

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4251

BY DELEGATES SHOTT, ELLINGTON AND GEARHEART

[Passed March 10, 2018; in effect from passage.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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1 AN ACT to amend and reenact §18B-2A-1 of the Code of West Virginia, 1931, as amended,
2 relating to certain higher education institution boards of governors membership; permitting
3 officers, employees, or members of any other board of governors outside of this state and
4 employees of any institution of higher education outside of this state to be appointed to a
5 board of governors; and including, for institutions that have no classified employees, a
6 member from the nonclassified employees.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.

**§18B-2A-1. Findings; composition of boards; terms and qualifications of members;
vacancies; eligibility for reappointment.**

1 (a) *Findings.* –

2 The Legislature finds that the State of West Virginia is served best when the membership
3 of each governing board includes the following:

4 (1) The academic expertise and institutional experience of faculty members and a student
5 of the institution governed by the board;

6 (2) The technical or professional expertise and institutional experience of a classified
7 employee or, as appropriate, nonclassified employee of the institution governed by the board;

8 (3) An awareness and understanding of the issues facing the institution governed by the
9 board; and

10 (4) The diverse perspectives that arise from a membership that is balanced in terms of
11 gender and varied in terms of race and ethnic heritage.

12 (b) *Boards of governors established.* –

13 A board of governors is continued at each of the following institutions: Bluefield State
14 College, Blue Ridge Community and Technical College, Bridgemont Community and Technical
15 College, Concord University, Eastern West Virginia Community and Technical College, Fairmont
16 State University, Glenville State College, Kanawha Valley Community and Technical College,

17 Mountwest Community and Technical College, Marshall University, New River Community and
18 Technical College, Pierpont Community and Technical College, Shepherd University, Southern
19 West Virginia Community and Technical College, West Liberty University, West Virginia Northern
20 Community and Technical College, the West Virginia School of Osteopathic Medicine, West
21 Virginia State University, West Virginia University and West Virginia University at Parkersburg.

22 (c) *Board membership.* –

23 (1) An appointment to fill a vacancy on the board or reappointment of a member who is
24 eligible to serve an additional term is made in accordance with the provisions of this section.

25 (2) The Board of Governors for Marshall University consists of sixteen persons. The Board
26 of Governors for West Virginia University consists of seventeen persons. The boards of governors
27 of the other state institutions of higher education consist of twelve persons.

28 (3) Each board of governors includes the following members:

29 (A) A full-time member of the faculty with the rank of instructor or above duly elected by
30 the faculty of the respective institution;

31 (B) A member of the student body in good academic standing, enrolled for college credit
32 work and duly elected by the student body of the respective institution; and

33 (C) A member from the institutional classified employees duly elected by the classified
34 employees of the respective institution or, if the respective institution does not have classified
35 employees, a member from the institutional nonclassified employees duly elected by the
36 nonclassified employees of the respective institution.

37 (4) For the Board of Governors at Marshall University, thirteen lay members appointed by
38 the Governor, by and with the advice and consent of the Senate, pursuant to this section;

39 (5) For the Board of Governors at West Virginia University, twelve lay members appointed
40 by the Governor, by and with the advice and consent of the Senate, pursuant to this section, and
41 additionally:

42 (A) The Chairperson of the Board of Visitors of West Virginia University Institute of
43 Technology;

44 (B) A full-time faculty member representing the extension service at the institution or a full-
45 time faculty member representing the health sciences, selected by the faculty senate.

46 (6) For each board of governors of the other state institutions of higher education, nine lay
47 members appointed by the Governor, by and with the advice and consent of the Senate, pursuant
48 to this section.

49 (A) Of the nine members appointed by the Governor, no more than five may be of the
50 same political party. Of the thirteen members appointed by the Governor to the governing board
51 of Marshall University, no more than eight may be of the same political party. Of the twelve
52 members appointed by the Governor to the governing board of West Virginia University, no more
53 than seven may be of the same political party.

54 (B) Of the nine members appointed by the Governor, at least five shall be residents of the
55 state. Of the thirteen members appointed by the Governor to the governing board of Marshall
56 University, at least eight shall be residents of the state. Of the twelve members appointed by the
57 Governor to the governing board of West Virginia University, at least seven shall be residents of
58 the state.

59 (7) In making lay appointments, the Governor shall consider the institutional mission and
60 membership characteristics including the following:

61 (A) The need for individual skills, knowledge and experience relevant to governing the
62 institution;

63 (B) The need for awareness and understanding of institutional problems and priorities,
64 including those related to research, teaching and outreach;

65 (C) The value of gender, racial and ethnic diversity; and

66 (D) The value of achieving balance in gender and diversity in the racial and ethnic
67 characteristics of the lay membership of each board.

68 (d) *Board member terms.* –

69 (1) The student member serves for a term of one year. Each term begins on July 1.

70 (2) The faculty member serves for a term of two years. Each term begins on July 1. Faculty
71 members are eligible to succeed themselves for three additional terms, not to exceed a total of
72 eight consecutive years.

73 (3) The member representing classified employees or, as appropriate, nonclassified
74 employees serves for a term of two years. Each term begins on July 1. Members representing
75 classified employees or, as appropriate, nonclassified employees are eligible to succeed
76 themselves for three additional terms, not to exceed a total of eight consecutive years.

77 (4) The appointed lay citizen members serve terms of four years each and are eligible to
78 succeed themselves for no more than one additional term, except that citizen members who are
79 appointed to fill unexpired terms are eligible to succeed themselves for two full terms after
80 completing an unexpired term.

81 (5) A vacancy in an unexpired term of a member shall be filled for the unexpired term
82 within thirty days of the occurrence of the vacancy in the same manner as the original appointment
83 or election. Except in the case of a vacancy, all elections are held and all appointments are made
84 no later than June 30 preceding the commencement of the term. Each board of governors shall
85 elect one of its appointed lay members to be chairperson in June of each year. A member may
86 not serve as chairperson for more than four consecutive years.

87 (6) The appointed members of the boards of governors serve staggered terms of up to
88 four years except that four of the initial appointments to the governing boards of community and
89 technical colleges that became independent July 1, 2008, are for terms of two years and five of
90 the initial appointments are for terms of four years.

91 (e) *Board member eligibility, expenses.* –

92 (1) A person is ineligible for appointment to membership on a board of governors of a state
93 institution of higher education under the following conditions:

94 (A) For a baccalaureate institution or university, a person is ineligible for appointment who
95 is an officer, employee or member of any other board of governors within this state; an employee
96 of any institution of higher education within this state; an officer or member of any political party
97 executive committee; the holder of any other public office or public employment under the
98 government of this state or any of its political subdivisions; an employee of any affiliated research
99 corporation created pursuant to article twelve of this chapter; an employee of any affiliated
100 foundation organized and operated in support of one or more state institutions of higher education;
101 or a member of the council or commission: *Provided*, That if an appointee is an employee or board
102 member of an out-of-state higher education institution, there is no apparent conflict of interest
103 caused by the individual serving in both capacities. This subsection does not prevent the
104 representative from the faculty, classified employees or, as appropriate, nonclassified employees,
105 students or the superintendent of a county board of education from being members of the
106 governing boards.

107 (B) For a community and technical college, a person is ineligible for appointment who is
108 an officer, employee or member of any other board of governors within this state; a member of a
109 board of visitors of any public institution of higher education; an employee of any institution of
110 higher education within this state; an officer or member of any political party executive committee;
111 the holder of any other public office, other than an elected county office, or public employment,
112 other than employment by the county board of education, under the government of this state or
113 any of its political subdivisions; an employee of any affiliated research corporation created
114 pursuant to §18B-12-1 *et seq.* of this code; an employee of any affiliated foundation organized
115 and operated in support of one or more state institutions of higher education; or a member of the
116 council or commission: *Provided*, That if an appointee is an employee or board member of an out-
117 of-state higher education institution, there is no apparent conflict of interest caused by the
118 individual serving in both capacities. This subsection does not prevent the representative from

119 the faculty, classified employees or, as appropriate, nonclassified employees or students from
120 being members of the governing boards.

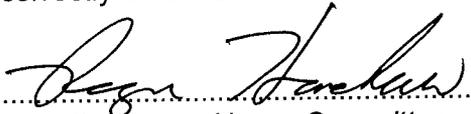
121 (2) Before exercising any authority or performing any duties as a member of a governing
122 board, each member shall qualify as such by taking and subscribing to the oath of office
123 prescribed by section five, article IV of the Constitution of West Virginia and the certificate thereof
124 shall be filed with the Secretary of State.

125 (3) A member of a governing board appointed by the Governor may not be removed from
126 office by the Governor except for official misconduct, incompetence, neglect of duty or gross
127 immorality and then only in the manner prescribed by law for the removal of the state elective
128 officers by the Governor.

129 (4) The members of the board of governors serve without compensation, but are
130 reimbursed for all reasonable and necessary expenses actually incurred in the performance of
131 official duties under this article upon presentation of an itemized sworn statement of expenses.

132 (5) The president of the institution shall make available resources of the institution for
133 conducting the business of its board of governors. All expenses incurred by the board of governors
134 and the institution under this section are paid from funds allocated to the institution for that
135 purpose.

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

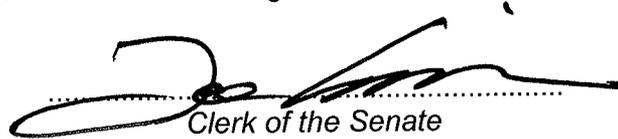

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Chairman, House Committee

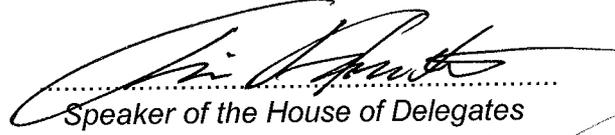

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Chairman, Senate Committee

Originating in the House.

In effect from passage.


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Clerk of the House of Delegates

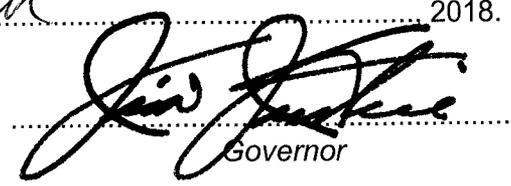

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Clerk of the Senate


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Speaker of the House of Delegates


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President of the Senate

FILED
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OFFICE WEST VIRGINIA
SECRETARY OF STATE

The within *is approved* this the *22nd*
March day of 2018.


.....
Governor

PRESENTED TO THE GOVERNOR

MAR 21 2018

Time 3:39 pm