute a quorum, and a majority vote of the quorum shall be necessary to pass upon matters before the council.

§18B-6-6. Powers and duties relating to anatomical gifts; requisition of bodies; autopsies; transportation of bodies; expenses of preservation; bond required; offenses and penalties.
(a) The board of trustees may appoint one dean of a school of medicine, one dean of a school of dentistry and two chairmen of departments of anatomy of schools of medicine, all of whom shall constitute a board for the purpose of performing the duties of the board, which is hereby abolished, formerly known as the "West Virginia Anatomical Board." This new board shall be known as the "University of West Virginia Anatomical Board," and shall hereinafter be referred to as the "board" for the purposes of this section. No more than one member of this board shall be from the same school.

The board shall have authority to appoint such officers, employees and agents as may be necessary to carry out the purposes for which the board is organized. It shall keep a full and complete record of its transactions, showing, among other things, every dead human body coming under its authority, giving name, sex, age, date of death, place from which received, and when and from whom received, which record shall be open at all times to the inspection of the attorney general and any prosecuting attorney in the state.

If the board of trustees does not appoint a "university of West Virginia anatomical board" as herein authorized, then the board of trustees itself shall perform the duties of the anatomical board as set forth herein.

(b) The board shall be responsible for making requisition for, receiving, and making disposition of the dead human bodies for the scientific uses and purposes of reputable educational institutions, within the state and elsewhere, having medical, osteopathy, dentistry or nursing schools. The board shall have full power to establish rules for its own government and for the requisition, use, disposition and control of such bodies as may come under its authority by way of gift, pursuant to this section or pursuant to section four, article nineteen, chapter sixteen of this code.

(c) All dead human bodies which may come under the charge or control of any mortician, any officer or
agent of the department of welfare or of any county
commission or municipality, or any superintendent,
officer or agent having the supervision of any prison,
morgue, hospital, or other public institution in this
state, and which may be required to be buried at
public expense, shall be subject to the requisition of
the board as provided in this section. No such body
shall be delivered to the board if any person related to
the deceased by blood or marriage shall make a
statement in writing to that effect, and shall claim
such body for burial, or shall make affidavit that the
relative is unable to bear the expense of burial and
desires that the deceased be buried at public expense.
This statement and affidavit may be filed by any such
relative with the person having charge and control of
the body of the person so claimed, either before or
after the death of such person.

No autopsy shall be performed on any unclaimed
body without the written permission of the board,
except upon the proper order of a duly authorized
law-enforcement officer.

(d) It shall be the duty of any person who has charge
or control of any unclaimed body, subject to requisi-
tion by the board, to give notice to the board of that
fact by telephone or telegraph within twenty-four
hours after such body comes under that person's
control. Thereafter, such person shall hold the body
subject to the order of the board for at least twenty-
four hours after the sending of such notice. If the
board makes requisition for the body within the
twenty-four hour period, it shall be delivered, pursu-
ant to the order of the board, to the board or its
authorized agent for transportation to any educational
institution which the board deems to be in bona fide
need thereof and able to adequately control, use and
dispose of the body. The board shall make suitable
arrangements for the transportation of any body, or
part or parts thereof, which may come under its
authority to such educational institution. All expenses
incurred in connection with the preservation, delivery
and transportation of any such body delivered pursu-
ant to the order of the board shall be paid by the educational institution receiving the body.

(e) No dead body shall be received or requisitioned by the board until the members of the board have filed a bond with the clerk of the circuit court of Kanawha County in a penalty of one thousand dollars, with good security, signed by a responsible person or persons, or by some surety company authorized to do business in this state, or have proved to such clerk that they are covered by a suitable bond in at least that amount, conditioned for the faithful performance of their duties.

(f) Any person who shall neglect, refuse or fail to perform any duty required by this section relating to the board shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for not more than ten days, or by both such fine and imprisonment. Any person who fails to give the required notice that that person has charge of an unclaimed body subject to requisition by the board shall also be personally liable for all burial expenses, if such body was buried at public expense, to the public agency that paid for the burial.

ARTICLE 7. PERSONNEL GENERALLY.

§18B-7-1. Seniority for full-time classified personnel; seniority to be observed in reducing work force; preferred recall list; renewal of listing; notice of vacancies.

(a) All decisions by the appropriate governing board or their agents at state institutions of higher education concerning reductions in work force of full-time classified personnel, whether by temporary furlough or permanent termination, shall be made in accordance with this section. Definitions for terms used in this section shall be in accordance with those provided in section two, article nine of this chapter except that the provisions of this section shall apply only to classified employees whose employment, if continued, shall accumulate to a minimum total of one thousand
(b) For layoffs by classification for reason of lack of funds or work, or abolition of position or material changes in duties or organization and for recall of employees so laid off, consideration shall be given to an employee's seniority as measured by permanent employment in the service of the state system of higher education. In the event that the institution wishes to lay off a more senior employee, the institution must demonstrate that the senior employee cannot perform any other job duties held by less senior employees of that institution in the same job class, or any other equivalent or lower job class for which the senior employee is qualified: Provided, That if an employee refuses to accept a position in a lower job class, such employee shall retain all rights of recall hereinafter provided. If two or more employees accumulate identical seniority, the priority shall be determined by a random selection system established by the employees and approved by the institution.

(c) Any employee laid off during a furlough or reduction in work force shall be placed upon a preferred recall list and shall be recalled to employment by the institution on the basis of seniority. An employee’s listing with an institution shall remain active for a period of one calendar year from the date of termination or furlough, or from the date of the most recent renewal. If an employee fails to renew the listing with the institution, the employee’s name may be removed from the list. An employee placed upon the preferred list shall be recalled to any position opening by the institution within the classification(s) in which the employee had previously been employed or to any lateral position for which the employee is qualified. An employee on the preferred recall list shall not forfeit the right to recall by the institution if compelling reasons require such employee to refuse an offer of reemployment by the institution.

The institution shall be required to notify all employees maintaining active listings on the preferred
recall list of all position openings that from time to
time exist. Such notice shall be sent by certified mail
to the last known address of the employee. It shall be
the duty of each employee listed to notify the institu-
tion of any change in address and to timely renew the
listing with the institution. No position openings shall
be filled by the institution, whether temporary or
permanent, until all employees on the preferred recall
list have been properly notified of existing vacancies
and have been given an opportunity to accept
reemployment.

§18B-7-2. Authority to grant sabbatical leaves.

1 The appropriate governing board shall have author-
2 ity to grant sabbatical leaves to faculty members at
3 state institutions of higher education for the purpose
4 of permitting them to engage in graduate study,
5 research or other activities calculated to improve their
6 teaching ability. Such leaves shall be granted only in
7 accordance with a uniform plan adopted by each
8 governing board and shall be subject to such reason-
9 able rules as each governing board may prescribe. Any
10 plan adopted by a governing board shall not provide
11 for the granting of sabbatical leave to any faculty
12 member who has served fewer than six years at the
13 institution where presently employed, nor shall such
14 leave be for more than one half the contract period at
15 full pay or a full contract period at half pay. Any
16 faculty member receiving a sabbatical leave shall be
17 required to return and serve for at least one year at
18 the institution from which the leave was granted or to
19 repay to the institution the compensation received
during such leave. Any faculty member returning
20 from leave shall be reinstated at the academic rank
21 held prior to such sabbatical unless promoted to a
22 higher rank and shall be entitled to such salary and
23 any increases thereto appropriate to the rank and
24 years of experience of such faculty member. Compen-
25 sation to a faculty member on sabbatical leave shall be
26 paid from the regular personal services appropriations
27 of the institution where employed.
§18B-7-3. Effect of leave of absence on academic tenure, rank, etc.

1 Any other provision of law to the contrary notwithstanding any tenured professional at any state institution of higher education who shall, with the consent of the president or other administrative head of the state institution by which the professional is employed, be absent from duties at such institution to accept employment in any nonelected governmental capacity shall be afforded such benefits of academic tenure, rank and position as if such person had remained continuously in the position retained and held at such institutions of higher education immediately preceding any such absence: Provided, That such leave of absence shall not exceed two years: Provided, however, That tenure and rank may be retained during an absence of more than two years if the president of the institution from which such person is on leave of absence submits in writing during each of such years a request for such retention to the appropriate governing board, and such board approves the request for each such year: Provided further, That any individual who remains in governmental employment with leave granted in accordance with this section shall forfeit all rights to academic tenure, rank and position formerly held at such institution after the eighth year of such employment.

§18B-7-4. Notice to probationary faculty members of retention or nonretention; hearing.

1 (a) The president or other administrative head of each state institution of higher education shall give written notice to probationary faculty members concerning their retention or nonretention for the ensuing academic year (1) not later than the first day of March for those probationary faculty members who are in their first academic year of service; (2) not later than the fifteenth day of December for those probationary faculty members who are in their second academic year of service; and (3) at least one year before the expiration of an appointment for those probationary faculty members who have been
employed two or more years with the institution. Such notice to those probationary faculty members not being retained shall be by certified mail, return receipt requested.

(b) Upon request of the probationary faculty member not retained, the president or other administrative head of the institution shall within ten days, and by certified mail, inform the probationary faculty member of the reasons for nonretention. Any probationary faculty member who desires to appeal the decision may request a hearing from the appropriate governing board within ten days after receiving the statement of reasons. The appropriate governing board shall publish appropriate rules to govern the conduct of the appeal herein allowed. Such board shall, by its rules, prescribe either an unbiased committee of that board or appoint a hearing examiner to hear such appeals. Such hearing shall be held at the employing institution and within thirty days of the request. The rules of evidence shall not strictly apply. The faculty member shall be accorded substantive and procedural due process, including the right to produce evidence and witnesses and to cross-examine witnesses, and to be represented by counsel or other representative of that faculty member's choice. If the committee of the board or the hearing examiner shall conclude that the reasons for nonretention are arbitrary or capricious or without a factual basis, the faculty member shall be retained for the ensuing academic year. The decision shall be rendered within thirty days after conclusion of the hearing.

(c) The term "probationary faculty member" shall be defined according to rules promulgated by the governing boards. The rights herein provided to probationary faculty members are in addition to, and not in lieu of, other rights afforded them by other rules and other provisions of law.

§18B-7-5. Faculty and classified employee continuing education and development program.

Each state institution of higher education shall have
the authority to establish and operate a faculty and
classified employee continuing education and develop-
ment program under rules adopted by the appropriate
governing board. Funds allocated or made available
may be used to compensate and pay expenses for
faculty or classified employees who are pursuing
additional academic study or training to better equip
themselves for their duties at the state institutions of
higher education.

Rules for this activity may include reasonable
provisions for the continuation or return of any
faculty or classified employee receiving the benefits of
such education or training, or for reimbursement by
the state for expenditures incurred on behalf of such
faculty or classified employee.

ARTICLE 8. HIGHER EDUCATION FULL-TIME FACULTY SALARIES.
§18B-8-1. Definitions.
1 As used in this article:
2 (a) "Schedule" or "salary schedule" means the grid
3 of minimum salary figures listed in section two of this
4 article;
5 (b) "Academic rank" means the position held by a
6 faculty member as determined by the president,
7 consistent with policy established by the governing
8 board, and includes the positions of professor, associate
9 professor, assistant professor and instructor; all other
10 ranks are excluded from the provisions of this article;
11 (c) "Years of experience" means the actual number
12 of years a person has been a full-time faculty member
13 at an institution of higher education within this state.
14 Employment for nine months shall equal one year of
15 experience, but no faculty member may accrue more
16 than one year of experience during any given aca-
17 demic year. Employment for less than full-time, or
18 less than nine months during any fiscal year, shall be
19 prorated. In accordance with rules established by the
20 governing boards, a faculty member may be granted
21 additional years of experience for actual years of work
22 or teaching experience at institutions other than
23 institutions of higher education within this state;
(d) "Doctoral institutions" means West Virginia University and Marshall University at Huntington. Doctoral programs at Marshall University shall be selective and non-duplicative of West Virginia University unless an exception is recommended by both institutions and approved by the board of trustees.

"Master’s II institutions" means West Virginia School of Osteopathic Medicine and the University of West Virginia College of Graduate Studies; "baccalaureate and two-year institutions" means Bluefield State College, Concord College, Fairmont State College, Glenville State College, Shepherd College, West Liberty State College, West Virginia Institute of Technology, West Virginia State College, West Virginia University at Parkersburg, Southern West Virginia Community College, West Virginia Northern Community College and Potomac State College of West Virginia University and such other institutions as are designated community colleges by the board of directors;

(e) "Salary" means the total nine-month or ten-month salary paid from state funds to a full-time faculty member, or if other than nine or ten months, adjusted to a nine-month base salary;

(f) "Full-time faculty" means any faculty member designated as such by the president, consistent with approved policy of the appropriate governing board, and those persons with faculty rank who have research or administrative responsibilities;

(g) "Fiscal year" means twelve calendar months and begins on the first day of July and ends on the thirtieth day of June; and

(h) "Merit increases and salary adjustments" means the amount of additional salary increase allowed on a merit basis or to rectify salary inequities or accommodate competitive market conditions, in accordance with policy established by the appropriate governing board.
§18B-8-2. Higher education minimum salary schedule.

There is hereby established a state minimum salary schedule for full-time faculty employed by a governing board consisting of a minimum salary for each academic rank in accordance with years of experience:

Provided, That it is the intention of the Legislature to create a schedule of minimum salary goals in higher education subject to the availability of funds; and with the exception of the placement of all full-time faculty members included under the provisions of this article on the schedule at zero years of experience, nothing in this article shall be construed to guarantee payment to any faculty member of the salary indicated on the appropriate schedule at the actual years of experience.

### MINIMUM SALARY SCHEDULE FOR FULL-TIME FACULTY AT BACCALAUREATE AND TWO-YEAR INSTITUTIONS

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### MINIMUM SALARY SCHEDULE FOR FULL-TIME FACULTY AT MASTER'S II INSTITUTIONS
(WEST VIRGINIA SCHOOL OF OSTEOPATHIC MEDICINE AND THE WEST VIRGINIA COLLEGE OF GRADUATE STUDIES)

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§18B-8-3. Assignment to salary schedule; actual salary.

(a) On or before the first day of July of each year, each faculty member then employed shall be given notice by the appropriate governing board of the placement on the minimum salary schedule which is appropriate to such faculty member’s years of experience and to which such individual has been assigned, notwithstanding the actual salary paid under the provisions of this article.

(b) Each full-time faculty member employed as of the effective date of this section shall receive for full-time employment at the same academic rank during the academic year one thousand nine hundred eighty-nine — ninety, and thereafter, a salary which is no less than the salary being paid such faculty member for the academic year one thousand nine hundred eighty-eight — eighty-nine. No full-time faculty member shall receive a salary which is less than the salary for zero years of experience for the appropriate academic rank as set forth in section two of this article.

(c) Effective the first day of January, one thousand nine hundred ninety, an amount equal to five percent of one half the amount appropriated and distributed in the fiscal year beginning on the first day of July, one thousand nine hundred eighty-nine, for salaries for full-time faculty members shall be distributed in the following manner: Such amount as may be necessary shall be distributed to each faculty member who is employed on the first day of January, one thousand nine hundred ninety, so that each such employee shall receive for the same employment at the same academic rank a salary which is at least equal to the salary being paid such faculty member during the fiscal year one thousand nine hundred eighty-eight —
eighty-nine, and a salary increase equal to two and one half percent of such salary. The Legislature may by general appropriation, or the secretary of the department of education and the arts may allocate through authority set forth under the provisions of chapter five-f of this code, funds to be distributed for the purpose of accommodating market and equity conditions within the system. Any remaining funds shall be applied in accordance with the provisions of subsection (d) of this section.

(d) Funds remaining after meeting the salary of each full-time faculty member in accordance with subsections (b) and (c) of this section shall be used to pay that amount that is the difference between such salary and the appropriate salary for each full-time faculty member’s appropriate placement on the schedule: Provided, That such amount may be reduced proportionately based upon the amount of funds available for such purpose: Provided, however, That in the case of Marshall University, the difference between the salary paid a full-time faculty member and the appropriate salary for the faculty member’s appropriate placement on the salary schedule shall, for fiscal year one thousand nine hundred eighty-nine — ninety, be calculated using the minimum salary schedule for full-time faculty at master’s II institutions set forth in section two of this article.

(e) The salary of any full-time faculty member shall not be reduced by the provisions of this article.

(f) Upon promotion in rank, placement on the minimum salary schedule shall be such as to provide a salary increase of at least ten percent, and shall be at least the amount prescribed for the appropriate academic rank to which promoted at zero years of experience.


Any person hired as a full-time faculty member after the effective date of this section shall be assigned a placement on the minimum salary schedule which is appropriate to such person’s academic rank and years
§18B-8-5. Merit increases and salary adjustment.

Nothing in this article shall be construed to prohibit merit increases or salary adjustments that rectify inequities or accommodate competitive market conditions in specific areas of specialty, including inequities within the rank of full professors at doctoral and master’s level institutions: Provided, That funds for such increases and/or adjustments shall be distributed in accordance with rules of the appropriate governing board and shall be available to all state institutions of higher education on an equitable basis.

§18B-8-6. Additional employment by mutual agreement.

Any employment for greater than a nine-month period, or any responsibilities in excess of full-time duties, shall be only by mutual agreement of the employee and the institutional president or other administrative head, or the designated representative, in accordance with rules of the appropriate governing board. The terms and conditions of any such agreement shall be in writing, signed by both parties, and shall state the maximum number of additional employment days or credit hours or their equivalent to be worked and the amount of compensation to be paid.

ARTICLE 9. CLASSIFIED EMPLOYEE SALARY SCHEDULE AND CLASSIFICATION SYSTEM.

§18B-9-1. Legislative purpose.

The purpose of the Legislature in the enactment of this article is to require the governing boards to establish, control, supervise and manage a complete, uniform system of personnel classification in accordance with the provisions of this article for all employees other than faculty and nonclassified employees at state institutions of higher education.

1 As used in this article:

2 (a) “Classified employee or employee” means any regular full-time or regular part-time employee of a governing board, including all employees of the West Virginia network for educational telecomputing and beginning the first day of July, one thousand nine hundred ninety includes employees at the central office of the governing boards, who hold a position that is assigned a particular job title and pay grade in accordance with the personnel classification system established by the appropriate governing board and shall include all employees of the West Virginia network for educational telecomputing;

14 (b) “Nonclassified employee” means an individual who is responsible for policy formation at the institutional level or reports directly to the president: Provided, That the percentage of personnel placed in the category of “nonclassified” at any given institution shall not exceed four percent of the total number of employees of that institution who are eligible for membership in any state retirement system of the state of West Virginia or other retirement plan authorized by the state. Final approval of such placement shall be with the appropriate governing board;

25 (c) “Job description” means the specific listing of duties and responsibilities as determined by the appropriate governing board and associated with a particular job title;

29 (d) “Job title” means the name of the position or job as defined by the appropriate governing board;

31 (e) “Job classification” means a grouping of job titles with the same name without regard to their numerical designations, or any job title for which there is no related title of the same name;

35 (f) “Grade of classification” means a job title or position with its numerical designation which distinguishes it from other titles in the same classification;
(g) "Merit increases and salary adjustments" means the amount of additional salary increase allowed on a merit basis or to rectify salary inequities or accommodate competitive market conditions in accordance with rules established by the appropriate governing board;

(h) "Pay grade" means the letter grade assigned by the appropriate governing board to a particular job title and refers to the horizontal column heading of the salary schedule established in section three of this article;

(i) "Personnel classification system" means the process of job categorization adopted by the appropriate governing board by which job title, job description, pay grade and placement on the salary schedule are determined;

(j) "Salary" means the amount of compensation paid through the state treasury per month to a classified employee;

(k) "Schedule" or "salary schedule" means the grid of monthly salary figures established in section three of this article; and

(l) "Years of experience" means the number of years a person has been an employee of the state of West Virginia and refers to the vertical column heading of the salary schedule established in section three of this article. For the purpose of placement on the salary schedule pursuant to said section three, employment for nine months or more shall equal one year of experience, but no classified employee may accrue more than one year of experience during any given fiscal year. Employment for less than full-time or less than nine months during any fiscal year shall be prorated. For the purpose of determining the amount of annual salary increase pursuant to subsection (b) of section five of this article, employment for less than twelve months during any fiscal year shall be prorated. In accordance with rules established by the appropriate governing board, a classified employee may be granted additional years of experience not to exceed the actual number of years of prior, relevant

There is hereby established a state monthly salary schedule for classified employees consisting of a minimum monthly salary for each pay grade in accordance with years of experience: Provided, That payment of the minimum salary shall be subject to the availability of funds, and nothing in this article shall be construed to guarantee payment to any classified employee of the salary indicated on the schedule at the actual years of experience. The minimum salary herein indicated shall be prorated for regular part-time classified employees.

HIGHER EDUCATION CLASSIFIED EMPLOYEE MONTHLY SALARY SCHEDULE

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<th>C</th>
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### Higher Education

**Classified Employee**

**Monthly Salary Schedule**

**Pay Grade**

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<th>L</th>
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§18B-9-4. Establishment of personnel classification system; assignment to classification and to salary schedule.

Before the first day of July, one thousand nine hundred ninety, the governing boards shall establish by rule and implement an equitable system of job classifications, each classification to consist of related job titles and corresponding job descriptions for each position within a classification, together with the designation of an appropriate pay grade for each job title, which system shall be the same for corresponding positions in institutions under both boards. The system of job classifications shall be submitted to the secretary of education and the arts for review and approval prior to implementation on said date.

By such date and with consideration to recommendations of the institutions, the appropriate governing board shall furnish each classified employee written confirmation of the assignment to the appropriate classification, job title and pay grade and of the proper placement on the salary schedule pursuant to section three of this article notwithstanding the actual salary paid. Such assignment may be appealed in accordance with article twenty-nine of chapter eighteen of this code: Provided, That nothing herein shall nullify or void any personnel classification system in effect immediately prior to the first day of July, one thousand eight hundred eighty-nine.

§18B-9-5. Classified employee salary.
(a) Each classified employee who is employed by a governing board on the first day of July, one thousand nine hundred eighty-nine, shall receive for the same employment at the same pay grade during the fiscal year commencing on such date and thereafter, a monthly salary which is at least equal to the final monthly salary paid such classified employee for the fiscal year commencing on the first day of July, one thousand nine hundred eighty-eight, to be paid in equal installments within the regular pay periods.

(b) Commencing with the fiscal year beginning on the first day of July, one thousand nine hundred eighty-nine, and each fiscal year thereafter, each classified employee with three or more years of experience shall receive an annual salary increase equal to thirty-six dollars times the employee's years of experience, less any incremental salary increase granted in a prior fiscal year and actually incorporated into and becoming an integral part of base salary prior to fiscal year one thousand nine hundred ninety: Provided, That such annual salary increase shall not exceed the amount granted for the maximum of twenty years of experience. These incremental increases shall be in lieu of any salary increase received pursuant to section two, article five, chapter five of this code; shall be in addition to any across-the-board, cost-of-living or percentage salary increases which may be granted in any fiscal year by the Legislature; and shall be paid in equal installments within the regular pay periods.

(c) Each classified employee whose monthly salary under subsections (a) and (b) of this section is less than the minimum monthly salary for zero years of experience for the appropriate pay grade as set forth in section three of this article shall receive additional compensation such that the monthly salary is at least the minimum amount prescribed for the appropriate pay grade at zero years of experience: Provided, That such amounts may be reduced proportionately based upon the amount of funds available for such purpose.

(d) Any funds remaining after increasing the
monthly salary of each classified employee to at least
the minimum amount prescribed for the appropriate
pay grade at zero years of experience shall be used to
place classified employees on the salary schedule at
their appropriate years of experience: Provided, That
such amount may be reduced proportionately based
upon the amount of funds available for such purpose.

(e) Any classified employee may receive merit
increases and/or salary adjustments in accordance
with policies established by the board: Provided, That
funds for such increases and/or adjustments shall be
distributed in accordance with rules of the appropriate
governing board and shall be available to all state
institutions of higher education on an equitable basis.

(f) The current monthly salary of any classified
employee may not be reduced by the provisions of this
article nor by any other action inconsistent with the
provisions of this article, and nothing in this article
shall be construed to prohibit promotion of any
classified employee to a job title carrying a higher pay
grade if such promotion is in accordance with the
provisions of this article and the personnel classifica-
tion system established by the appropriate governing
board.

(g) Effective the first day of January, one thousand
nine hundred ninety, an amount equal to five percent
of one half the amount appropriated and distributed in
the fiscal year beginning on the first day of July, one
thousand nine hundred eighty-nine, for salaries for
full-time classified employees shall be distributed in
the following manner: Such amount as may be neces-
sary shall be distributed to each classified employee
who is employed on the first day of January, one
thousand nine hundred ninety, so that each such
employee shall receive for the same employment at
the same pay grade a monthly salary which is at least
equal to the final monthly salary paid such classified
employee for the last month of such employee's
employment during the fiscal year one thousand nine
hundred eighty-eight — eighty-nine, and a salary
increase equal to two and one half percent of such
final monthly salary. Any remaining funds shall be applied in accordance with the provisions of this section.

§18B-9-6. Annual review of classifications and classification system; notice and reports required.

1 Each institution shall review annually each job description in relationship to the assigned duties and responsibilities, current job title and pay grade of each classified employee of that institution. Based upon the data collected through such review, each institution shall determine which, if any, of its classified employees should be recommended for a change in job title in order to conform to the personnel classification system of its governing board: Provided, That any classified employee filling a position or carrying out the duties and responsibilities of a position normally assigned a higher pay grade in accordance with the personnel classification system established by the appropriate governing board shall be recommended for a change in job title or shall be returned immediately to the duties and responsibilities outlined in the appropriate job description.

18 Each institution shall submit to the appropriate governing board by the first day of September, one thousand nine hundred eighty-nine, and each year thereafter, a report which shall include the steps being taken to ensure proper employee classification in accordance with the appropriate job titles and pay grades as established by its governing board, any recommended changes in job title, the justification for such recommendations, the effect of such changes on existing personnel, and the fiscal impact thereof.

28 Each institution also may submit, as a part of its annual report to its governing board, recommendation for alterations in job descriptions or classifications, changes in corresponding pay grades, or creation of new job titles or classifications. Such changes, if approved by its governing board, shall be made a part of the personnel classification system of the governing board and shall be applied uniformly at all institutions:
Provided, That, when necessary, the governing board may order changes in classifications or changes in job titles upon its own authority and shall notify the institutions of such changes within thirty days.

Each governing board, upon receipt and review of the annual report submitted by each institution under its control, shall notify the reporting institution by the first day of December, one thousand nine hundred eighty-nine, and each year thereafter, of any action taken in response to recommendations made by the institution. Immediately upon receipt of notification of any changes in the personnel classification system by its governing board, the institution shall post copies of such notice in prominent campus locations. Changes in classification or changes in job title, as approved by the appropriate governing board, shall be effective no later than the first day of July of each year. When such changes affect currently employed personnel, each classified employee so affected shall be notified in writing regarding such change and the effect thereof.

§18B-9-7. Conferences regarding personnel classification.

(a) The president of the institution or the designees charged with responsibility to develop any personnel recommendations for inclusion in the institution’s annual report to its governing board shall meet and confer during development of the recommendations with any classified employee who (1) may be affected by proposed recommendations to its governing board; or (2) has requested a change in job title.

(b) In accordance with the provisions of article twenty-nine, chapter eighteen of this code relating to employee grievance procedures, a classified employee may appeal the initial assignment, any change in the assigned classification or job title, or any change in the system of classification, whether such change is the result of action taken by the appropriate governing board upon its own authority or upon the recommendations of the institutions.

§18B-9-8. Hirings after effective date.

Any individual hired as a full-time classified employee after the effective date of this section shall
be assigned by the appropriate governing board, with consideration to any recommendations of the institution, to a placement on the salary schedule which is appropriate to such individual’s classification, job title, pay grade and years of experience: Provided, That nothing in this section shall be construed to guarantee to a newly hired classified employee payment of the salary prescribed in section three of this article.

§18B-9-9. Additional employment by mutual agreement; provision for governing board approval.

In accordance with rules established by its governing board and by mutual agreement, the president of an institution, or a designated representative, and a classified employee at such institution may agree on duties to be performed by such employee in addition to those duties listed in the job description. The terms and conditions of any such agreement shall be in writing, signed by both parties, and shall describe the additional duties to be performed, the length of time such agreement shall be in force and the additional compensation to be paid. Such agreement shall be submitted to the appropriate governing board and shall be in effect unless and until the institution receives notice of nonapproval within ten working days following the submission thereof.

ARTICLE 10. FEES AND OTHER MONEY COLLECTED AT STATE INSTITUTIONS OF HIGHER EDUCATION.

§18B-10-1. Enrollment, tuition and other fees at educational institutions; refund of fees.

(a) Each governing board 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 under its jurisdiction and may include among such fees any one or more of the following: (1) Health service fees, (2) infirmary 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 such institutions: Provided, That such legal services shall be limited to
only those types of cases, programs or services approved by the administrative head of such institution where such legal services are to be performed; and (4) graduate center fees and branch college fees, or either, if the establishment and operations of graduate centers or branch colleges are otherwise authorized by law. 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, however, That the maximum fees to be collected under this section for resident students shall not exceed five hundred dollars 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 appropriate governing board, and the board shall file with the legislative auditor a certified copy of such schedule and changes.

(b) In addition to the fees mentioned in the preceding paragraph, each governing board may impose and collect a student union building fee. All such building fees collected at an 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 ten 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 authorized as proper investments for state funds.

(c) 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.

§18B-10-2. Higher education resource fee.

In addition to the fees specifically provided for in section one of this article, all students enrolled for credit at a state institution of higher education shall pay a higher education resource fee. Each governing board shall fix the fee rates for the various institutions and classes of students under its jurisdiction 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 appropriate governing board to meet general operating expenses, excluding personal services, of the state university system or state college system from which the fees were collected: 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 chapter eighteen of this code.
§18B-10-3. Faculty improvement fee.

1 In addition to the fees specifically provided for in sections one and two of this article, all students enrolled for credit at a state institution of higher education shall pay a faculty improvement fee. Each governing board shall fix the fee rates for the various institutions and classes of students under its jurisdiction and may from time to time change these rates: Provided, That the fee for each class of students shall be uniform throughout the state and shall be no less than fifteen dollars per semester for residents and no less than fifty dollars per semester for out-of-state students. The amount of the fee charged at each institution shall be prorated for part-time students.

2 The fee imposed by this section is in addition to the maximum fees allowed to be collected under the provisions of section one of this article and is not limited thereby. Refunds of the fee may be made in the same manner as any other fee collected at state institutions of higher education.

3 All faculty improvement fees collected shall be deposited in a special fund in the state treasury. Each governing board shall use such fees, including any fees on deposit as of the effective date of this section, to the extent available to implement article eight of this chapter.

4 Each governing board shall, before the first day of July of each year, provide the legislative auditor with a report of the projected fee collections for each of its institutions.

§18B-10-4. Medical education fee.

1 In addition to the fees specifically provided for in sections one, two and three of this article, all medical
students enrolled for credit at the West Virginia University school of medicine, Marshall University school of medicine and the West Virginia school of osteopathic medicine shall pay a medical education fee. The board of trustees shall fix the fee rates for students at each institution and may from time to time change these rates. The fee imposed by this section is in addition to the maximum fees allowed to be collected under the provisions of section one of this article and is not limited thereby. Refunds of the fee may be made in the same manner as any other fee collected at state institutions of higher education. Medical education fees collected shall be deposited in a special revenue account which is hereby created in the state treasury for the school at which the fees are collected and shall be used by the school to offset general operating costs: Provided, That the board of trustees may deposit a portion of the total fees collected therein into the medical student loan fund account in accordance with the provisions of article two, chapter eighteen of this code. Before the first day of July of each year, the board of trustees shall provide the legislative auditor with a report of the projected fee collections for each of the schools of medicine.

§18B-10-4a. Health professions education fee.

In addition to the fees specifically provided for in sections one, two, three and four of this article, all students enrolled for credit at the West Virginia University health sciences center, Marshall University School of Medicine and the West Virginia School of Osteopathic Medicine, shall pay a health professions education fee. The board of trustees shall fix the amount of the fee and may from time to time change that amount. The fee imposed by this section is in addition to the maximum fees allowed to be collected under the provisions of section one of this article and is not limited thereby. Refunds of the fee may be made in the same manner as any other fee collected at state institutions of higher education. All moneys collected from the health professions education fees
shall be deposited in a special revenue account for the respective school from which collection is made, said accounts shall be hereby created in the state treasury for the West Virginia health sciences center, Marshall University School of Medicine, and the West Virginia School of Osteopathic Medicine. The moneys in such fund shall be used to offset general operating costs for health sciences education in this state. Before the thirty-first day of June of each year, the board of trustees shall provide the legislative auditor with a report of the projected fee collections during the next fiscal year and a report of fee expenditures for the preceding fiscal year.

§18B-10-5. Fee waivers — Undergraduate schools.

Each governing board may establish, from time to time, fee waivers for students in undergraduate studies at institutions under its jurisdiction entitling recipients to waiver of enrollment, tuition, registration, higher education resource and other fees subject to the following conditions and limitations:

(1) No state educational institution may have in effect at any time undergraduate fee waivers in a number which exceeds five percent of the number of full-time equivalent undergraduate students registered during the fall semester of the immediately preceding academic year.

(2) Each undergraduate fee waiver shall entitle the recipient thereof to attend a designated state educational institution without payment of the enrollment, tuition, registration, higher education resource and other fees as may be prescribed by the governing board and be for a period of time not to exceed eight semesters of undergraduate study.

(3) The governing board shall make rules governing the award of undergraduate fee waivers, the issuance and cancellation of certificates entitling the recipients to the benefits thereof, the use of the fee waivers by the recipients and the rights and duties of the recipients in respect to the fee waivers. These rules may not be inconsistent with the provisions of this section.
The awarding of undergraduate fee waivers shall be entered in the minutes of the meetings of the governing board, and each board shall file with the legislative auditor a copy of the rules governing the award of the fee waivers and a list of the names of the recipients thereof.

§18B-10-6. Same — Professional and graduate schools.

In addition to the fee waivers heretofore authorized for undergraduate study by the provisions of section five of this article, each governing board may establish from time to time fee waivers for study in graduate and professional schools under their jurisdiction, including medicine and dentistry, entitling the recipients to waiver of enrollment, tuition, registration, higher education resource and other fees, subject to the following conditions and limitations:

(1) West Virginia University may not have in effect at any time graduate and professional school fee waivers in a number which exceeds ten percent of the number of full-time equivalent graduate and professional students registered during the corresponding fall semester, spring semester and summer term of the immediately preceding academic year. In addition to the above ten percent, all graduate assistants employed by West Virginia University shall be granted a fee waiver. All other institutions of higher education may not have in effect at any time graduate and professional school fee waivers in a number which exceeds five percent of the number of full-time equivalent graduate and professional students registered during the corresponding fall semester, spring semester and summer term of the immediately preceding academic year. In addition to the above five percent, all graduate assistants employed by the other institutions shall be granted a fee waiver.

(2) Each graduate or professional school fee waiver shall entitle the recipient to waiver of the enrollment, tuition, registration, higher education resource and other fees as may be prescribed by the governing boards and be for a period of time not to exceed the
number of semesters normally required in the recipient's academic discipline.

(3) The governing boards shall make rules governing the award of graduate and professional school fee waivers, the issuance and cancellation of certificates entitling the recipients to the benefits thereof, the use of the fee waivers by the recipients and the rights and duties of the recipients in respect to the fee waivers. These rules may not be inconsistent with the provisions of this section.

(4) The awarding of graduate and professional school fee waivers shall be entered in the minutes of the meeting of each governing board, and each board shall file with the legislative auditor a copy of the rules governing the award of the fee waiver and a list of the names of the recipients thereof.

§18B-10-7. Tuition and fee waivers for children and spouses of officers and firefighters killed in the line of duty.

1 Each state institution of higher education shall permit any person to attend its undergraduate courses and classes if classroom space is available without charging such person any tuition or any fees, including those provided in sections two and three of this article, if such person is the child or spouse of a law-enforcement officer as defined in section one, article twenty-nine, chapter thirty of this code, a correctional officer at a state penal institution, a conservation officer, or a registered firefighter, and such officer or firefighter was killed in the line of duty while employed by the state or any political subdivision thereof, or such firefighter was a member of a volunteer fire department serving a political subdivision of this state: Provided, That the state institution of higher education may require such person to pay special fees, including any laboratory fees, if such fees are required of all other students taking a single or the particular course and may also require such person to pay for parking. The governing boards may promulgate rules for determining the availability of classroom space and
other rules as it considers necessary to implement this section, including rules regarding qualifications for attendance, which shall not exceed the qualifications required of other persons.

The governing boards may also extend to persons attending courses and classes under this section any rights, privileges or benefits extended to other students which it considers appropriate.

§18B-10-8. Collection; disposition and use of additional registration fee; creation of special capital improvements funds; revenue bonds.

(a) In addition to all other fees imposed by the governing boards, there is hereby imposed and the governing boards are hereby directed to provide for the collection of an additional registration fee from all students enrolled in any state institution of higher education under its jurisdiction in the amounts hereinafter provided.

For full-time students at each state institution of higher education, the additional registration fee shall be fifty dollars per semester. The governing boards shall have authority to increase such additional registration fee at institutions of higher education under their jurisdiction for students who are nonresidents of this state. For all part-time students and for all summer school students, the governing boards shall impose and collect such fee in proportion to, but not exceeding, that paid by full-time students.

The fee imposed by this section shall be in addition to the maximum fees allowed to be collected under the provision of section one of this article and shall not be limited thereby. Refunds of such fee may be made in the same manner as any other fee collected at state institutions of higher education.

(b) There is created in the state treasury a state system special capital improvements fund into which shall be paid all proceeds of the additional registration fees collected from students at all state institutions of higher education pursuant to this section to be
expended jointly by the governing boards for the payment of the principal of or interest on any revenue bonds issued by the board of regents for which such registration fees were pledged prior to the enactment of this section.

At such time as the commingling of such registration fees shall no longer be required, all proceeds shall be paid into the appropriate special capital improvements fund for each governing board for the benefit of any and all state institutions of higher education under the jurisdiction of that governing board.

(c) The governing boards may make expenditures from any of the special capital improvements funds established in this section to finance, in whole or in part, together with any federal, state or other grants or contributions, any one or more of the following projects: (1) The acquisition of land or any rights or interest therein, (2) the construction or acquisition of new buildings, (3) the renovation or construction of additions to existing buildings, (4) the acquisition of furnishings and equipment for any such buildings, and (5) the construction or acquisition of any other capital improvements or capital educational facilities at such state institutions of higher education, including any roads, utilities or other properties, real or personal, or for other purposes necessary, appurtenant or incidental to the construction, acquisition, financing and placing in operation of such buildings, capital improvements or capital educational facilities.

Each governing board, in its discretion, may use the moneys in such special capital improvements funds to finance the costs of the above purposes on a cash basis, or may from time to time issue revenue bonds of the state as provided in this section to finance all or part of such purposes and pledge all or any part of the moneys in such special funds for the payment of the principal of and interest on such revenue bonds, and for reserves therefor. Any pledge of such special funds for such revenue bonds shall be a prior and superior charge on such special funds over the use of any of the moneys in such funds to pay for the cost of any of such
purposes on a cash basis: Provided, That any expendi-
tures from such special funds, other than for the
retirement of revenue bonds, may only be made by
the governing board to meet the cost of a predeter-
mined capital improvements program for one or more
of the state institutions of higher education, in such
order of priority as shall have been agreed upon by
the governing board and presented to the governor for
inclusion in the annual budget bill, and only with the
approval of the Legislature as indicated by direct
appropriation for the purpose.

Such revenue bonds may be authorized and issued
from time to time by the governing board to finance
in whole or in part the purposes provided in this
section in an aggregate principal amount not exceed-
ing the amount which the governing board shall
determine can be paid as to both principal and interest
and reasonable margins for a reserve therefor from
the moneys in such special funds.

The issuance of such revenue bonds shall be autho-
rized by a resolution adopted by the governing board,
and such revenue bonds shall bear such date or dates,
mature at such time or times not exceeding forty
years from their respective dates; be in such form
either coupon or registered, with such exchangeability
and interchangeability privileges; be payable in such
medium of payment and at such place or places,
within or without the state; be subject to such terms
of prior redemption at such prices not exceeding one
hundred five per centum of the principal amount
thereof; and shall have such other terms and provi-
sions as the governing board shall determine. Such
revenue bonds shall be signed by the governor and by
the president of the governing board authorizing the
issuance thereof, under the great seal of the state,
attested by the secretary of state, and the coupons
attached thereto shall bear the facsimile signature of
the president of the governing board. Such revenue
bonds shall be sold in such manner as the governing
board may determine to be for the best interests of the
state.
The governing board may enter into trust agreements with banks or trust companies, within or without the state, and in such trust agreements or the resolutions authorizing the issuance of such bonds may enter into valid and legally binding covenants with the holders of such revenue bonds as to the custody, safeguarding and disposition of the proceeds of such revenue bonds, the moneys in such special funds, sinking funds, reserve funds, or any other moneys or funds; as to the rank and priority, if any, of different issues of revenue bonds by the governing board under the provisions of this section; as to the maintenance or revision of the amounts of such additional registration fees, and the terms and conditions, if any, under which such additional registration fees may be reduced; and as to any other matters or provisions which are deemed necessary and advisable by the governing board in the best interests of the state and to enhance the marketability of such revenue bonds.

After the issuance of any of such revenue bonds, the additional registration fees at the state institutions of higher education shall not be reduced as long as any of such revenue bonds are outstanding and unpaid except under such terms, provisions and conditions as shall be contained in the resolution, trust agreement or other proceedings under which such revenue bonds were issued.

Such revenue bonds shall be and constitute negotiable instruments under the Uniform Commercial Code of this state; shall, together with the interest thereon, be exempt from all taxation by the state of West Virginia, or by any county, school district, municipality or political subdivision thereof; and such revenue bonds shall not be deemed to be obligations or debts of the state, and the credit or taxing power of the state shall not be pledged therefor, but such revenue bonds shall be payable only from the revenue pledged therefor as provided in this section.

§18B-10-9. Authority to excuse students in certain educational programs from payment of enrollment fees.
Whenever the cost of any institute, workshop, special course, or other educational program is wholly financed by a grant from any federal agency or from any foundation, corporation, or other association or person, except for indirect costs of administration and other overhead expenses, such as the cost of providing classrooms and other facilities, the governing board of the state educational institution administering such program shall have the authority to excuse all students enrolled in such program from the payment of tuition, registration and other enrollment fees.

§18B-10-10. Disposition and use of student union fees; issuance of revenue bonds.

Whenever the term “student union building” is used in this section, the same shall mean a student union building or a combination student union building and dining hall building; and wherever the term “building fund” is used in this section the same shall mean the respective special student union building funds created as provided in section one of this article for each state educational institution which has imposed student union fees pursuant to section one of this article, to be expended by the appropriate governing board for the benefit of the state institutions of higher education under its jurisdiction.

Each governing board may make expenditures from such building funds at the various state institutions of higher education under its jurisdiction to finance in whole or in part together with any federal, state or other grants or contributions, any one or more of the following purposes:

1. The construction and acquisition of new student union buildings;
2. The acquisition, renovation and improvement of existing buildings to be used as student union buildings;
3. The construction of additions, extensions and improvements to existing student union buildings;
4. The acquisition of furnishings and equipment for any existing student union buildings or student union
buildings to be constructed or acquired, or the con-
struction of any roads, utilities or other properties,
real or personal, or for any other purposes necessary,
appurtenant or incidental to the construction, acquisi-
tion, financing and placing in operation of such
student union buildings; and

(5) The payment of the cost of operation and main-
tenance of such student union buildings, subject
however to any covenants or agreements made with
the holders of revenue bonds heretofore and hereafter
issued pursuant to this section or pursuant to section
one of this article.

Each governing board, at its discretion, may use the
moneys in such building funds to finance the costs of
the above purposes on a cash basis, or may from time
to time issue revenue bonds of the state as provided in
this section to finance all or part of such purposes and
pledge all or any part of the moneys in such building
funds for the payment of the principal of and interest
on such revenue bonds, and for reserves therefor. Any
pledge of such building funds for such revenue bonds
shall be a prior and superior charge on such special
funds over the use of any of the moneys in such funds
to pay for the cost of any of such purposes on a cash
basis, or for the payment of the cost of operation and
maintenance, or any part thereof, of such student
union buildings, under such terms and conditions as
shall be provided in the proceedings which authorized
the issuance of such revenue bonds.

Such revenue bonds may be authorized and issued
from time to time by a governing board to finance in
whole or in part the projects at any state institution of
higher education under its jurisdiction provided for in
this section in an aggregate principal amount not
exceeding the amount which the board shall deter-
mine can be paid as to both principal and interest and
reasonable margins for a reserve therefor from the
moneys in such building funds.

The issuance of such revenue bonds shall be autho-
ized by a resolution adopted by the governing board,
and such revenue bonds shall bear such date or dates; 
mature at such time or times not exceeding forty 
years from their respective dates; bear interest at such 
rate or rates, not exceeding twelve per centum per 
annum; be in such form either coupon or registered, 
with such exchangeability and interchangeability 
privileges; be payable in such medium of payment and 
at such place or places, within or without the state; be 
subject to such terms of prior redemption at such 
prices not exceeding one hundred five per centum of 
the principal amount thereof; and shall have such 
other terms and provisions as the board shall deter-
mine. Such revenue bonds shall be signed by the 
governor and by the president of the governing board, 
under the great seal of the state, attested by the 
secretary of state, and the coupons attached thereto 
shall bear the facsimile signature of the president of 
the governing board. Such revenue bonds shall be sold 
in such manner as the governing board may deter-
mine to be for the best interests of the state.

The governing board may enter into trust agree-
ments with banks or trust companies, within or 
without the state, and in such trust agreements or the 
resolutions authorizing the issuance of such bonds may 
enter into valid and legally binding covenants with the 
holders of such revenue bonds as to the custody, 
safeguarding and disposition of the proceeds of such 
revenue bonds, the moneys in such building funds, 
sinking funds, reserve funds, or any other moneys or 
funds; as to the rank and priority, if any, of different 
issues of revenue bonds issued by the governing board 
for the same educational institution under the provi-
sions of this section; as to the maintenance or revision 
of the amounts of such student union fees, and the 
terms and conditions, if any, under which any of such 
student union fees may be reduced; and as to any 
other matters or provisions which are deemed neces-
sary and advisable by the governing board in the best 
interests of the state and to enhance the marketability 
of such revenue bonds.

Any revenues or income derived from the operation
of such student union buildings may, in the discretion of the governing board, be used to pay the cost of the operation and maintenance of such student union buildings, or for the debt service on any bonds issued pursuant to this section or pursuant to any other law.

After the issuance of any of such revenue bonds, the student union fees at the state institution of higher education for which such revenue bonds were issued shall not be reduced as long as any of such revenue bonds are outstanding and unpaid except under such terms, provisions, and conditions as shall be contained in the resolution, trust agreement or other proceedings under which such revenue bonds were issued.

Such revenue bonds shall be and constitute negotiable instruments under the Uniform Commercial Code of the state and shall, together with the interest thereon, be exempt from all taxation by the state of West Virginia, or by any county, school district, municipality or political subdivision thereof; and such revenue bonds shall not be deemed to be obligations or debts of the state, and the credit or taxing power of the state shall not be pledged therefor, but such revenue bonds shall be payable only from the student union fees pledged therefor as provided in this section.

The provisions of this section shall constitute an additional, alternative and complete authority for the exercise of the powers and the issuance of the bonds provided for in this section, but shall not prevent the governing boards from exercising similar or related powers or issuing bonds therefor under any other law or laws, but the governing board, in exercising the powers and issuing the bonds provided for in this section, shall only be required to comply with the provisions of this section and shall not be required to comply with or be subject to the provisions of any other law or laws.

§18B-10-11. Fees and money derived from athletic contests.

1 The directors of athletics at state institutions of higher education may fix and charge admission fees to athletic contests at state institutions of higher educa-
tion and may enter into contracts and spend and
receive money under such contracts for the student
athletic teams of state institutions of higher education
to contest with other athletic teams inside or outside
the state. All money received from such fees and
contracts shall be deposited into the athletic accounts
of the state institutions of higher education.

All money derived from such fees and under such
contracts shall be used to defray the cost of maintain-
ing the athletic department and athletic program of
such institutions. The operation of training camps and
training tables and providing room accommodations
for participants in the athletic program of such
institutions shall be recognized and considered as a
proper part of such maintenance, but the specific
mention of training camps and training tables and
providing room accommodations shall not be con-
strued or understood to limit in any way the general
power and authority otherwise granted and conferred
by this section: Provided, That (1) one percent of the
total gross receipts deposited into the athletic accounts
and (2) not less than twenty-five percent of the net
receipts from televised athletic events, bowl games
and post-season tournaments deposited into the ath-
etic accounts shall be transferred into a separate and
distinct special revenue account for each individual
state institution of higher education, which special
revenue account shall be designated "athletic facilities
construction, repair or replacement reserve account,"
in the state treasury. Such revenues shall be used only
for construction, repair or replacement of athletic
facilities at the same individual state institution of
higher education to which such special revenue
account is credited. Notwithstanding any other provi-
sion in this section to the contrary, in the year in
which they are received, no more than twenty-five
percent of the net receipts from televised athletic
events, bowl games and post-season tournaments
deposited into athletic accounts may be transferred
into other accounts of the same state institution of
higher education having such receipts for the support
of academic programs to meet an occasional rather
46 than recurrent need or expense, and in accord with
47 legislative rules promulgated by the appropriate
48 governing board in accordance with chapter twenty-
49 nine-a of this code, notwithstanding any other provi-
50 sion of this code to the contrary.

§18B-10-12. Student activity fees.
1 The president or other administrative head of any
2 state institution of higher education may authorize the
3 collection of fees from students for the support of
4 extracurricular activities of the students, and after
5 authorizing the collection of such fees, the president or
6 other administrative head shall file with the state
7 auditor and state budget director a certified detailed
8 statement of the fees authorized to be collected and
9 the purpose for which they are to be spent.

§18B-10-13. Fees from operation of dormitories, faculty
1 homes, dining halls, and cafeterias.
2 The appropriate governing board of each state
3 institution of higher education shall fix the fees to be
4 charged students and faculty members for rooms,
5 board and meals at the dormitories, faculty homes,
6 dining halls and cafeterias operated by such board at
7 the institution. Such fees shall be commensurate with
8 the complete cost of such services.

8 All fees collected for such services shall be used first
9 to pay the operating and maintenance costs of the
10 dormitories, faculty homes, dining halls and cafeterias
11 and to meet interest, principal and sinking fund
12 requirements due on any outstanding revenue bonds
13 for which such receipts may have been pledged as
14 security. Any such receipts not needed for these
15 purposes may be expended by the appropriate govern-
16 ing board to defray the costs in whole or in part for
17 the construction of any such facility.

1 The appropriate governing board of each state
2 institution of higher education shall have the authority
3 to establish and operate a book store at the institution.
4 The book store shall be operated for the use of the
institution itself, including each of its schools and departments, in making purchases of books, stationery and other school and office supplies generally carried in college stores, and for the benefit of students and faculty members in purchasing such products for their own use, but no sales shall be made to the general public. The prices to be charged the institution, the students and the faculty for such products shall be fixed by the governing board, shall not be less than the prices fixed by any fair trade agreements, and shall in all cases include in addition to the purchase price paid by the book store a sufficient handling charge to cover all expenses incurred for personal and other services, supplies and equipment, storage, and other operating expenses, to the end that the prices charged shall be commensurate with the total cost to the state of operating the book store.

All moneys derived from the operation of the store shall be paid into a special revenue fund as provided in section two, article two, chapter twelve of this code. Each governing board shall, subject to the approval of the governor, fix and from time to time change the amount of the revolving fund necessary for the proper and efficient operation of each book store.

Moneys derived from the operation of the book store shall be used first to replenish the stock of goods and to pay the costs of operating and maintaining the store. From any balance in the Marshall University book store fund not needed for operation and maintenance and replenishing the stock of goods, the governing board of that institution shall have authority to expend a sum not to exceed two hundred thousand dollars for the construction of quarters to house the book store in the university center at Marshall University. Until such quarters for housing the book store are completed, the governing board of Marshall University and the governor shall take this authorization into account in fixing the amount of the revolving fund for the Marshall University book store.

§18B-10-15. Authority of educational institutions to provide special services and programs; collection and disposition of fees therefor.
The appropriate governing board of each state institution of higher education shall have authority to provide special services and special programs at such institutions and may fix and collect special fees or charges therefor. Such special services and special programs may include any one or more of the following:

1. The conduct of music camps and band, orchestra, or voice clinics for secondary school students or other youth groups, summer tutoring programs for primary and secondary school students, speech therapy clinics and services, educational and psychological testing programs, student guidance programs, and statistical studies and calculations by an electronic computer service.

2. Rental of lockers or other storage facilities and the maintenance and operation of parking facilities for use by students, faculty, staff, and visitors.

3. Rental of musical recordings, educational films, slides, and other audiovisual aids.

4. Microfilming or other mechanical reproduction of records and noncopyrighted library reference materials.

5. Institutes, conferences, workshops, postgraduate and refresher noncredit courses, and any other special program or special service customarily provided by institutions of higher education.

6. Motor pools, consisting of motor vehicles for the use of their employees when carrying on the business and affairs of the institutions.

All fees or charges collected for any such special services or programs shall be paid into a special fund and shall be expended solely for the maintenance, operation and support of such services and programs.

Whenever any such special service is provided by one school, division or department of a state institution of higher education for the benefit of any other school, division or department in the same institution, the cost
shall be paid by the school, division or department requesting the service and shall be deposited and expended as provided above. Whenever a motor pool is provided by the governing board of a state institution of higher education, such board may charge any school, college, department or division of such institution for which a vehicle is used a reasonable amount for such use, which amount shall be paid by such school, college, department or division and shall be deposited and expended as above provided.

§18B-10-16. Disposition of funds in state treasury.

Except as may be provided for in any bond resolution in effect, funds in the state treasury heretofore collected from any of the sources defined in the foregoing sections shall remain in the state treasury for use by the institution where collected. Any interest revenue generated by a special student fee account shall only be expended at or for the institution where such fee was collected.

ARTICLE 11. MISCELLANEOUS INSTITUTES AND CENTERS.

§18B-11-1. Center for regional progress created; director powers; mission and purpose.

(a) There is hereby created an economic development entity known as the “center for regional progress” at Marshall University. The center shall be under the control and supervision of a director, which position is to be filled by an individual qualified by experience and education. The director shall be appointed by the president of Marshall University. The director may employ such staff as is necessary to accomplish the center’s mission and purpose. The director shall have administrative control and supervision of the center. The center shall emphasize the creation of new jobs and the retention of existing jobs as the foundation necessary for the economic development of West Virginia. The center shall provide basic and applied research and technical assistance; counseling and referral service; graduate research and cooperative education programs; management and marketing assistance; continuing education, seminars, work-
shops; courses to meet both employer and employee educational needs; and such other activities as are necessary to carry out the provisions of this article. The center shall provide research and technical assistance to meet the economic and community development needs of local, municipal, county and state governments.

(b) The center shall upon request respond to public policy needs of the Legislature and the executive; and apply for and obtain grants or funds from all available sources, private and public, state, federal, and otherwise. The center shall maintain a roster of faculty and staff at Marshall University and other institutions of higher education from which specific expertise may be drawn.

§18B-11-2. Institute for public affairs; creation and purposes.

(a) There is hereby created as an independent entity the institute for public affairs, to be located and operated at West Virginia University. The institute shall be under the control and supervision of a director, which position is to be filled by an individual whose credentials include accomplishments in the interdisciplinary academic fields and government. The director shall be appointed by the president of West Virginia University. The institute shall engage faculty from institutions of higher education throughout the state and shall cooperatively develop a program with other such institutions. The terms of such participation may be by contract, loan, part-time basis or other such arrangement.

(b) The institute is directed to conduct independent research and propose strategies and options on public issues and policies upon its own initiative or as may be requested by the executive or the Legislature.

(c) The institute is directed to seek all other funds, grants, and other sources of assistance from other agencies of government as well as the private sector.

(d) The director shall have administrative control and supervision of the institute.
§18B-11-3. Institute for international trade development; creation and purpose.

There is hereby created as an independent entity the institute for international trade development, to be located and operated at Marshall University. The institute is established to facilitate faculty involvement in the formation and continuation of international market entry and development strategy, to provide assistance to state businesses in exporting and attracting foreign investment, and to engage in other activities designed to promote, develop and stimulate export expansion and foreign direct investment. The institute shall be under the control and supervision of a director, who shall be appointed from among the faculty by the president of Marshall University. The institute shall engage faculty from institutions of higher education throughout the state and shall cooperatively develop an export program with the other such institutions. The terms of such participation may be by contract, loan, part-time basis, or other such arrangement. The institute shall develop with the board of trustees and the governor a program of student internships in international business to place qualified students for academic credit with businesses in West Virginia to help develop export awareness and potential. The institute shall further provide research and analysis on matters of international trade upon request of the executive or the Legislature; initiate partnership grants, and proposals in the area of international trade in accordance with the provisions of article two-a, chapter five-b of this code; and apply for and obtain grants or funds from all available sources, private and public.

ARTICLE 12. RESEARCH AND DEVELOPMENT AGREEMENTS FOR STATE INSTITUTIONS OF HIGHER EDUCATION.

§18B-12-1. Definitions.

The following words used in this article shall, unless the context clearly indicates a different meaning, be construed as follows:

(a) "Agreement" means any agreement being
§18B-12-2. Legislative findings and purpose.

(a) The Legislature finds and determines that the future economic development in the state will depend in part upon research developed at the state institutions of higher education, and enhanced research opportunities for state institutions of higher education will promote the general economic welfare of the citizens of the State. In order to enhance the competitive position of state institutions of higher education in the current environment for research and development, expenditures for equipment and material for research projects must be handled in an expeditious fashion, and the acquisition and utilization of research grants can be simplified and expedited through the utilization of corporations.

(b) The interest of the citizens of the State will be best met by agreements entered into and carried out by the governing boards and corporations to provide research assistance for state institutions of higher education. Therefore, in order to facilitate research and development grants and opportunities for state institutions of higher education, it is appropriate to authorize the governing boards to contract with corporations organized for the purpose of providing such services to state institutions of higher education.

§18B-12-3. Boards authorized to contract with corporations; characteristics of corporations.

Each governing board for a state institution of higher education is hereby authorized to enter into agreements and any other contractual relationships with one or more corporations formed with respect to
such state institution of higher education, but only if each such corporation meets the following descriptions:

(1) The president and the president’s appointees from the institution shall constitute a majority of the voting corporate directors.

(2) The corporation must be organized as a non-profit, non-stock corporation under the general corporation laws of the state exclusively for charitable, educational or scientific purposes within the meaning of section 501(c) of the Internal Revenue Code of 1986, as amended, to foster and support research at the respective state institution of higher education and to provide evaluation, development, patenting, management and marketing services for inventions of the faculty, staff and students of such state institution of higher education.

(3) The meetings of the corporate directors shall be subject to the provisions of section three, article nine-a, chapter six of this code.

(4) Upon dissolution of the corporation, the assets of the corporation shall be transferred to such entity as the appropriate governing board shall designate for the benefit of the state institution of higher education: Provided, That such recipient shall be an organization operated exclusively for charitable, educational or scientific purposes as shall at such time qualify as an exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986.

§18B-12-4. Agreement; required provisions.

(a) Notwithstanding section ten, article three, chapter twelve of this code or any other provision of law to the contrary, each governing board is hereby authorized to enter into an agreement with a corporation, which agreement shall be for the benefit of such state institution of higher education and contain the following provisions, subject to further specification as shall be mutually agreed upon by the appropriate governing board and the corporation:

(1) On the effective date of the agreement, the
corporation shall be charged with the responsibility of
serving as fiscal agent for sponsored projects con-
ducted by the faculty, staff and students of the state
institution of higher education, and grants shall be
accepted by the corporation on behalf of the institution
and assigned to the corporation for fiscal management.

(2) The corporation shall provide evaluation, devel-
opment, patenting, licensing, management and mar-
keting services for inventions, processes, trademarks,
copyrights or any other intellectual property devel-
oped by faculty, staff and students of any state
institution of higher education.

(3) The corporation shall have the right to determine
the application of the proceeds from any invention,
process, trademark, copyright or any other intellectual
property developed by the faculty, staff or students of
a state institution of higher education among the
corporation, the inventor or developer, and the
institution.

(4) The corporation shall have such additional
responsibilities related to the administration of
research and development at the state institution of
higher education as are necessary or desirable to
facilitate the development of research at the institution.

(b) Upon termination of the agreement, the funds or
grants paid or held by the corporation shall be paid to
the state institution of higher education or its designee
as the appropriate governing board shall direct.

(c) A corporation may utilize both corporation
employees and personnel of the state institution of
higher education, provided, however, that the corpora-
tion may pay the costs incurred by the state institution
of higher education including personnel funded on
grants and contracts, fringe benefits of personnel
funded on grants and contracts, administrative support
costs and other costs which may require reimburse-
ment and may include as costs any applicable over-
head and fringe benefit assessments necessary to
recover the costs expended by the state institution of
higher education pursuant to the terms of the agree-
ment, it being the intention that a board may be reimbursed for expenses incurred by it pursuant to the agreement.

§18B-12-5. Audit.

1 The operations of the corporation shall be subject to an audit by an independent auditor.

§18B-12-6. Conflicts of interest.

1 Notwithstanding any other provision of this code to the contrary, officers and employees of a governing board and the affected state institution of higher education may hold appointments to offices of the corporation and be corporate directors or officers or employees of other entities contracting with either the corporation or a governing board of a state institution of higher education. The executive director of the corporation shall have dual appointment with the state institution of higher education. The governing board of a state institution of higher education and the corporate directors must be informed of such appointments annually.

§18B-12-7. No waiver of sovereign immunity.

1 Nothing contained in this article shall be deemed or construed to waive or abrogate in any way the sovereign immunity of the state or to deprive a governing board of a state institution of higher education, a state institution of higher education or any officer or employee thereof of sovereign immunity.

§18B-12-8. Not obligation of the state.

1 Obligations of a corporation shall not constitute debts or obligations of a state institution of higher education, the governing board thereof or the state.

§18B-12-9. Sections and provisions severable.

1 The sections of this article, and the provisions and parts of said sections, are severable, and it is the intention to enact the whole or any part of the powers provided for in this article, and, if any of said sections, or the provisions or parts of any said sections, or the
6 application thereof to any person or circumstance, are
7 for any reason held unconstitutional or invalid, it is
8 the intention that the remaining sections of this
9 article, and the remaining provisions or parts of any
10 said sections, shall remain in full force and effect.

ARTICLE 13. HIGHER EDUCATION-INDUSTRY PARTNERSHIPS.

§18B-13-1. Legislative purpose.

1 A pressing need exists for collaborative research and
2 development between institutions of higher education
3 and industry. This need also extends to assisting
4 companies to develop and adapt to new technology. A
5 commitment by the state to support cooperative
6 university-industry partnerships will preserve existing
7 jobs and create new jobs; promote development of
8 business enterprises and help them become competi-
9 tive; and enable West Virginia to achieve the goals of
10 economic growth and full employment by revitalizing
11 and diversifying the West Virginia economy. Focused
12 research and technical assistance efforts related to
13 West Virginia industry will speed such development,
14 improve technology transfer, assist companies in
15 becoming growth leaders and link basic research and
16 technological developments to economic advancement.

17 It is the purpose of the Legislature to establish the
18 West Virginia Foundation for Science and Technology
19 to have as its goals the movement of the state of West
20 Virginia into the forefront of science and technology
21 by the year two thousand; the attraction of business,
22 federal contracts and industry; and the creation of jobs
23 for the people of this state, through applied science
24 and technology and partnership programs as set forth
25 in this article.

§18B-13-2. The West Virginia foundation for science
and technology.

1 There is hereby created the West Virginia founda-
2 tion for science and technology for the purpose of
3 developing and implementing the High-Tech 2000 fund
4 as set forth in this article, and for the awarding of
5 grants and other assistance as provided herein. Grants
shall concentrate on targeted job-creating industries, processes and research as determined by the High-Tech 2000 board of trustees according to the strategic comprehensive plan and grant program required in this article, but shall include immediate priority for the topics of computer software, federal contract procurement, flexible manufacturing, materials handling and distribution, and hardwood manufacturing.

§18B-13-3. Higher education-industry collaboration and technical assistance.

Institutions of higher education shall develop a plan to engage in collaborative projects designed to assist business to adapt or develop new technology under this article and shall be eligible to receive financial support through the matching grant programs defined in this article.

The foundation is authorized and empowered to solicit and accept financial support from sources, including federal funds, other than the state. Any institution of higher education making application for financial support from the foundation, may deposit all or any part of funds received from the special High-Tech 2000 fund into a special revenue account in the state treasury which may be established.


The High-Tech 2000 board shall have the authority to allocate any funds available to higher education-industry projects operating under the provisions of this article. The amount of the grant may not exceed the level of contribution from all other sources combined.

The High-Tech 2000 board shall negotiate a contract for all grants, the terms of which should, if practicable, provide for payment of negotiated royalties, royalty sharing arrangements, loans, hybrid-debt equity arrangements, stock purchase arrangements or other payments to the fund, established in section five of this article.
The grant program shall bring together, through challenge or matching grants, partners from the business, industry, public and educational sectors to develop and apply technologies which will strengthen existing business and stimulate the formation of new firms and products including:

1. **Joint partnership research and development projects.** — Such projects shall require a joint effort of a West Virginia business or businesses and an institution of higher education in this state with the purpose of preserving or creating jobs in this state;

2. **Education and training projects.** — Such projects shall include employment training or retraining, labor market and occupational analysis, new courses, sharing of costly equipment, and educational or technical assistance with small business innovation centers; and

3. **Entrepreneurial development projects.** — Such projects shall include technical assistance, development of business plans, management counseling, technology transfer, and venture capital assistance, with emphasis on establishing new projects, processes or services.


There is hereby established a special High-Tech 2000 Fund to which shall be credited any state appropriations, gifts, grants or other moneys available to the fund.


There is hereby created a High-Tech 2000 board consisting of the governor or a designee, the president of West Virginia University or a designee, the president of Marshall University or a designee, the president of West Virginia Institute of Technology or a designee, the president of Shepherd College or a designee, the director of the governor's office of economic and community development, or a designee, and four persons from the private sector who are representative of each of the congressional districts of the state, and which such private sector members shall
be appointed to staggered four-year terms by the governor with the advice and consent of the Senate.

The High-Tech 2000 board shall have the authority to review and approve all applications for grants or funds from the special High-Tech 2000 fund established pursuant to section five of this article and to establish rules for the administration of the fund.

Board members representing the private sector shall be reimbursed for all necessary expenses incurred in connection with the performance of their duties as members.


The High-Tech 2000 board is hereby authorized and directed to develop a strategic comprehensive plan and grant program to attract new science and high technology industries, to retain and expand current state industries through technology and other processes, and to increase research grants, contracts, matching funds and procurement arrangements from the federal government, private industry and other agencies. Such initial, and annually updated, strategic comprehensive plan shall be developed and annually filed with the governor and Legislature. The High-Tech 2000 board shall consult with business, labor and other agencies of government, including institutions of higher education, for the purpose of determining such initial, and annually updated, strategic comprehensive plan.

The High-Tech 2000 board shall establish a grant program, to be known as the High-Tech 2000 program, to implement the strategic comprehensive plan.

The High-Tech 2000 board shall establish criteria for the grant program, and applications provided for herein, together with contractual provisions to protect the state's interest and financial commitment to such grant program.

The High-Tech 2000 board shall review the work and projects undertaken by the center of regional progress, the center for economic research, the institute for international trade development and the West Virginia

foundation for science and technology.


1 The director of the foundation shall be appointed by
2 the governor, with the advice and consent of the
3 Senate, from a list of three persons submitted by the
4 High-Tech 2000 board. The High-Tech 2000 board shall
5 appoint a search committee of representatives of the
6 educational, government, business and labor sectors to
7 solicit and interview candidates for the position of
8 director, who shall be qualified by knowledge and
9 experience in the field of business and industry. The
10 search committee shall present a list of three nomina-
11 tions to the governor. The director of the governor's
12 office of community and industrial development shall
13 act as director of the foundation until the governor
14 shall appoint a director.

15 The High-Tech 2000 board shall establish a salary for
16 the director at a level sufficient to attract and retain
17 an individual of knowledge and experience in the
18 field.


1 On the first day of January of each year, the
2 director shall submit a report on the operation of the
3 foundation, including expenditures from the special
4 High-Tech 2000 Fund, to the governor and to the
5 Legislature. Such report shall include a summary of
6 the expenditures from the subject fund and a com-
7 plete statement of grants made hereunder.


1 (a) The governor's office of community and indus-
2 trial development shall work with the county commis-
3 sions, the municipalities and local development
4 authorities where state colleges and universities are
5 located, and shall develop a plan and program for the
6 establishment and operation of qualifying High-Tech
7 2000 research zones, parks and technology centers on
8 or near the campuses of selected universities and
9 colleges to attract local business and industry engaged
10 in science and technology related research.
(b) The governor's office of community and industrial development shall coordinate the development of such plan and program, which shall include qualifications for eligible High-Tech 2000 research zones, parks and research centers and which qualifications shall require a minimum partnership commitment from the private sector either in the construction, operation or location of the research parks or zones or technology centers; and the West Virginia economic development authority shall have authority to enter into agreements with state institutions of higher education, private developers or other interested businesses or persons to acquire, finance, construct, operate, own, lease or otherwise manage any research park or zone and to collect rentals or other forms of payment for the operation of the research parks or zones or technology centers. Ownership of the research park or zone shall be in the state of West Virginia, the West Virginia industry and jobs development corporation or a governing board.

The West Virginia economic development authority is hereby authorized either singularly or in conjunction with any county commission, municipality or local development authority, to issue special High-Tech 2000 bonds for the purpose of this section, including, but not limited to, special project revenue bonds and special user bonds limited to the actual cost of construction and start-up of any qualifying and approved research park or zone or technology centers, and improvements necessary thereto, pursuant to article twelve-b, chapter eighteen of this code.

§18B-13-11. Research park or zone tax exemptions.

Notwithstanding any other provision of this code to the contrary relating to any other exemptions or credits to which any business may be entitled under this code, the following exemptions shall apply to any qualified, approved High-Tech 2000 research park or zone or technology center:

(a) The enterprise zone tax exemptions as provided in section five, article two-b, chapter five-b of this
(b) A tax credit for qualified business, in the amount of the workers' compensation premium paid in accordance with article two, chapter twenty-three of this code, which credit shall be credited against any corporate net income tax or personal income tax of the qualified business or liability of the owners of the qualified business which is a proprietorship or a partnership;

(c) The deferral for qualified business of all state corporate net income tax, business and occupation tax, telecommunications tax, severance tax, business franchise tax, or other state income tax liability for the start-up period of the business not to exceed three years, and qualified business shall be entitled to an exemption from any such deferred tax if such business both employs at least seven persons on a full-time basis as of the due date of the deferred tax liability, and the qualified business maintains an average employment of at least seven full time employees over the last two years of the three year start-up period.

§18B-13-12. Use of state property and equipment; faculty.

(a) The governing boards are authorized to provide for the low cost and economical use and sharing of state property and equipment, including computers, research labs and other scientific and necessary equipment to assist any qualified business within an approved research park or zone or technology center. The governing boards shall approve a schedule of nominal or reduced cost reimbursements to the state for such use.

(b) The governing boards shall develop and provide for a program of release time, sabbaticals or other forms of faculty involvement or participation with any qualifying business.

(c) The Legislature finds that cooperation, communication and coordination are integral components of higher education's involvement in economic development. In order to proceed in a manner that is cost
effective and time efficient, it shall be the duty of the
governing boards to review and coordinate such
aspects of the programs administered by the governing
boards. Such review and coordination shall not operate
so as to adversely affect sources of funding nor shall it
affect any statutory characterization of any program as
an independent entity. The governing boards shall
report on an annual basis to the Legislature and the
governor. The report shall contain the following
information:

(1) The number of seminars and workshops conducted;
(2) The subject matter addressed in each seminar and workshop;
(3) The number of feasibility studies conducted and the subject matter contained in each study; and
(4) An accounting of the cost of all travel expenses, seminars, workshops and feasibility studies.

ARTICLE 14. MISCELLANEOUS.

§18B-14-1. Authorization to sell West Virginia University poultry farm properties located in Morgantown.

(a) The board of trustees is hereby authorized and empowered to sell those parcels of land situate on the Van Voorhis Road in Monongalia County, West Virginia, bounded and described as follows:

Beginning at a post standing south of the center line of the said Van Voorhis Road, in the line of property now or formerly of Vandervort, 170.0 feet, thence from said post, S. 75 degrees 34' E. 1190.6 feet to a white oak stump, corner to land now or formerly of Gorman, Goodwin, Baker and Hawkins; thence with a line of the said corner to land of J. D. Harless, and with his said line, N. 58 degrees 18' W. 279.7 feet to a point in the center line of said Van Voorhis Road; thence with the center line of said road, S. 56 degrees 25' W. 946.1 feet to a point in the center of said road; thence s. 10 degrees 34' E. 170.0 feet to the place of beginning,
containing 15.71 acres, as surveyed and platted by B. W. Reynolds, Surveyor, October 28, 1946.

And, beginning at a stake in a line of Charles Baker and L. Hartman; thence N. 26 degrees 26' E. 150 feet to a stake; thence S. 63 degrees 34' E. 70 feet to a stake; thence S. 26 degrees 26' thence N. 36 degrees 58' W. 7.29 feet to the place of beginning, containing .28 acres, more or less. And, beginning at a stake in a line of Charles Baker and on a corner of land of Virginia May Burruss and A. J. W. Headlee; thence N. 26 degrees 26' E. 160 feet to a stake; thence S. 63 degrees 34' E. 70 feet to a stake; thence S. 26 degrees 26' W. 160 feet to a stake on a corner of land of Virginia May Burruss and A. J. W. Headlee; thence N. 63 degrees 34' W. 75 feet to the place of beginning, containing .257 acres, more or less.

And, beginning at a stone corner of the lands of W. W. McClure and L. O. Starkey, and running Southwest a distance of 660 feet (40 poles) to a point or corner of lands of L. O. Starkey and Emma Hill; thence westward a distance of 587.4 feet (35.35 poles) to a white oak tree, corner to lands of the said Emma Hill and Charles M. Baker; thence northwest a distance of 610.5 (37 poles) to a walnut tree, corner to lands of Charles M. Baker and Martin L. Goodwin; thence in an easterly direction a distance of 990 feet (60 poles) to the cornerstone herein before mentioned as the place of beginning, containing 12 3/4 acres, more or less.

And, beginning at a point in the line of property formerly belonging to James Gorman, being the property formerly occupied by S. S. Ivill, which said beginning point is N. 9 1/2 degrees W. 739 feet from the center of Chestnut Ridge Road; thence with the line of property formerly belonging to Coleman Vandervort and now belonging to Headlee, and thence with a line of Headlee, S. 80 degrees E. 535 feet, more or less, to the corner of Baker; and thence with Baker two lines in a Southerly direction with the line of Baker, 645 feet to a point and 576 feet to a point in the line of Baker, which said last mentioned point is 754 feet in a
northerly direction from the center of said Chestnut Ridge Road; and thence with an arbitrary line through the property formerly belonging to Adam W. Thompson in a Westerly direction 570 feet to the place of beginning, containing 16 acres, more or less; and being the same real estate conveyed to the grantor, Lee Moore, by deed from Benjamin G. Reeder and Marie F. Reeder, his wife, dated February 28, 1956, and recorded in the office of the clerk of the County of Monongalia, West Virginia, at a public auction: Provided, That prior to such action the board of trustees shall have the property appraised by two licensed appraisers and shall not sell the property for less than the average of the two appraisals.

(b) The proceeds from the sale of the property referred to shall be deposited in a special revenue account from which the board of trustees is hereby authorized to expend funds to relocate the West Virginia University poultry facility with such surplus as may be left being used for improvements to the college of agriculture and forestry facilities or deposited in a special medical school fund heretofore created in the state treasury under the provisions of section two, article nineteen, chapter eleven of this code, for educationally related projects.

§18B-14-2. Authorization to sell West Virginia University vacant lot located in Morgantown and biological research station located in Terra Alta.

(a) The board of trustees is hereby authorized and empowered to sell those parcels of land situate on the Chestnut Ridge Road in Monongalia County, West Virginia, bounded and described as follows:

Beginning at a hub in the edge of the Chestnut Ridge Road along the boundary formerly belonging to Sam Ivill; thence with Ivill, N 10 degrees 01' W 260.04 feet to a hub, corner to the lands of Blanche Sayre found in Deed Book No. 481, at Page 95; thence with Sayre, S 89 degrees 36' E 295.45 feet to a hub, corner to W. V. Board of Regents in Deed Book No. 584, at Page 1; thence with W. V. Board of Regents S O
degrees 55' W 255.82 feet to a hub at the northern edge
of the Chestnut Ridge Road; thence along the northern
edge of the Chestnut Ridge Road, N 89 degrees 36' W
254.00 feet to the place of beginning, containing 1.61
acres, more or less, as surveyed by Triad Engineering
Consultants on 6/27/79.

(b) The board of trustees is hereby further autho-
rized and empowered to sell those parcels of land
situate in Terra Alta, Preston County, West Virginia,
bounded and described as follows:

Those lots or parcels of real estate situated in
Portland District, Preston County, West Virginia,
containing 48.28 acres recorded under Book 283, Page
217.

(c) Such sale shall be by public auction: Provided,
That prior to such action the board of trustees shall
have the property appraised by two licensed apprais-
ers and shall not sell the property for less than the
average of the appraisals.

(d) The proceeds from the sale of the property
referred to shall be deposited in a special revenue
account from which the board of trustees is hereby
authorized to expend the funds therefrom for develop-
ment of the Downtown Campus, at West Virginia
University, in Morgantown.

CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS AND
STATE AID.

ARTICLE I. FINANCIAL ASSISTANCE GENERALLY.

§18C-1-1. Administration generally.

The senior administrator jointly employed by the
chancellors of the board of trustees and the board of
directors shall, as provided in section two, article four,
chapter eighteen-b of this code, have a ministerial
duty to administer, oversee or monitor all state and
federal student loan, scholarship and state aid pro-
grams which are administered at the state level in
accordance with established guidelines, in consultation
with and under the direction of the governing boards.
Such programs include, but are not limited to: The guaranteed student loan program under this article, which may be administered by a private nonprofit agency; the medical student loan program under article three of this chapter; the Underwood-Smith teacher scholarship program under article twenty-one, chapter eighteen of this code; the state scholarship program, commonly known as the West Virginia higher education grant program, under article twenty-two-b, chapter eighteen of this code; the higher education student assistance loan program under article twenty-two-d, chapter eighteen of this code; the West Virginia higher education tuition trust act under article thirty, chapter eighteen of this code, which shall be administered by the state treasurer as provided in said article; the state aid programs for students of optometry, under article three of this chapter; the state aid programs for students of veterinary medicine under section six-a, article eleven, chapter eighteen of this code; any reciprocal program and contract program for student aid under sections three and four, article four of chapter eighteen-b of this code; any other state level student aid program under this code; and any federal grant or contract student assistance or support programs administered at the state level.

§18C-1-2. Definitions.

The definitions used in this chapter, unless the context clearly indicates otherwise, shall be the definitions provided in section two, article one, chapter eighteen-b of this code.

The term "board" or "governing board" in the singular or plural as used in this chapter shall be deemed to mean the senior administrator employed by the governing boards when a power or duty assigned to a governing board is delegated by it to the senior administrator.

§18C-1-3. Transfer of obligations.

As of the first day of July, one thousand nine hundred eighty-nine, any obligations of the board of
ARTICLE 2. GUARANTEED STUDENT LOAN PROGRAM.

§18C-2-1. Purpose of provisions of article relating to guaranteed student loan program; loan program to be administered by senior administrator of governing boards.

The Legislature enacts the provisions of this article which relate to the establishment of the guaranteed student loan program to continue and encourage education of citizens of this state who are in need of financial assistance, such assistance and education being for the welfare of this state, and the Legislature hereby declares such to be a public purpose.

The guaranteed student loan program established and authorized by this article shall be administered by the senior administrator of the board of trustees and board of directors acting under their direction.

§18C-2-2. “Act,” “undertaking” and “obligations” defined.

As used in this article, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The words “act” or “undertaking” shall mean the official act of the governing boards, or senior administrator acting under the direction of the boards, in connection with the acquisition or disposition of all or any part of obligations or interest therein which the governing boards are authorized to buy or sell hereunder.

(b) The word “obligations” shall mean those evidences of debt which the governing boards may buy, sell, endorse, or guarantee under the provisions of this article.

§18C-2-3. Authority to buy and sell certain student obligations; undertakings not to constitute state debt; undertakings limited to available funds.
In order to facilitate the education of residents in this state and promote the industrial and economic development of the state, the governing boards are hereby authorized and empowered to buy and sell obligations of students who are residents of West Virginia, and who have been residents of this state for at least one year and are students or have been accepted as students at state supported or private institutions of higher education, or vocational schools accredited by a nationally recognized accrediting agency or by a state agency designated by the governor and representing loans made to such students who have met the requirement of financial need as determined by the governing boards, such loans having been made for the purpose of an education.

No act or undertaking of the governing boards shall be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision, and shall be payable solely from the funds of the governing boards specifically appropriated for the guaranteed student loan program. All such acts and undertakings shall contain on the face thereof a statement to the effect that neither the state nor the governing boards shall be obligated to pay the same or the interest thereon except from revenues of the governing boards and that neither the faith and credit nor the taxing power of the state or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such acts and undertakings.

All expenses incurred in carrying out the provisions of this article dealing with the guaranteed student loan program shall be payable solely from funds provided for the purpose and no liability or obligation shall be incurred by the governing boards hereunder beyond the extent to which money shall have been provided under the applicable provisions of this article for the guaranteed student loan program.

§18C-2-4. Powers and duties of senior administrator regarding loan program.

The senior administrator acting under direction of
the governing boards is hereby authorized and empowered:

(1) To fix and revise from time to time and charge and collect fees for its acts and undertakings;

(2) To establish rules concerning the acts and undertakings;

(3) To acquire, hold and dispose of personal property in the exercise of its powers and the performance of its duties;

(4) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article;

(5) To employ in its discretion such employees as it may deem necessary to carry out its powers and duties as enumerated in this article;

(6) To receive and accept from any federal or private agency, corporation, association or person, grants to be expended in accomplishing the objectives of this article and to receive and accept from the state, from any municipality, county or other political subdivision thereof and from any other source, aid or contributions of either money, property, or other things of value to be held, used and applied only for the purposes for which such grants and contributions may be made;

(7) To sue and be sued as provided by law;

(8) To do all other acts and things necessary or convenient to carry out the powers expressly granted by the provisions of this article which relate to the guaranteed student loan program. Nothing in this article shall be construed to empower the governing boards to engage in the business of banking or insurance.

§18C-2-5. Title to property.

Title to any property acquired by the governing boards under the provisions of this article which relate
3 to the guaranteed student loan program shall be taken
4 and held in the name of the governing boards.

§18C-2-6. Acquisition of contingent interests in obligations
from lending institutions; collection of delinquent obligations.
1 With funds available to the governing boards for
2 purposes other than the payment of compensation to
3 personnel and the lease or rental of offices or equip-
4 ment, the governing boards may acquire from any
5 bank or other lending institution of this state a
6 contingent interest in student obligations. The total
7 contingent interest of the governing boards on all such
8 obligations shall not exceed at any one time a sum of
9 twelve and one-half times the total funds which the
10 governing boards can employ to acquire such contin-
11 gent interests. When a governing board acquires any
12 such contingent interest, it may require the payment
13 to it of a portion of the interest payable upon any such
14 obligation. In each such acquisition, the governing
15 board shall provide that at such time as the obligation
16 becomes delinquent, the bank or other lending institu-
17 tion shall notify the governing board forthwith and
18 shall transfer forthwith to the governing board, by
19 assignment or otherwise, an interest in such obligation
20 equal to the contingent interest of the governing board
21 therein. The bank or other lending institution and the
22 governing board shall forthwith take such steps as
23 may be necessary to recover the balance due upon any
24 such obligation, and such recovery shall be apporti-
25 oned between the governing board and the bank or
26 other lending institution as their respective interests
27 may appear.

§18C-2-7. Terms of acquisitions.
1 Each governing board shall prescribe the terms,
2 conditions and limitations upon which it will acquire
3 a contingent or direct interest in any obligation and
4 such terms, conditions and limitations shall include,
5 but without limiting the generality thereof, the terms
6 for payment of principal and interest, applicable life or
7 other insurance which may be required in connection
with any such obligation and who shall pay the premiums thereon, the safekeeping of assets pledged to secure any such undertaking, and any and all matters in connection with the foregoing as will protect the assets of the governing board.

§18C-2-8. Trust fund established; limitations on use of fund; duties of treasurer in connection therewith; special account created.

The appropriation made to the governing boards under the provisions of this article which relate to the guaranteed student loan program shall be used exclusively for the purpose of acquiring contingent or vested rights in obligations which it may acquire under this article, and such appropriation, payments, revenue and interest, as well as other income received in connection with such obligations, is hereby established as a trust fund. Such fund shall be used for the purposes of the governing boards other than for maintenance and operation.

The maintenance and operating expenses of the governing board shall be paid from funds specifically appropriated for such purposes. No part of the trust fund established under this section shall be expended for such purposes.

The governing board shall be the trustee of the trust fund hereby created, and all investments to be made from the assets of such trust shall be made by the state treasurer in the manner provided by law. For the purposes of this article, there is hereby created in the treasury of this state a special revolving account for deposits and withdrawals as herein provided. The state treasurer shall be the custodian of the assets of the board. All payments from the accounts thereof shall be made by the treasurer upon warrants issued by the auditor and upon vouchers signed by such persons as are designated by the governing board. A duly attested copy of a resolution of the governing board designating such persons shall be filed with the state treasurer as the authority for issuing warrants upon such vouchers.
§18C-2-9. Construction of provisions of article relating to loan program.

The provisions of this article which relate to the guaranteed student loan program shall be liberally construed to the end that its beneficial purposes may be effectuated.

ARTICLE 3. HEALTH PROFESSIONALS STUDENT LOAN PROGRAMS.

§18C-3-1. Medical student loan program; establishment; administration; eligibility; loan forgiveness.

(a) There is hereby created a medical student loan program to be administered by the senior administrator. The purpose of this program is to provide loans to state residents who demonstrate financial need, meet academic standards and are enrolled or accepted for enrollment at the West Virginia University school of medicine, Marshall University school of medicine or the West Virginia school of osteopathic medicine.

(b) There is hereby established a special revolving fund account under the board of trustees in the state treasury to be known as the medical student loan fund which shall be used to carry out the purposes of this section. The fund shall consist of: (1) Amounts allocated by the board of trustees from the medical education fee as established by section four, article ten of chapter eighteen-b of this code: Provided, That the board of trustees may transfer to this fund for student loans an amount not to exceed thirty-three percent of the total collections from the medical education fee in any one year; (2) appropriations provided by the Legislature; (3) principal and interest repaid by medical student loan recipients; and (4) other amounts which may be available from external sources. Balances remaining in the fund at the end of the fiscal year shall not expire or revert. All costs associated with the administration of this section shall be paid from the medical student loan fund.

(c) The board shall promulgate rules for the administration of the medical student loan program. Such rules shall include, but not be limited to, the areas of
academic standards, financial need loan amounts, residency requirements, loan repayment requirements, loan forgiveness provisions, interest rates, collection procedures and financial management. Loans shall be awarded at the institutional level in a manner consistent with rules promulgated by the board of trustees.

(d) An individual shall be eligible for loan consideration if the individual is a resident of this state as defined by the trustees, demonstrates financial need, meets established academic standards and is enrolled or accepted for enrollment at one of the aforementioned schools of medicine in a program leading to the degree of medical doctor (M. D.) or doctor of osteopathy (D. O.): Provided, That the individual has not yet received one of these degrees and is not in default of any previous student loan.

(e) The board, in conjunction with the state department of health, shall determine qualifying medically underserved areas and medical specialties in which there is a shortage of physicians.

At the end of each fiscal year, any individual who has received a medical student loan and who has actually rendered services as a medical doctor or doctor of osteopathy in this state in a designated medically underserved area or in a designated medical specialty in which there is a shortage of physicians, may submit to the trustees a statement of service on a form provided for that purpose. Upon receipt of such statement in proper form, the trustees shall cancel appropriate portions of the outstanding loan or loans in accordance with rules promulgated by the trustees.

§18C-3-2. State aid for students of optometry.

The board of trustees is hereby authorized to enter into a contract with an educational institution or institutions outside the state that offer training in optometry, by the terms of which the board of trustees may obligate itself to pay such institution, within the limits of any appropriation made for the purpose, a stated amount per year for each West Virginia student.
the institution will agree to accept for training in optometry.

The board of trustees shall each year send to any institution with which such contract is made a certified list of all persons applying to the trustees for training in optometry who are bona fide citizens and residents of this state prior to the filing of their applications, and who have completed either within or without the state the course of study required by such institution as a prerequisite to the study of optometry.

Any person who receives state aid under this section shall, upon graduation from an educational institution for study of optometry, be required to practice optometry for a period of two years in this state, or in lieu thereof shall, within sixty days from the date of graduation, reimburse the board of trustees for any tuition advanced to such person by the trustees.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 3B. TRESPASS.

§61-3B-4. Trespass on student residence premises or student facility premises of an institution of higher education.

(a) For the purposes of this section:

(1) "Residence hall" means housing or a unit of housing provided primarily for students as a temporary or permanent dwelling place or abode and owned, operated or controlled by an institution of higher education.

(2) "Student facility" means a facility owned, operated or controlled by an institution of higher education at which alcoholic liquor or nonintoxicating beer is purchased, sold or served to students enrolled at such institution, but shall not include facilities at which athletic events are regularly scheduled and an admission fee is generally charged.

(3) "Institution of higher education" means any state university, state college or state community college under the control, supervision and management of the
West Virginia board of trustees or West Virginia board of directors, or any other university, college or institution of higher education in the state subject to rules for accreditation under the provisions of section seven, article four, chapter eighteen-b of this code.

(4) "Person authorized to have access to a residence hall or student facility" means:

(A) A student who resides or dwells in the residence hall; or

(B) An invited guest of a student who resides or dwells in the residence hall; or

(C) A parent, guardian or person who has legal custody of a student who resides or dwells in the residence hall; or

(D) An employee of the institution of higher education who is required by such employment by such institution to be in the residence hall or student facility and who is acting within the scope of his or her employment; or

(E) A delivery person, repair person or other such person who is not an employee of the institution of higher education but who nonetheless has a legitimate commercial reason to be in the residence hall or student facility and who is acting pursuant to such legitimate commercial reason.

(b) If a person authorized to have access to a residence hall or a student facility enters such residence hall or student facility and by such presence or acts interferes with the peaceful or orderly operation of such residence hall or student facility, such person may be asked to leave such residence hall or student facility. If a person not authorized to have access to a residence hall or student facility enters such a residence hall or student facility, that person may be asked to leave such residence hall or student facility notwithstanding the fact that he or she has not interfered with the peaceful or orderly operation of such residence hall or student facility or otherwise committed a breach of the peace or violated any
statute or ordinance. Such request to leave may be made by the president or other administrative head of the institution of higher education, an employee designated by the president to maintain order in the residence hall or student facility, a security officer appointed pursuant to the provisions of section five, article four, chapter eighteen-b of this code, or a municipal police officer, a sheriff or deputy sheriff, or a member of the department of public safety.

(c) It shall be unlawful for a person to remain in a residence hall or student facility after being asked to leave as provided for in subsection (b) of this section.

(d) Any person who violates the provisions of subsection (c) of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined fifteen dollars. For any second or subsequent conviction for a violation occurring within one year after a previous violation for similar conduct, such person shall be fined an amount not to exceed one hundred dollars.

(e) This section shall not be construed to be in derogation of the common law, nor shall the provisions of this section contravene or infringe upon existing statutes related to the same subject.

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, 1989.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the day of April, 1989.

Governor