WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED

SENATE BILL NO. 591
(Originating in the Committee
(By Senator on Finance)

PASSED March 9, 1996
In Effect From Passage
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AN ACT to repeal section thirteen, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to repeal section one, article fifteen of said chapter; to amend and reenact sections one-c, one-d, two and eight-a, article one, chapter eighteen-b of said code; to further amend said article by adding thereto a new section, designated section eight-b; to amend article two of said chapter by adding thereto a new section, designated section nine; to amend and reenact sections one, two and three-a, article three of said chapter; to amend and reenact section one, article four of said chapter; to amend and reenact sections two, three and four, article six of said chapter; and to amend and reenact section one, article eight of said chapter, all relating to higher education generally; repealing obsolete language; strategic plans submitted by institutions of higher education; changing
the submission dates for strategic plans and the requirements for approval of such plans; contents of statewide report cards; changing the submission dates for statewide report cards required to be submitted by institutions of higher education; allocating funds appropriated to the higher education efficiency fund; transferring West Virginia Institute of Technology to the board of trustees; reconstituting the Board of Directors and providing for the election of a chairman; establishing institutional control accounts; community and technical college education; terms of office and election of the chairman of advisory councils of faculty; terms of office and election of the chairman of advisory councils of students; terms of office and election of the chairman of advisory councils of classified employees; establishing a coordinate affiliation between Marshall University and West Virginia Graduate College; promulgation of legislative rules; updating language concerning the vice chancellor of health sciences; and defining institutions.

Be it enacted by the Legislature of West Virginia:

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article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended be repealed; that section one, article fifteen of said chapter be repealed; that sections one-c, one-d, two and eight-a, article one, chapter eighteen-b of said code be amended and reenacted; that said article be further amended by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

ARTICLE 1. GOVERNANCE.

§18B-1-1c. Strategically focusing resources to maximize
opportunity; institution plans; resource allocation exceptions.

(a) Purpose of strategic plans. — To achieve the goals for post-secondary education as set forth in section one-

a of this article, each of the following state institutions of higher education shall prepare a strategic plan of change to refocus its mission and leadership, and restructure its existing resources and programs: Bluefield state college; Concord college; Glenville state college; Fairmont state college; Marshall university; West Virginia northern community college; Potomac state college of West Virginia university; Shepherd college; southern West Virginia community college; West Liberty state college; the West Virginia graduate college; West Virginia university institute of technology; West Virginia university at Parkersburg; West Virginia school of osteopathic medicine; West Virginia state college; West Virginia university; and all branch campuses of these institutions of higher education. The plans shall specifically state how the institution will, over a five-year period, refocus its mission and leadership and restructure its existing resources and programs to achieve the goals for post-secondary education including, but not limited to, the following: (1) Increase average faculty salaries at the institution, not including health sciences, to a level at least equal to ninety-five percent of the average faculty salaries at peer institutions in the southern regional education board region: Provided, That West Virginia university, excluding West Virginia university at Parkersburg, Potomac state college of West Virginia university, and West Virginia university institute of technology shall state specifically how it will increase average faculty salaries at that institution, not including health sciences, to a level at least equal to ninety percent of the average faculty salaries at peer institutions in the southern regional education board region; (2) achieve full funding of the uniform employee classification system and salary policy for classified employees adopted by the respective governing boards.
pursuant to section four, article nine of this chapter; (3) eliminate duplicative programs and services, acting alone or in conjunction with another institution, and eliminate under-utilized or unnecessary programs; (4) may combine administrative functions among other institutions; and (5) use admission and exit standards for students, incentives and staff development for assuring quality teaching and learning and the critical assessment of programs to meet the goals. The plan shall also state the manner in which any pay increases will be funded, the sources of any funds used for pay increases, and the savings and costs associated with achieving any other goals specified in the plan and how the funds are to be redirected. The faculty senate, classified staff council and the student government association shall be consulted prior to the submission of the plan and their recommendations included in the president's report to the board. Beginning the first day of July, one thousand nine hundred ninety-six, the budgets of state institutions of higher education shall reflect movement to the salary targets for faculty and classified staff as set forth in this section and any other goals specified in their strategic plan for change.

(b) Submission of strategic plans. — The president or administrative head of each state institution of higher education shall submit the plan for the institution to its respective governing board on or before the first day of November, one thousand nine hundred ninety-five, and every year thereafter, through and including the fiscal year two thousand—two thousand one: Provided, That community and technical college education shall not be required to be segregated in the plan until the first day of November, one thousand nine hundred ninety-six.

(c) Approval of strategic plans by the governing boards. — The governing boards shall approve or disapprove the plans within sixty days of receipt of the plans and notify the institution president or administrative head of its decision. Approval or disapproval of the plan of each institution shall be decided by a vote of the appropriate
governing board and shall be made part of its minute record: Provided, That if the plan submitted by the institution includes retirement and separation incentives pursuant to section one-d of this article, that portion of the plan shall be submitted by the governing board to the legislative joint standing committee on pensions and retirement, and the time required for review by the committee shall not be included in the sixty days.

(d) Approval of original strategic plans by the secretary of education and the arts. — Once the appropriate governing board approves the original plan, for the fiscal year beginning the first day of July, one thousand nine hundred ninety-six, it shall submit the plan to the secretary of education and the arts, as established in section two, article one, chapter five-f of this code, and hereby known as the “secretary” for purposes of this section, for approval or disapproval. The secretary shall approve or disapprove the plan and notify the appropriate governing board of the decision within thirty calendar days. Upon such approval the institution shall receive its share of the funds from the “higher education efficiency fund”, pursuant to subsection (j) of this section. If an original plan from any institution is disapproved by the secretary, the secretary shall notify the appropriate governing board and shall return the plan to the institution for revision and resubmission to the appropriate governing board. When an institution resubmits its original strategic plan to the appropriate governing board, the board shall vote to approve or disapprove the plan pursuant to subsection (c) of this section. Once the original plan has been approved by the appropriate governing board, the governing board shall resubmit the plan to the secretary for approval or disapproval. The secretary shall notify the appropriate governing board within twenty calendar days of his or her action. Upon such approval the institution shall receive its share of the funds from the “higher education efficiency fund”, pursuant to subsection (j) of this section.
(e) Disapproval of strategic plans by the governing boards. — If disapproved, the governing board shall return the plan to the institution president or administrative head stating its reasons for disapproval. The institution president or administrative head may modify and resubmit a plan which was disapproved at any time and the governing board shall vote, in accordance with subsection (c) of this section, to approve or disapprove the resubmitted plan within thirty calendar days and notify the institution president or administrative head. If the plan has not been approved by the appropriate governing board on or before the first day of February following the November submission date, the board is authorized to develop a plan for the institution. The president or administrative head of every state institution of higher education with an approved plan shall update the plan on an annual basis to reflect performance during the preceding year and make any necessary modifications. The updated plan shall be submitted on the first day of November in each of the subsequent years through and including the fiscal year two thousand—two thousand one, and the governing board shall follow the same procedures for approval or disapproval as provided in this section for the original plan. Upon the approval of a plan or plan update which includes the elimination of a program, the institution president or administrative head immediately shall notify affected students, faculty and staff.

(f) Exceptions under the resource allocation model and policies. — Any state institution of higher education with an approved plan may apply to its governing board for an exception under the resource allocation model and policies to retain funding for student enrollments that decline due to planned program reductions or elimination under the strategic plan. The number of student enrollments subject to the exception shall be based on the average full-time equivalent enrollments over the five preceding years in the program. The allocation exception shall become effective in the next ensuing
allocation cycle following approval by the governing board and notification of affected faculty, students and staff of the program reduction or elimination, and shall remain effective for the number of years normally required for students to complete the full program from beginning enrollment to graduation, subject to annual review by the governing board of the actual decline in program enrollments. Notwithstanding any other provision of this section, any program suspended or discontinued by action of the governing board on or after the first day of September, one thousand nine hundred ninety-four, and prior to the eleventh day of March, one thousand nine hundred ninety-five, which is being eliminated pursuant to that action, is eligible for an exception under the resource allocation model and policies pursuant to this section for the fiscal year one thousand nine hundred ninety-six.

(g) Any state institution of higher education with an approved plan may apply to its governing board for an exception under the resource allocation model and policies to retain funding for student enrollments that decline due to the planned reductions for the purpose of enhancing the quality of a particular program. The number of student enrollments subject to the exception shall be based on the average full-time equivalent enrollments over the preceding five years in the program. Money allocated to the institution as a result of this exception shall be used to enhance the quality of that particular program. The allocation exception shall become effective in the next ensuing allocation cycle following approval by the governing board and notification of affected faculty, students and staff of the program reduction and shall remain in effect subject to biennial review by the governing board of the actual decline in program enrollments and enhancements in quality of the program.

(h) The application for an exception under this subsection shall be submitted to the appropriate governing board by the institution president or administrative head
and state how the funds will be redirected to achieve the purposes of the institution's approved plan including, but not limited to, salary increases to attract and retain quality faculty and staff, expand and improve the quality of existing programs, and make additional investments in technology and increased access. The governing board shall approve or disapprove the application within sixty days of receipt and if disapproved, shall return the application to the institution president or administrative head stating the reasons for disapproval. The institution president or administrative head may modify and resubmit an application which was disapproved at any time and the governing board shall approve or disapprove the resubmitted application within sixty days and notify the institution president or administrative head as provided in this subsection for the original plan.

(i) An exception to the resource allocation model and policies granted under this section and any differential approved for an institution by its governing board to reflect the high costs of a program within the institution's mission shall be removed from the institutions base budget and, to the extent included therein, from the indicated level of state support for the purposes of subsection (d), section two, article five of this chapter, and any governing board rule to the contrary is hereby specifically modified.

(j) Higher education efficiency fund. — It is the expressed intent of the Legislature, subject to the availability of funds and appropriations therefor, to increase state appropriated funds for state institutions of higher education in each of the five fiscal years, one thousand nine hundred ninety-seven, through and including, fiscal year two thousand—two thousand one, at a rate of at least three and twenty-five one-hundredths percent per year to assist the institutions in achieving their strategic plan of change, subject to demonstrated effort by the institutions as determined by the Legislature to refocus and restructure their missions, leadership, resources and
programs to meet the plans in accordance with this section. In any fiscal year in which the state appropriated funds are less than the expressed intent, the governing boards may adjust the targets set forth in the strategic plans for change by a like proportion: Provided, That the target shall not be adjusted for those institutions which have lost funds as a result of failure to secure approval, pursuant to this section, or failure to comply with their approved strategic plans. Beginning with legislative appropriations under this subsection for the fiscal year one thousand nine hundred ninety-six—ninety-seven, the Legislature shall appropriate the funds, if any, to a separate account known as the “higher education efficiency fund” in the state budget. Funds from the higher education efficiency fund shall be allocated in the following manner:

(1) For the fiscal year one thousand nine hundred ninety-six—ninety-seven, appropriations to the fund shall be allocated only to institutions with approved plans, pursuant to this section; and

(2) For the fiscal year one thousand nine hundred ninety-seven—ninety-eight, and every year through and including, the fiscal year two thousand—two thousand one, appropriations to the fund shall be allocated only to institutions with approved plans, pursuant to this section, which are in compliance with their strategic plan for change as approved by the appropriate governing board. The allocations shall be made in accordance with the resource allocation model and policies in the following manner:

(i) Any institution with a plan approved by the appropriate governing board by the first day of July of each fiscal year is entitled to its full annual share of the moneys appropriated to the higher education efficiency fund;

(ii) Any institution which fails to secure approval by the appropriate governing board by the first day of July, but secures the approval before the first day of October,
is entitled to the remaining three quarters of its annual share of the moneys appropriated to the higher education efficiency fund;

(iii) Any institution which fails to secure approval by the appropriate governing board by the first day of July, but secures approval before the first day of January, is entitled to the remaining one half of its annual share of the moneys appropriated to the higher education efficiency fund; and

(iv) Any institution which fails to secure approval by the appropriate governing board by the first day of July, but secures approval before the first day of April, is entitled to the remaining one quarter of its annual share of the moneys appropriated to the higher education efficiency fund.

The quarterly share of the higher education efficiency fund of an institution which is not so allocated, by the beginning of each quarter, shall be allocated immediately to the higher education grant program, pursuant to article five, chapter eighteen-c of this code, or if such program is fully funded, for expenditure among all institutions for scholarships and student grant programs.

§18B-1-1d. Increasing flexibility and capacity for change.

(a) Retirement and separation incentives. — Notwithstanding any other provisions of this code to the contrary, each state institution of higher education may include in their strategic plans, pursuant to section one-c of this article, policies that offer various incentives for voluntary, early or phased retirement of employees, or voluntary separation from employment, when necessary to implement programmatic changes effectively pursuant to the findings, directives, goals and objectives of this article: Provided, That such incentives for voluntary, early or phased retirement of employees, or voluntary separation from employment must be submitted by the governing board to the legislative joint committee on pensions and retirement and approved before such
policies are adopted as part of the institution's strategic plan. The policies may include the following provisions:

(1) Payment of a lump sum to an employee to resign or retire;

(2) Continuation of full salary to an employee for a predetermined period of time prior to the employee's resignation or retirement and a reduction in the employee's hours of employment during the predetermined period of time;

(3) Continuation of insurance coverage pursuant to the provisions of article sixteen, chapter five of this code for a predetermined period;

(4) Continuation of full employer contributions to an employee's retirement plan during a phased retirement period; and

(5) That an employee retiring pursuant to an early or phased retirement plan may begin collecting an annuity from the employee's retirement plan prior to the statutorily designated retirement date without terminating their service with the institution.

No incentive provided for in this section shall be granted except in furtherance of programmatic changes undertaken pursuant to the findings, directives, goals and objectives set forth in this article.

No incentive proposed by an institution pursuant to this section shall become a part of the institution's approved strategic plan or be implemented without approval of the legislative joint committee on pensions and retirement.

Any costs associated with any incentive adopted or implemented in accordance with this section shall be borne entirely by the institutions and no incentive shall be granted that imposes costs on the retirement systems of the state or the public employees insurance agency unless those costs are paid entirely by the institutions.
The Legislature further finds and declares that there is a compelling state interest in restricting the availability and application of these incentives to individual employees determined by the institutions to be in furtherance of the aims of this section and nothing herein shall be interpreted as granting a right or entitlement of any such incentive to any individual or group of individuals. Any employee granted incentives shall be ineligible for reemployment by the institutions during or after the negotiated period of their incentive concludes including contract employment in excess of five thousand dollars per fiscal year.

The West Virginia network for educational telecomputing may utilize the incentives contained in any policy approved by the legislative joint committee on pensions and retirement pursuant to this section.

(b) Pilot flexibility initiative. — The board of directors is directed to submit a plan for a pilot flexibility initiative to the legislative oversight commission on education accountability on or before the first day of October, one thousand nine hundred ninety-five. The plan shall include at least the following: (1) A system whereby the state institutions of higher education in the state college system may apply to the board of directors for a waiver of board policies and rules; (2) A detailed application for institutions seeking to participate in the pilot flexibility initiative which shall set forth at a minimum: (i) A statement of the specific goals and objectives that the institution proposes to accomplish if the application is approved; (ii) the specific board policies and rules which the institution seeks to have waived for all or a portion of the waiver period; and (iii) proposed rules and policies under which the institution would operate during the period of waiver; (3) The process by which the board of directors will review the application; (4) The person or body who shall have the final authority to approve the application of not more than two institutions; (5) The time period for which the waiver will be granted; (6) The specific board policies and rules which the institution
may request to have waived; (7) The process by which the
rules and policies of the institutions participating in the
pilot flexibility initiative may modify its rules and
policies; and (8) The person or body to whom the institu-
tions shall be reporting during the period of waiver.

(c) It is the intent of this Legislature to review the pilot
flexibility plan and after such review to establish a pilot
flexibility initiative in the legislative session of one
thousand nine hundred ninety-six.

§18B-1-2. Definitions.

The following words when used in this chapter and
chapter eighteen-c of this code shall have the meaning
hereinafter 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 provi-
sions of law;

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

(c) “Freestanding community colleges” means southern
West Virginia community and technical college and West
Virginia northern community and technical college,
which shall not be operated as branches or off-campus
locations of any other state institution of higher educa-

(d) “Community college” or “community colleges”
means community and technical college or colleges as
those terms are defined in this section;

(e) “Community and technical college”, in the singular
or plural, means the freestanding community and
technical colleges, community and technical education
programs of regional campuses of West Virginia univer-
sity, and divisions of state institutions of higher educa-
tion which have a defined community and technical college district and offer community and technical college education in accordance with the provisions of section three-a, article three of this chapter;

(f) "Community and technical college education" means the programs, faculty, administration and funding associated with the mission of community and technical colleges as provided in section three-a, article three of this chapter, and also shall include post-secondary vocational education programs in the state as those terms are defined in this section. Community and technical college education shall be delivered through a system which includes eleven community and technical college districts assigned to state institutions of higher education under the jurisdiction of the board of directors and the board of trustees, respectively;

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

(h) "Higher educational institution" means any institution as defined by Sections 401(f), (g) and (h) of the federal Higher Education Facilities Act of 1963, as amended;

(i) "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;

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

(k) "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;
(l) "State college" means Bluefield state college, Concord college, Fairmont state college, Glenville state college, Shepherd college, West Liberty state college or West Virginia state college;

(m) "State college system" means the state colleges and community and technical colleges, and also shall include post-secondary vocational education programs in the state as those terms are defined in this section;

(n) "State college system community and technical colleges" means the freestanding community and technical colleges and community and technical colleges operated on the campuses of state colleges under the jurisdiction of the board of directors of the state college system and all of their associated branches, centers and off-campus locations;

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

(p) "Trustees" and "board of trustees" means the university of West Virginia board of trustees created pursuant to article two of this chapter or the members thereof;

(q) "University", "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, West Virginia university institute of technology and the West Virginia university school of medicine; Marshall university, including the Marshall university school of medicine and the Marshall university community and technical college; the West Virginia graduate college; and the West Virginia school of osteopathic medicine;

(r) "University system community and technical colleges" means Marshall university community and
technical college, community and technical education programs at West Virginia university at Parkersburg, community and technical education programs at Potomac state college of West Virginia university and West Virginia university institute of technology community and technical college under the jurisdiction of the university of West Virginia board of trustees and all their associated branches, centers and off-campus locations.

"Regional campus" means West Virginia university at Parkersburg, Potomac state college of West Virginia university, and West Virginia University institute of technology. The chief executive officer of a regional campus shall be known as "campus president", shall serve at the will and pleasure of the president of West Virginia university, and shall report to the president of West Virginia university or his or her designee in the method specified by West Virginia university. The board of advisors for West Virginia university established pursuant to section one, article six of this chapter shall serve as the advisory board for West Virginia university and its regional campuses. The advisory boards previously appointed for each regional campus shall be known as "Boards of Visitors" and shall provide guidance to the regional campus presidents. Each regional campus shall adopt separate strategic plans required by section one-c of this article.

18B-1-8a. Higher education accountability; institutional and statewide report cards.

(a) The governing boards are directed to make information available to parents, students, faculty, staff, state policymakers and the general public on the quality and performance of public higher education. This information shall be consistent and comparable between and among the state institutions of higher education and, if applicable, comparable with information from peer institutions in the region and the nation.

(b) On or before the first day of November, one thou-
and nine hundred ninety-five, the governing boards are
directed to adopt a rule pursuant to the provisions of
article three-a, chapter twenty-nine-a of this code,
providing for the collection, analysis and dissemination
of data and information on the performance of the state
institutions of higher education, including health sci-
ences education, in relation to the findings, directives,
goals and objectives set forth in sections one-a and one-b
of this article and in comparison to their peers in the
region and the nation. In developing the rule, the govern-
ing boards shall consult with the governor, the legislative
oversight commission on education accountability and
the state department of education regarding the relevant
areas of data and information considered necessary for
inclusion in a higher education report card. Upon
approval of the rule by the legislative oversight commis-
sion on education accountability, and the effective date
of the rule, the provisions of subsection (c) of this section
are null and void. The legislative rules shall provide the
legislative oversight commission on education account-
ability with full and accurate information while mini-
mizing the institutional burden of recordkeeping and
reporting. The legislative rules shall include uniform
definitions for the various indicators of student and
institutional performance and guidelines for the collect-
and reporting of data and the preparation, printing
and distribution of report cards under this section. The
report card forms shall provide for brief, concise report-
ing in nontechnical language of required information.
Any technical or explanatory material which an institu-
tion or governing board wishes to include shall be
contained in a separate appendix available to the general
public upon request.

(c) The president or chief executive officer of each
public college, university or community college shall
prepare and submit annually all requested data to the
appropriate governing board at the time as the governing
board may establish. The governing boards shall prepare
institutional report cards for institutions under their
jurisdiction and systemwide report cards which shall include the information required in the following subdivisions:

(1) For all undergraduate students and for all institutions having undergraduate programs, the institution shall report the following as available and applicable:

- Average scores of incoming freshmen and transfer students on the American college test (ACT) or scholastic aptitude test (SAT); percentage of incoming freshmen enrolled in developmental classes; student performance as measured by grade point average and/or appropriate testing measures; the graduation or completion rate as may be defined by federal law or regulation for the student body as a whole and separately for students at the institution who received athletically-related student aid categorized by sex and athletic program; the rate at which individuals who complete or graduate from the program of an institution pass applicable licensure or certification examinations required for employment in a particular vocation, trade or professional field; student mobility (transfers in, transfers out and withdrawals);
- number and percentage of student body receiving tuition fee waivers; and number, percentage and dollar value of tuition fee waivers categorized by whether the waiver is for athletic participation or is an academic waiver and by whether the recipient is a resident or nonresident of this state.

(2) For professional schools, defined for the purposes of this section as academic programs leading to professions in which licensing is normally required and for which an undergraduate degree is a general prerequisite, the institution shall report the following as available and applicable: Average scores of beginning students and transfer students on standardized entrance examinations; number and percentage of student body receiving tuition fee waivers; number, percentage and dollar value of tuition fee waivers categorized by whether the recipient is a resident or nonresident of this state; the number of degrees granted; the graduation or completion rate as
may be defined by federal law or regulation for the
student body as a whole; the rate at which individuals
who complete or graduate from the program of an
institution pass applicable licensure or certification
examinations required for employment in the particular
professional field; the total number of students in each
program, including the percentage of those students who
are state residents, the percentage of students who are
nonresidents of the state, the percentage of students who
are women and the percentage of students who are
minorities as the term is defined by federal law; and the
ratio of expenditures per pupil directly attributable to
students enrolled in the professional school as compared
to expenditures per pupil calculated as to students
enrolled in the institution as a whole.

(3) For graduate schools, defined for the purposes of
this section as academic programs leading to advanced
degrees (masters or doctorates of philosophy in fields for
which bachelor's degree programs are available) and for
which an undergraduate degree is a general prerequisite,
the institution shall report the following as available and
applicable: Average scores of beginning students and
transfer students on standardized entrance examina-
tions; number and percentage of student body receiving
tuition fee waivers; number, percentage and dollar value
of tuition fee waivers categorized by whether the recipi-
ent is a resident or nonresident of this state; the number
of degrees granted; the graduation or completion rate as
may be defined by federal law or regulation for the
student body as a whole; the rate at which individuals
who complete or graduate from the program of an
institution pass applicable licensure or certification
examinations required for employment; and the total
number of students in each program, including the
percentage of those students who are state residents, the
percentage of students who are nonresidents of the state,
the percentage of students who are women and the
percentage of students who are minorities as the term is
defined by federal law.
In addition to any and all information required by subdivision (2) of this subsection, each health sciences school shall assist the vice chancellor for health sciences in providing information for the institutional and statewide report cards, which shall include reports on the following:

(A) Information on graduates, including, but not limited to, placement of interns and residents, retention rates in the state, retention rates in unreserved areas as determined by the division of health, the percentage practicing in primary care in this state to be defined as family medicine, internal medicine, pediatrics and obstetrics/gynecology, and other information pertinent to health sciences education as it relates to health care delivery in this state such as recruitment programs to attract health care providers to West Virginia; reasons obtained from graduate surveys as to why health care graduates are leaving West Virginia; programs developed to direct graduates into primary care practices and specialty shortage areas in this state; and ways in which the health sciences schools intend to assist in meeting the projected health care needs of this state, including specialty and subspecialty health care professional needs and where those needs are expected to arise, as those needs are defined by the division of health or such other state agency as the division of health may consider appropriate;

(B) Contractual and financial arrangements between the health sciences schools and such nonprofit and for-profit entities receiving moneys from the health sciences schools that the board of trustees determines have a significant impact on the provision of health sciences education in this state. The report shall state the entity, the amount of funds paid to the entity and what the payment is for;

(C) The roles and missions of the health sciences schools and evaluation of each school's performance in accordance with outcome measures developed to evalu-
ate the attainment of the roles, missions and programs
developed for each school;

(D) The annual audit of the expenditures of each health
sciences school and any audit received by the board from
the nonprofit and for-profit entities determined by the
board of trustees to have a significant affiliation to any
health sciences school;

(E) Findings regarding management and operation of
the health sciences schools, the findings to be based on
the annual audits and to include proposals for and
barriers to improving efficiency and generating cost
savings in health sciences education;

(F) The quality of health sciences education, including,
but not limited to, a review of any accrediting agency’s
report on health sciences education at any state-funded
health sciences school;

(G) The clinical health care services and programs
offered or delivered by the health sciences schools,
including, but not limited to, programs which use
existing state facilities for the purposes of clinical
rotations;

(H) Matters relating to the funding and budgeting of
health sciences education in this state, including, but not
limited to, ways in which the budget effectuates the roles
and missions of the health sciences schools;

(I) The financing of health sciences education subse-
quent to an annual, comprehensive review thereof. The
report shall include anticipated capital costs, projected
operating expenses and future growth and recommenda-
tions on the allocation of any state or other tax dedicated
to the funding of health sciences education; and

(J) Such other administrative, budgetary, financial,
educational and other concerns as the board of trustees
may consider necessary or helpful in providing informa-
tion about the health sciences schools pursuant to this
subsection.
(5) For all public institutions of higher education in the state, the following indicators of institutional performance in comparison with the aggregate of all other institutions in the state, region and nation as applicable and to the extent comparison data are available: Student-faculty ratio by school; student-administrator ratio; faculty turnover by school; educational and general expenditure per full-time equivalent (FTE) student; expenditure by fund in graphic display; the academic rank and years of experience of the faculty and administrators at the institution; percentage minorities comprise of faculty and major administrative staff; percentage women comprise of faculty and major administrative staff; percentage of classes taught by adjunct or part-time faculty; statistics concerning the occurrence on campus during the most recent school year and during the preceding school years for which data are available of criminal offenses reported to campus security authorities or local police; and statistics concerning the number of arrests for crimes occurring on campus during the most recent school year and during the preceding school years for which data are available.

The statewide report card shall include the data for each institution for each separately listed applicable indicator and the aggregate of the data for all institutions under the jurisdiction of the board of trustees of the university of West Virginia and for all institutions under the jurisdiction of the board of directors of the state college system for each indicator.

The statewide report cards shall be prepared using actual institutional, state, regional and national data as applicable and available indicating the present performance of the individual institutions and the state systems of higher education and shall also include goals and trends for the institutions and the higher education systems. Each governing board as part of its assessment of the individual institutions under its jurisdiction shall include the number and gross dollar amount of grants received for academic research for each institution and
a succinct review of research projects including a brief
description of each project and the numbers of faculty,
graduate and undergraduate students involved in each
project. In assessing progress toward meeting goals and
in developing trend information, the governing boards
shall review report card data in relation to previously
adopted board goals, five-year plans, regional and
national higher education trends and the resource
allocation model.

(d) The higher education central office staff under the
direction of the senior administrator shall provide
technical assistance to each institution and governing
board in data collection and reporting and is responsible
for assembling the statewide report card from informa-
tion submitted by each governing board.

Each governing board shall prepare report card
information in accordance with the guidelines set forth
in this section and rules promulgated under this section.
The statewide report card shall be presented at a regular
board meeting of the appropriate governing board
subject to applicable notice requirements.

The statewide report cards shall be completed and
disseminated with copies to the legislative oversight
commission on education accountability prior to the first
day of January, one thousand nine hundred ninety-seven,
and each year thereafter. Statewide report cards shall be
based upon information for the current school year or for
the most recent school year for which the information is
available, in which case such year shall be clearly
footnoted.

The governing boards shall make copies of both the
institutional and statewide report cards available to any
individual requesting them.

§18B-1-8b. Coordinate affiliation between Marshall univer-
sity and West Virginia graduate college.

1 There is hereby established a coordinate affiliation
2 between Marshall university and the West Virginia
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3 graduate college to insure a jointly planned and operated
4 program of graduate education in the Charleston-
5 Huntington region of West Virginia. The two institutions,
6 while maintaining their individual identities, missions,
7 faculty, curricula and budgets, shall share facilities as
8 appropriate, develop integrated information technology
9 systems, operate joint programs where efficient and
10 practicable, develop joint electronic administrative and
11 library systems, and engage in joint appointment of
12 faculty and administrators as feasible and where cost
13 effective.

ARTICLE 2. UNIVERSITY OF WEST VIRGINIA BOARD OF TRUSTEES.
§18B-2-9. West Virginia University Institute of Technology.

1 (a) Notwithstanding any other provisions of this code
2 to the contrary, the authority to establish, maintain and
3 operate West Virginia institute of technology is hereby
4 transferred to the board of trustees effective the first day
5 of July, one thousand nine hundred ninety-six. West
6 Virginia institute of technology shall henceforth be
7 known as West Virginia university institute of technol-
8 ogy and shall be operated as a regional campus of West
9 Virginia university under the same procedures, policies,
10 rules, and practices utilized by West Virginia university
11 and the board of trustees in operating West Virginia
12 university at Parkersburg and Potomac state college of
13 West Virginia university.

14 (b) Notwithstanding any other provisions of this code
15 to the contrary and notwithstanding the resource alloca-
16 tion policy of the board of trustees, in allocating funds to
17 the institutions under its jurisdiction, the board of
18 trustees, through the first day of July, two thousand one,
19 shall ensure that each institution receives no less than
20 the amount of funds that each institution would have
21 received if West Virginia institute of technology had not
22 been transferred to the jurisdiction of the trustees.

23 (c) Title to all property previously transferred to or
24 vested in the board of directors for the exclusive use or
25 benefit of West Virginia institute of technology is hereby
transferred to the board of trustees. Each valid agreement, obligation, or claim entered into or incurred by the board of directors on behalf of West Virginia institute of technology is hereby transferred to the board of trustees. (d) Revenues of West Virginia institute of technology previously pledged to pay off the indebtedness of revenue bonds issued by the board of directors shall continue to be paid to the board of directors until the existing debt is fully paid. An annual payment of three hundred seventy-three thousand eighty-nine dollars for each of the years remaining on the present system bond issue of the board of directors shall constitute the debt of West Virginia university institute of technology to the board of directors under this subsection. If the board of directors approves, the board of trustees or West Virginia university institute of technology may discharge this indebtedness through alternative payment plans or methods, including prepayment discounted appropriately. (e) To compensate the other state college institutions for the amount that would have been reallocated under the resource allocation policy of the board of directors if West Virginia institute of technology had remained under the jurisdiction of the board of directors, West Virginia university institute of technology shall transfer two hundred eighty-four thousand five hundred twenty-five dollars to the board of directors for each of the fiscal years one thousand nine hundred ninety-six—ninety-seven, one thousand nine hundred ninety-seven—ninety-eight, and one thousand nine hundred ninety-eight—ninety-nine. (f) West Virginia university institute of technology shall retain the same or a lower type of southern regional education board classification as an institution until at least the first day of July, two thousand. (g) Until at least the first day of July, one thousand nine hundred ninety-seven, West Virginia university institute of technology shall retain the same promotion
and tenure process in place prior to the transfer effectuated by this section.

(h) For the purposes of meeting the requirements of section one, article seven of this chapter, West Virginia university institute of technology, West Virginia university at Parkersburg, and Potomac state college of West Virginia university shall be considered separate institutions of higher education.

(i) Any new monies appropriated to or received by West Virginia university institute of technology shall be allocated to West Virginia university institute of technology under the policies of the board of trustees.

It is the intent of the Legislature in implementing the merger of West Virginia university and West Virginia institute of technology that new graduate programs offered by West Virginia University at the West Virginia university institute of technology will not duplicate existing graduate programs currently offered by Marshall university and the West Virginia graduate college.

Before any graduate programs are offered by West Virginia university at the West Virginia institute of technology, they must be approved by the board of trustees.

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 sixteen persons, of whom one shall be the chancellor of the university of West Virginia board of trustees, 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 chair of the joint commission for vocational-technical-occupational education, 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 ten directors shall be citizens of the state, appointed by the governor, by and with the advice and consent of the Senate. On or after the tenth day of March, one thousand nine hundred ninety-six, the board shall be reconstituted and all terms of members appointed by the governor prior to the tenth day of March, one thousand nine hundred ninety-six shall expire upon the appointment by the governor of all the directors required to be appointed by this section. The governor shall make appointments required by this section no later than the fifteenth day of March, one thousand nine hundred ninety-six.

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, experience or interest in the field. The relative enrollments of baccalaureate and community and technical students in the state college system shall be considered by the governor when making such appointments and the governor shall use his or her best efforts to achieve a balance among the members who reflect the various interests, goals and concerns reflected by the relative enrollments.

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 government of this state or any of its political subdivisions, or an appointee or employee of the board of trustees or board of directors: Provided, That if there are no ethical restrictions under state or federal law, a federal employee may serve as a member of the board of directors. Of the ten directors appointed
by the governor from the public at large, not more than
five thereof shall belong to the same political party and
at least three 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 ten directors as soon
after the tenth day of March, one thousand nine hundred
ninety-six, 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 overlap-
ing terms of six years, except, of the original appoint-
ments, three shall be appointed to terms of two years,
three 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 ten 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
serves as a director or trustee during all or any part of
two consecutive terms beginning after the first day of
March, one thousand nine hundred ninety-six, shall be
ineligible to serve as a 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 director, each director shall qualify as such
by taking and subscribing to the oath of office pre-
scribed by section five, article IV of the constitution of
West Virginia, and the certificate thereof shall be filed
with the secretary of state.

(d) No director 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 by the governor of the state elective
officers.

§18B-3-2. Meetings and compensation.

(a) The board of directors shall hold at least ten
meetings in every fiscal year, including an annual
meeting each June: Provided, That a meeting for the
purpose of selecting the first chairman shall be held
during March, one thousand nine hundred ninety-six.
Except for the annual meeting, which may be held at a
location anywhere in the state, the meetings shall be held
on different campuses of institutions in the state college
system on a rotating basis or at the central office. The
directors may set aside time at these meetings held at the
campuses to afford administrators, faculty, students and
classified staff at these institutions an opportunity to
discuss issues affecting these groups. The directors 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 other-
wise provided in this section, meetings shall be held on
such dates and at such places as the directors may
prescribe. In addition to the statutorily required meet-
ings, the directors 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 five appointed directors.

Of the thirteen voting members of the board of directors, seven 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-3-3a. Community and technical college education; establishment; state level governance; formation of districts; college level administration and governance; programs; district consortia; implementation process; and implementation team.

(a) General. — The purpose of this section is to establish community and technical college education that is well articulated with the public schools and four year colleges; that makes maximum use of shared facilities, faculty, staff, equipment and other resources; that encourages traditional and nontraditional students and adult learners to pursue a life-time of learning; that serves as an instrument of economic development; and that has the independence and flexibility to respond quickly to changing needs. The respective governing boards shall provide for community and technical college education at state institutions of higher education under their jurisdiction to have the administrative, programmatic and budgetary control necessary to allow maximum flexibility and responsiveness to district and community needs consistent with the goal of sharing facilities, faculty, staff, equipment and other resources within and among the districts, the other systems of public and higher education and other education and training programs.
(b) *State level governance.* — The board of directors and the board of trustees shall jointly employ a vice chancellor for community and technical college education. The vice chancellor for community and technical college education shall report directly to and provide assistance to the board of directors and the board of trustees on matters related to community and technical college education and shall serve at their will and pleasure. The vice chancellor for community and technical college education shall advise, assist and consult regularly with the administrative heads, institutional boards of advisors, and district consortia committees of each state institution of higher education involved in community and technical college education.

In appointing members to the institutional boards of advisors within the state college system pursuant to section one, article six of this chapter, the board of directors shall consider the relative distribution of baccalaureate and community and technical college enrollments of the respective institutions and shall make up to three of such appointments from the membership of district consortia committee on the basis of such proportional enrollments. All appointments shall be reflective of the economic, industrial, educational, community and employment characteristics of the institution's region and be geographically dispersed to the extent practical.

(c) *Formation of community and technical college districts.* — The eleven community and technical college districts shall be comprised of contiguous areas of the state which have similar economic, industrial, educational, community and employment characteristics to facilitate specialization in mission and programming. For the purposes of initial implementation and organization, the districts shall be comprised as follows:

(1) Ohio, Brooke, Hancock, Marshall, Tyler and Wetzel counties;

(2) Wood, Jackson, Pleasants, Ritchie, Roane, Tyler and
(3) Kanawha, Putnam and Clay counties;
(4) Cabell, Mason, Putnam and Wayne counties;
(5) Fayette, Clay, Kanawha, Raleigh and Nicholas counties;
(6) Logan, Boone, Lincoln, McDowell, Mingo, Raleigh and Wyoming counties;
(7) Mercer, Greenbrier, McDowell, Monroe, Pocahontas, Raleigh and Summers counties;
(8) Gilmer, Barbour, Braxton, Calhoun, Clay, Lewis, Nicholas, Upshur and Webster counties;
(9) Marion, Doddridge, Harrison, Monongalia, Preston, Randolph, Taylor, Barbour and Tucker counties;
(10) Jefferson, Berkeley, Grant, Hardy and Morgan counties;
(11) Mineral, Grant, Hampshire, Hardy and Pendleton counties.

It is the intent of the Legislature that counties which are listed in more than one district shall be served by the associated community and technical colleges as a cooperative service area, or shall be divided as the board of directors determines. The boundaries of the eleven districts may be modified from time to time by the board of directors upon request of the affected community and technical colleges to better serve the needs within the districts. Such modifications are not required to follow county boundaries.

Subject to any restrictions imposed by the board of directors, the district boundaries shall not be employed to restrict other state institutions of higher education from offering programs of strength to meet underserved needs, consistent with the objective of not duplicating efforts as determined by the governing boards: Provided, That nothing herein shall be construed to prevent state
institutions of higher education from offering courses at off-campus centers or locations now operating or established in the future which are not duplicative. Distance learning technology, resource networking and other cooperative and collaborative efforts shall be used to the maximum extent prudent and practical to avoid unnecessary duplication of program development and delivery.

The main campus of the community and technical college shall be identified under the name of the community and technical college for the district and the district shall be known as the “community and technical college district”. In addition, the name of all branches, centers and programs shall reflect the name of the district.

(d) Allocation of resources and budgets. — All funds for community and technical college education shall be proposed by the governing boards for their respective institutions and appropriated by the Legislature in an institutional control account under the jurisdiction of the board of directors for those institutions governed by the board of directors for their respective institutions and a separate institutional control account under the jurisdiction of the board of trustees for those institutions governed by the board of trustees. The board of directors and the board of trustees shall establish by joint legislative rule a formula for the allocation of such funds to control accounts of individual university system and state college system community and technical colleges, which rule shall include uniform guidelines for the allocation and reporting of student enrollments, costs, reimbursements and revenues for community and technical colleges located on the campus of another state institution of higher education.

(e) College level administration and governance. — The administrative head of a state college system community and technical college shall be the president, in the case of the freestanding community and technical colleges, and the provost of the community and technical college in the case of all other state college system community
and technical colleges. Such provost shall be employed by the president of the state institution of higher education upon which the main campus of the community and technical college is located and the provost shall serve at the will and pleasure of the president. The administrative head shall be responsible for coordination and other administrative arrangements with the host institution and other duties assigned pursuant to this section. Nothing in this section shall prohibit a current employee in community and technical education from being employed as a provost. The administrative and business offices and functions of community and technical colleges, except freestanding, shall be consolidated with those of the host institution to the extent practical. To enhance program flexibility and mobility, to enhance program coordination and delivery in the public schools and to take advantage of the expertise and experience of persons in business and industry, community and technical colleges shall make extensive use of combined courses with four-year colleges and universities, employ by contract or other arrangements college and university faculty to teach community and technical college courses, employ qualified public school teachers as adjunct professors and employ qualified business, industry and labor persons as adjunct professors in technical areas.

(f) Community and technical college programs. — The mission of each community and technical college shall include the following programs which may be offered on or off campus, at the work site, in the public schools and at other locations at times that are convenient for the intended population:

(1) Career and technical education certificate, associate of applied science and selected associate of science degree programs for students seeking immediate employment, individual entrepreneurship skills; occupational development, skill enhancement and career mobility;

(2) Transfer education associate of arts and associate of science degree programs for students whose educa-
tional goal is to transfer into a baccalaureate degree program;

(3) Developmental/remedial education courses, tutorials, skills development labs and other services for students who need to improve their skills in mathematics, English, reading, study skills, computers and other basic skill areas;

(4) Work force training and retraining contract education with business and industry to train or retrain employees;

(5) Continuing development assistance and education credit and noncredit courses for professional and self-development, certification and licensure and literacy training; and

(6) Community service workshops, lectures, seminars, clinics, concerts, theatrical performances and other noncredit activities to meet the cultural, civic and personal interests and needs of the community.

All administrative, programmatic and budgetary control over community and technical education within the district shall be vested in the administrative head and the institutional board of advisors of state college system community and technical colleges, subject to rules adopted by the board of directors. The administrative head and institutional board of advisors shall be responsible for the regular review, revision, elimination and establishment of programs within the district to assure that the needs of the district for community and technical college programs are met. It is the intent of the Legislature that the program review and approval process for community and technical education be separate and distinct from baccalaureate education. The administrative head and institutional board of advisors shall seek assistance from and utilize a district consortia committee in fulfilling this responsibility.

(g) District consortia committee. — The administrative head of each university system and state college system
community and technical college shall form a district consortia committee which shall include representatives distributed geographically to the extent practical of the major community college branches, vocational technical centers, comprehensive high schools, four-year colleges and universities, community service or cultural organizations, economic development organizations, business, industry, labor, elected public officials and employment and training programs and offices within the district. The consortia committee shall be chaired by the administrative head or his or her designee and shall advise and assist the administrative head with the following:

(1) Completing a comprehensive assessment of the district to determine what education and training programs are necessary to meet the short and long term work force development needs of the district;

(2) Coordinating efforts with regional labor market information systems that identify the ongoing needs of business and industry, both current and projected, and provide information to assist in an informed program of planning and decision making;

(3) Planning and development of a unified effort to meet the documented work force development needs of the district through individual and cooperative programs, shared facilities, faculty, staff, equipment and other resources and the development and use of distance learning and other educational technologies;

(4) Increasing the integration of secondary and post-secondary curriculum and programs that are targeted to meet regional labor market needs, including the planning and implementation of a comprehensive school-to-work transition system that helps students focus on career objectives, builds upon current programs such as high schools that work, tech prep associate degree programs, registered apprenticeships and rural entrepreneurship through action learning and addresses the needs of at-risk students and school dropouts;
(5) Planning and implementation of integrated professional development activities for secondary and post-secondary faculty, staff and administrators and other consortia partners throughout the district;

(6) Ensuring that program graduates have attained the competencies required for successful employment through the involvement of business, industry and labor in establishing student credentialling;

(7) Performance assessment of student knowledge and skills which may be gained from multiple sources so that students gain credit toward program completion and advance more rapidly without repeating coursework in which they already possess competency;

(8) Establishing one-stop-shop career centers with integrated employment and training and labor market information systems that enable job seekers to assess their skills, identify and secure needed education training and secure employment and employers to locate available workers;

(9) Increasing the integration of adult literacy, adult basic education, federal job opportunities and basic skills, and community and technical college programs and services to expedite the transition of adults from welfare to gainful employment; and

(10) Establish a single point of contact for employers and potential employers to access education and training programs throughout the district.

(h) Implementation process. — The implementation of community and technical college education as set forth in this article shall be accomplished over a three-year period. Major program elements shall be accomplished within the following time frames:

(1) One thousand nine hundred ninety-five—ninety-six.

(i) Form necessary governance structures and make necessary appointments;
(ii) Form consortia committees and complete a survey of the educational and training needs of the community college district;

(iii) Establish the information necessary to separately budget the community and technical college education for fiscal year one thousand nine hundred ninety-six—ninety-seven, including the rules required pursuant to subsection (d) of this section;

(iv) Establish an ongoing method of providing funding for appropriate staff from the public schools and the community and technical colleges for personnel and other costs related to shared facility projects, including recommendations for any necessary legislative enactments;

(v) Make recommendations to the governor and Legislature as may be necessary.

(2) One thousand nine hundred ninety-six—ninety-seven.

(i) Begin separate budgeting;

(ii) Begin full operations of the community and technical colleges as provided in this article.

(3) One thousand nine hundred ninety-seven—ninety-eight.

(i) Review and evaluation.

(i) Implementation team. — There is hereby established an implementation team to monitor and oversee implementation of the community and technical college education in accordance with the provisions of this article. The implementation team shall report to the governor and the legislative oversight commission on education accountability no later than the first day of December, in the years one thousand nine hundred ninety-five, one thousand nine hundred ninety-six and one thousand nine hundred ninety-seven on the status of such implementation and any further needs for legisla-
tive enactment. The implementation oversight team shall be composed of the secretary of education and the arts, one representative of public education, one representative of community and technical colleges, one representative of four-year colleges, one representative of the private sector, one representative of employment and training programs, one representative of vocational-technical-occupational education, four members of the Senate and four members of the House of Delegates, all appointed by the governor. The secretary of education and the arts shall be responsible for staffing the implementation oversight team utilizing existing personnel, equipment and offices of the affected agencies.

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 consider 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 he or she is employed and shall work with the board in developing policy options. For the purpose of developing or evaluating policy options, the chancellors may request
the assistance of the presidents and other administrative heads 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 vice chancellor for health sciences, shall coordinate the West Virginia university school of medicine, the Marshall university school of medicine and the West Virginia school of osteopathic medicine.

(d) Suitable offices for the senior administrator and other staff shall be provided in Charleston.

(e) The governing boards shall jointly employ a vice chancellor for instructional technology to establish a plan and funding recommendations for development and implementation of a multifaceted instructional technology strategy that includes, but is not limited to, a goal that every full-time freshman student beginning in the fall semester, one thousand nine hundred ninety-six, and thereafter, and as many other students and faculty as possible will own or lease a computer, and alternatively that computers be available for part-time students through on-site labs; the integration of computer usage into all course work; the involvement of faculty in the development and use of technology-based instruction and instructional courseware for community and technical colleges, colleges and universities; and the expansion distance learning and technology networks throughout the higher education systems to enhance teaching and learning, promote access to quality educational offerings with minimum duplication of effort, increase the delivery of instruction to nontraditional students, provide services to business and industry, and increase the management capabilities of the higher education system. The vice chancellor shall submit the plan to the Legislature on or before the first day of January, one thousand nine hundred ninety-six.

The vice chancellor for instructional technology shall
supervise the administration, oversight, coordination and
implementation of the plan, or portions of the plan,
subject to the availability of funds and the direction of
the governing boards. In addition, the vice chancellor
shall review all technology related matters within the
department of education and the arts and suggest
appropriate integration and compatibility of the technol-
ogy systems within the department and the institutions
governed by the board.

(f) The governing boards shall jointly employ a vice
chancellor for community and technical education
pursuant to the provisions of section three-a, article
three of this chapter.

ARTICLE 6. ADVISORY COUNCILS OF FACULTY.

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

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

4 During the month of April of each even-numbered
year, each president or other administrative head of a
state institution of higher education, including Potomac
state college of West Virginia university, West Virginia
university at Parkersburg, and West Virginia university
institute of technology, 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 govern-
ing board. Terms of the members of each council shall be
for two years and shall begin on the first day of July of
each even-numbered year and members of each advisory
council shall be eligible to succeed themselves.

20 The advisory councils of faculty shall meet at least
once each quarter. One of the quarterly meetings shall be
during the month of July, 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 chair shall serve no more than two consecutive terms. 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. In electing the chairman of the advisory council for the board of trustees, West Virginia university and its regional campuses shall have a total of two votes, which shall be cast for one individual, and the elected representatives from Marshall university, the West Virginia graduate college, and West Virginia school of osteopathic medicine shall have one vote per school.

Each advisory council of faculty, through its chairman 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 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 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
§18B-6-3. Advisory councils of students.

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

2. 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,

3. That the student government organization at each institution in the university system, including Potomac state college of West Virginia university, West Virginia university at Parkersburg, and West Virginia university institute of technology, 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.

4. 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 pre-
scribed 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. In electing the chairman of
the advisory council for the board of trustees, West
Virginia university and its regional campuses shall have
a total of two votes, which shall be cast for one individ-
ual, and the elected representatives from Marshall
university, the West Virginia graduate college, and West
Virginia school of osteopathic medicine shall have one
vote per school.

Each advisory council of students, 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 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 perform-
ance 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 meet-
ings, 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 even-numbered
year, each president or other administrative head of a
state institution of higher education, including Potomac
state college of West Virginia university, West Virginia
university at Parkersburg and West Virginia university
institute of technology, 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 two
years and shall begin on the first day of July of each
even-numbered 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 tele-
computing, 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 July, at which
meeting each council shall elect a chairman, who shall be
by virtue of the office a voting member of the appro-
priate governing board: Provided, That the chair shall serve
no more than two consecutive terms: Provided, however,
That the board of directors’ advisory council for classi-
fied 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. In electing the chair of the advisory council for the board of trustees, West Virginia university and its regional campuses shall have a total of two votes, which shall be cast for one individual, and the elected representatives from Marshall university, the West Virginia graduate college, the West Virginia network for telecomputing and West Virginia school of osteopathic medicine shall have one vote per school.

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 institution of higher education represented on the council. Such minutes shall be forwarded to the advisory council of classified employees serving the other governing board.

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 of minimum salary figures listed in section two of this article;

(b) "Academic rank" means the position held by a
faculty member as determined by the president, consistent with policy established by the governing board, and includes the positions of professor, associate professor, assistant professor and instructor; all other ranks are excluded from the provisions of this article;

(c) "Years of experience" means the actual number of years a person has been a full-time faculty member at an institution of higher education within this state. Employment for nine months shall equal one year of experience, but no faculty member may accrue more than one year of experience during any given academic year. Employment for less than full time, or less than nine months during any fiscal year, shall be prorated. In accordance with rules established by the governing boards, a faculty member may be granted additional years of experience for actual years of work or teaching experience at institutions other than 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 nonduplicative 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 West Virginia graduate college; "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 university 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.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Martha George Walker
Chairman Senate Committee

Rudy Scardelletti
Chairman House Committee

Originated in the Senate.

In effect from passage.

Darrell E. Walker
Clerk of the Senate

Gregory K. Jay
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Mark S. McCrory
Speaker House of Delegates

The within is approved this the 14th day of _______________, 1996.

Marton Cooper
Governor