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Form PTO-1594

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

OMB No. 0651-0027 (exp. 5/31/2002)

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Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Board of Trustees for the University of West Virginia and the West Virginia Higher Education Interim Governing Board

- Individual(s) Association
- General Partnership Limited Partnership
- Corporation-State
- Other _____

Additional name(s) of conveying party(ies) attached?
Yes No

3. Nature of conveyance:

- Assignment Merger
- Security Agreement Change of Name
- Other _____

Execution Date: 06/30/2001

2. Name and address of receiving party(ies)

Name: The West Virginia University Board Of Governors

Internal

Address: _____

Street Address: 1500 University Avenue

City: Morgantown State: WV Zip 26506-6201

- Individual(s) citizenship _____
- Association _____
- General Partnership _____
- Limited Partnership _____
- Corporation-State _____
- Other _____

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No
(Designations must be a separate document from assignment)
Additional name(s) & address(es) attached? Yes No

4. Application number(s) or registration number(s):

A. Trademark Application No.(s)

See Attached

B. Trademark Registration No.(s) See Attached

Additional number(s) attached Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Carte P. Goodwin

Internal
Address: _____

Street Address: 300 Summers Street, Suite 1500

City: Charleston
State: WV Zip: 25301

6. Total number of applications and registrations involved: 9 ..

7. Total fee (37 CFR 3.41).....\$240.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number: _____

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9. Statement and signature.

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10/14/02
Date

Carte P. Goodwin
Name of Person Signing

Total number of pages including cover sheet, attachments, and document: 17

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Washington, D.C. 20231

CONTINUATION OF ITEM 4

The document should be recorded for the following registrations:

REG. NUMBER	REG. DATE	MARK
1,321,767	February 26, 1985	Mountaineer Design
1,321,952	February 26, 1985	WV & Design
1,378,489	January 14 1986	WEST VIRGINIA UNIVERSITY
1,378,866	January 21, 1986	WEST VIRGINIA UNIVERSITY (Seal)
2,036,329	February 11, 1997	MDTV
2,599,930	July 30, 2002	WVU
2,611,149	August 27, 2002	WEST VIRGINIA
2613676	September 3, 2002	MOUNTAINEERS

The document should also be recorded for the following application:

SER. NUMBER	FILING DATE	MARK
76261687	March 23, 2001	SPOT THE BALL

10-24-2002



Form PTO-1594

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J.S. DEPARTMENT OF COMMERCE

(Rev. 03/01)

OMB No. 0651-0027 (exp. 5/31/2002)

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U.S. Patent and Trademark Office

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10-21-02

To the Honorable Commissioner of Patents and Trademarks:
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<p>1. Name of conveying party(ies): <u>Board of Trustees for the University of West Virginia and the West Virginia Higher Education Interim Governing Board</u></p> <p><input type="checkbox"/> Individual(s) <input type="checkbox"/> Association <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input checked="" type="checkbox"/> Corporation-State <input type="checkbox"/> Other _____</p> <p>Additional name(s) of conveying party(ies) attached? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>2. Name and address of receiving party(ies) Name: <u>The West Virginia University Board Of Governors</u></p> <p>Internal Address: _____</p> <p>Street Address: <u>1500 University Avenue</u></p> <p>City: <u>Morgantown</u> State: <u>WV</u> Zip <u>26506-6201</u></p> <p><input type="checkbox"/> Individual(s) citizenship _____ <input type="checkbox"/> Association _____ <input type="checkbox"/> General Partnership _____ <input type="checkbox"/> Limited Partnership _____ <input checked="" type="checkbox"/> Corporation-State _____ <input type="checkbox"/> Other _____</p> <p>If assignee is not domiciled in the United States, a domestic representative designation is attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Designations must be a separate document from assignment) Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>3. Nature of conveyance:</p> <p><input type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input checked="" type="checkbox"/> Change of Name <input type="checkbox"/> Other _____</p> <p>Execution Date: <u>06/30/2001</u></p>	<p>4. Application number(s) or registration number(s):</p> <p>A. Trademark Application No.(s) See Attached</p> <p>B. Trademark Registration No.(s) See Attached <u>1321767</u></p> <p>Additional number(s) attached <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Carte P. Goodwin</u></p> <p>Internal Address: _____</p> <p>Street Address: <u>300 Summers Street, Suite 1500</u></p> <p>City: <u>Charleston</u> State: <u>WV</u> Zip: <u>25301</u></p>	<p>6. Total number of applications and registrations involved: <u>9</u> ..</p> <p>7. Total fee (37 CFR 3.41).....<u>\$240.00</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account</p> <p>8. Deposit account number: _____</p> <p>(Attach duplicate copy of this page if paying by deposit account)</p>

<p>DO NOT</p> <p>9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i></p> <p><u>Carte P. Goodwin</u> Name of Person Signing</p> <p> Signature</p>	<p>USE THIS SPACE</p> <p>Total number of pages including cover sheet, attachments, and document: <u>11</u></p> <p style="text-align: right;">10/14/02 Date</p>
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FINANCE SECTION

CONTINUATION OF ITEM 4

The document should be recorded for the following registrations:

REG. NUMBER	REG. DATE	MARK
1,321,767	February 26, 1985	Mountaineer Design
1,321,952	February 26, 1985	WV & Design
1,378,489	January 14 1986	WEST VIRGINIA UNIVERSITY
1,378,866	January 21, 1986	WEST VIRGINIA UNIVERSITY (Seal)
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The document should also be recorded for the following application:

SER. NUMBER	FILING DATE	MARK
76261687	March 23, 2001	SPOT THE BALL

§ 18B-1B-7. Duties of higher education policy commission during transition year.

During the transition year beginning on the first day of July, two thousand one and ending on the thirtieth day of June, two thousand one, the following is the intent of the Legislature:

(a) The higher education interim governing board, established in article one-c [§§ 18B-1C-1 et seq.] of this chapter, is the governing agency for public higher education in West Virginia;

(b) The chancellor for higher education shall provide to the governing board adequate and appropriate staff assistance to carry out its duties and responsibilities as assigned by law;

(c) The commission has the power and authority to require the interim governing board to transfer from accounts under the control of the interim governing board such sums as the commission believes appropriate for proper performance of its duties and responsibilities;

(d) The commission shall focus its attention first on organizing itself to carry out its duties and responsibilities, including, but not limited to, establishing a search and screening process to identify candidates and to employ a chancellor;

(e) The commission shall focus its attention second on the following priority areas, but may consider others as appropriate:

(1) Developing legislative rules as required by law;

(2) Researching and developing the elements of the finance plan required by section five [§ 18B-1A-5], article one-a of this chapter;

(3) Developing guidelines to be used by institutional boards of governors employing institutional presidents;

(4) Developing a statewide master plan pursuant to section nine [§ 18B-1B-9] of this article;

(5) Developing and approving the institutional compacts as provided by section two [§ 18B-1A-2], article one-a of this chapter;

(6) Developing a plan to provide on-going education and training opportunities to members of institutional boards of governors and institutional boards of advisors, including, but not limited to, exploring the possibility of obtaining private funds to bring members together for orientation, education and leadership training prior to the first day of July, two thousand one;

(7) Establishing a peer group for each public institution of higher education in the state as provided in section three [§ 18B-1A-3], article one-a of this chapter; and

(8) Developing the elements of the higher education report card to be used to report institutional and system progress on meeting the goals and objectives of the institutional compacts and of section one-a [§ 18B-1-1a], article one of this chapter; and

(f) On or before the first day of January, two thousand one, the commission shall certify to the governor, the president of the Senate and the speaker of the House of Delegates draft legislation which will accomplish the transfer on the first day of July, two thousand one, of all powers, duties, property, obligations, contracts, rules, orders, resolutions or any other matters which should

transferred or vested in the commission, the governing boards or any other agency. In the event the Legislature does not enact legislation which accomplishes the recommended transfers or vesting, effective the first day of July, two thousand one, all such matters are transferred to and vested in the commission and the commission is hereby authorized and directed to delegate such matters as is consistent with assigned powers and duties in section four [§ 18B-1B-4] of this article and section four [§ 18B-2A-4], article two-a of this chapter. In the event of a dispute between or among the commission and the governing boards as to the proper delegation of these matters, the decision of the commission shall control. (2000, c. 100.)

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

Effective on the first day of July, two thousand one:

(a) The commission is 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 July, two thousand one, the chancellor shall review policy series sixteen, related to the higher education report card, of the rules of the board of trustees and board of directors and determine whether a new rule should be adopted providing for the collection, analysis and dissemination of data and information on the performance of the state institutions of higher education, including health sciences education, in relation to the findings, directives, goals and objectives set forth in section one-a [§ 18B-1-1a], article one of this chapter, the institutional compacts and in comparison to their peers. The rules shall provide the legislative oversight commission on education accountability with full and accurate information while minimizing the institutional burden of recordkeeping and reporting. The rules shall include uniform definitions for the various indicators of student and institutional performance and guidelines for the collection 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 reporting in nontechnical language of required information. Any technical or explanatory material which a governing board wishes to include shall be contained in a separate appendix available for a reasonable fee to the general public upon request.

(c) The president or chief executive officer of each public college, university or community and technical college shall prepare and submit annually all requested data to the commission at the time established by the commission.

The commission shall prepare report cards for institutions under their jurisdiction and in accordance with the guidelines set forth in this section and rules promulgated under this section.

(d) The higher education central office staff under the direction of the vice chancellor for administration shall provide technical assistance to each insti-

tution and governing board in data collection and reporting and is responsible for assembling the statewide report card from information submitted by each governing board. The statewide report card shall include the data for each institution for each separately listed, applicable indicator and the aggregate data for all public institutions of higher education. The statewide report card shall be prepared using actual institutional, state, regional and national data, as applicable and available, indicating the present performance of the individual institutions, the governing boards and the state system of higher education. The report card also shall include goals and trends for the institutions and the higher education system and shall include all the information required either by statute or by rule as authorized in subsection (b) of this section. 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.

(e) The statewide report card shall be completed and disseminated in copies to the legislative oversight commission on education accountability prior to the first day of January of each year.

(f) For a reasonable fee, the chancellor shall make copies of the report card available to any individual requesting them. (2000, c. 100.)

§ 18B-1B-9. Statewide master plan.

(a) The commission shall develop a master plan for higher education for the state.

(b) The plan shall be developed on or before the first day of July, two thousand one, and shall be communicated to the legislative oversight commission on education accountability.

(c) The master plan shall include, but not be limited to, the following:

(1) A detailed demonstration of how the master plan will be used to meet goals and objectives outlined in section one-a [§ 18B-1-1a], article one of this chapter;

(2) A well-developed set of goals, as set forth in section one-a [§ 18B-1-1a] article one of this chapter, outlining missions, degree offerings, resource requirements, physical plant needs, personnel needs, enrollment levels and other planning determinants and projections for public higher education and other matters necessary in such a plan to assure that the needs of the state for a quality system of higher education are addressed; and

(3) A plan for involving and collaborating with the state board of education, the public and private institutions of higher education and other educational providers to assure that a comprehensive system of education is developed in West Virginia.

(d) The master plan for higher education for the state shall be established for periods of not less than three nor more than six years and shall be reviewed periodically as necessary. (2000, c. 100.)

ARTICLE 1C.
TRANSITION IMPLEMENTATION.

§§ 18B-1C-1, 18B-1C-2.

Expired June 30, 2001.

Editor's notes. — This article expired by operation of law on June 30, 2001. The article derived from Acts 2000, c. 100.

ARTICLE 2.

UNIVERSITY OF WEST VIRGINIA BOARD OF TRUSTEES [SEE EDITOR'S NOTE].

- | | |
|--|--|
| <p>Sec.
 18B-2-1. Composition of board; terms and qualifications of members; vacancies; eligibility for reappointment; oath of office; removal from office.
 18B-2-2. Meetings and compensation.
 18B-2-3. Additional duties of board of trustees.
 18B-2-4. [Repealed.]
 18B-2-5. Establishment and operation of a state school of osteopathic medicine; authority and duty to purchase property, expend appropriations and conduct programs of the West Virginia School of Osteopathic Medicine.
 18B-2-6. Health sciences education; legislative findings and intent.</p> | <p>Sec.
 18B-2-7. Authorization to sell all or part of Potomac State College of West Virginia University parcels of land located in New Creek and Keyser commonly known as the Potomac State College Farm listed on the public lands inventory as 1PSC6. PSC Parcel No. 6, 1PSC14. PSC Parcel No. 14 and 1PSC16. PSC Parcel No. 16.
 18B-2-8. Consortium of comprehensive child development centers; establishment and operation of a consortium of comprehensive child development centers.
 18B-2-9. West Virginia University institute of technology.</p> |
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Editor's notes. — For provisions regarding the termination of the West Virginia board of trustees, see § 18B-2-1(e) and (f).

§ 18B-2-1. **Composition of board; terms and qualifications of members; vacancies; eligibility for reappointment; oath of office; removal from office [See editor's note].**

(a) The board of trustees shall consist of seventeen persons, of whom one shall be the chancellor of the board of directors of the state college system, ex officio, who shall not be entitled to vote; one shall be the state superintendent of schools, ex officio, who shall not be entitled to vote; one shall be the chairman of the advisory council of students, ex officio, who shall be entitled to vote; one

shall be the chairman of the advisory council of faculty, ex officio, who shall be entitled to vote; and one shall be the chairman of the advisory council of classified employees, ex officio, who shall be entitled to vote. The other twelve trustees shall be citizens of the state, appointed by the governor, by and with the advice and consent of the Senate.

Each of the trustees appointed to the board by the governor shall represent the public interest and shall be especially qualified in the field of higher education by virtue of the person's knowledge, learning, experience or interest in the field.

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

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

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

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

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

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

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

(c) Before exercising any authority or performing any duties as a trustee, each trustee shall qualify as such by taking and subscribing to the oath of office

prescribed by section five, article IV of the constitution of West Virginia and the certificate thereof shall be filed with the secretary of state.

(d) No trustee appointed by the governor shall be removed from office by the governor except for official misconduct, incompetence, neglect of duty or gross immorality and then only in the manner prescribed by law for the removal of the state elective officers by the governor.

(e) The board of trustees is abolished the thirtieth day of June, two thousand.

(f) On the first day of July, two thousand, there is transferred to the interim governing board, all powers, duties, property, obligations, contracts, rules, orders, resolutions or any other matters which were vested in the prior boards of trustees, directors or both. (1989, c. 64; 1993, c. 47; 2000, c. 100.)

Effect of amendment of 2000. — Acts 2000, c. 100, effective June 17, 2000, added (e) and (f).

Editor's notes. — For provisions regarding the termination of the West Virginia board of trustees, see subsections (e) and (f) supra.

§ 18B-2-2. Meetings and compensation.

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

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

(b) The trustees shall be reimbursed for actual and necessary expenses incident to the performance of such duties upon presentation of an itemized sworn statement thereof. The foregoing reimbursement for actual and necessary expenses shall be paid from appropriations made by the Legislature to the trustees. (1989, c. 64.)

§ 18B-2-3. Additional duties of board of trustees.

(a) The trustees shall govern the university of West Virginia. The trustees shall develop a master educational plan for the university system in the state,

comprehensive child development centers located at ... Planning of at least ... boards shall be completed ... ninety-three. The board of ... prior to the first day of

relationship with each ... ce with laws that apply to ... it entities and the provi- ... s chapter. (1993, c. 47.)

stitute of technol-

code to the contrary, the ... Virginia institute of tech- ... s effective the first day of ... Virginia institute of tech- ... a university institute of ... ampus of West Virginia ... and practices utilized by ... a operating West Virginia ... of West Virginia univer-

code to the contrary and ... he board of trustees, in ... ion, the board of trustees, ... shall ensure that each ... ids that each institution ... echnology had not been

or vested in the board of ... ginia institute of technol- Each valid agreement, ... ard of directors on behalf ... nsferred to the board of

ogy previously pledged to ... e board of directors shall ... xisting debt is fully paid. ... ee thousand eighty-nine ... system bond issue of the ... ginia university institute ... bsection. If the board of ... ginia university institute ... igh alternative payment ... 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 [§ 18B-7-1], 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 moneys 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 university institute of technology, they must be approved by the board of trustees. (1996, c. 119.)

ARTICLE 2A.

INSTITUTIONAL BOARDS OF GOVERNORS.

<p>Sec. 18B-2A-1. Composition of boards; terms and qualifications of members; vacancies; eligibility for reappointment.</p> <p>18B-2A-2. Meetings.</p>	<p>Sec. 18B-2A-3. Supervision of governing boards; promulgation of rules.</p> <p>18B-2A-4. Powers and duties of governing boards generally.</p>
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Effective dates. — Acts 2000, c. 100, provided that the act take effect June 17, 2000.

§ 18B-2A-1. Composition of boards; terms and qualifications of members; vacancies; eligibility for re-appointment.

(a) Effective the thirtieth day of June, two thousand one, the institutional boards of advisors at Bluefield state college, Concord college, eastern West Virginia community and technical college, Fairmont state college, Glenville state college, Marshall university, Shepherd college, southern West Virginia community and technical college, West Liberty state college, West Virginia northern community and technical college, the West Virginia school of osteopathic medicine, West Virginia state college and West Virginia university are abolished.

(b) Effective the first day of July, two thousand one, a board of governors is established at each of the following institutions: Bluefield state college, Concord college, eastern West Virginia community and technical college, Fairmont state college, Glenville state college, Marshall university, Shepherd college, southern West Virginia community and technical college, West Liberty state college, West Virginia northern community and technical college, the West Virginia school of osteopathic medicine, West Virginia state college and West Virginia university. Each board of governors shall consist of twelve persons: Provided, That the institutional boards of governors for Marshall university and West Virginia university shall consist of fifteen persons. Each board of governors shall include:

(1) A full-time member of the faculty with the rank of instructor or above duly elected by the faculty;

(2) A member of the student body in good academic standing, enrolled for college credit work and duly elected by the student body;

(3) A member from the institutional classified employees duly elected by the classified employees; and

(4) Nine lay members appointed by the governor by and with the advice and consent of the Senate pursuant to section one-a [§ 18B-6-1a], article six of this chapter: Provided, That for the institutional boards of governors at Marshall university and West Virginia university, twelve lay members shall be appointed by the governor by and with the advice and consent of the Senate pursuant to section one-a, article six of this chapter: Provided, however, That of the appointed lay members, the governor shall appoint one superintendent of a county board of education from the area served by the institution: Provided further, That in making the initial appointments to the institutional boards of governors, the governor shall appoint, except in the case of death, resignation or failure to be confirmed by the Senate, those persons who are lay members of the institutional boards of advisors for those institutions named in subsection (a) on the thirtieth day of June, two thousand one, and appointed pursuant to section one-a, article six of this chapter.

(c) Of the nine members appointed by the governor, no more than five may be of the same political party: Provided, That of the twelve members appointed by the governor to the governing boards of Marshall university and West Virginia university, no more than seven may be of the same political party. At

least six of the members shall be residents of the state: Provided, however, That of the twelve members appointed by the governor to the governing boards of Marshall university and West Virginia university, at least eight of the members shall be residents of the state.

(d) The student member shall serve for a term of one year. The term beginning in July, two thousand one, shall end on the thirtieth day of June, two thousand two. Thereafter, the term shall begin on the first day of July.

(e) The faculty member shall serve for a term of two years. The term beginning in July, two thousand one, ends on the thirtieth day of June, two thousand three. Thereafter, the term shall begin on the first day of July. Faculty members are eligible to succeed themselves for three additional terms, not to exceed a total of eight consecutive years.

(f) The member representing classified employees shall serve for a term of two years. The term beginning in July, two thousand one, shall end on the thirtieth day of June, two thousand three. Thereafter, the term shall begin on the first day of July. Members representing classified employees are eligible to succeed themselves for three additional terms, not to exceed a total of eight consecutive years.

(g) The appointed lay citizen members shall serve terms of four years each and shall be eligible to succeed themselves for no more than one additional term.

(h) A vacancy in an unexpired term of a member shall be filled for the unexpired term within thirty days of the occurrence of the vacancy in the same manner as the original appointment or election. Except in the case of a vacancy, all elections shall be held and all appointments shall be made no later than the thirtieth day of June preceding the commencement of the term, except the election of officers for the term beginning in July, two thousand one shall be made that July. Each board of governors shall elect one of its appointed lay members to be chairperson in June of each year. No member may serve as chairperson for more than two consecutive years.

(i) The appointed members of the institutional boards of governors shall serve staggered terms. Of the initial appointments by the governor to each of the institutional boards of governors, two shall be appointed for terms of one year, two shall be appointed for terms of two years, two shall be appointed for terms of three years and three shall be appointed for terms of four years: Provided, That for the initial appointments to the governing boards of Marshall university and West Virginia university, three shall be appointed for terms of one year, three shall be appointed for terms of two years, three shall be appointed for terms of three years and three shall be appointed for terms of four years. After the initial appointments, all appointees shall serve for terms of four years.

(j) No person shall be eligible for appointment to membership on a board of governors who is an officer, employee or member of any other board of governors, a member of an institutional board of advisors of any public institution of higher education, an employee of any institution of higher education, 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 a member of the commission. Provided, That this subsection shall not be construed to prevent the representative from the faculty, classified employees, or students or the superintendent of a county board of education from being members of the governing boards.

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

(l) No member of a governing board appointed by the governor may be removed from office by the governor except for official misconduct, incompetence, neglect of duty or gross immorality and then only in the manner prescribed by law for the removal of the state elective officers by the governor.

(m) The president of the institution shall make available resources of the institution for conducting the business of its board of governors. The members of the board of governors shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties under this article upon presentation of an itemized sworn statement of their expenses. All expenses incurred by the board of governors and the institution under this section shall be paid from funds allocated to the institution for that purpose. (2000, c. 100; 2001, c. 110.)

Effect of amendment of 2001. — Acts 2001, c. 110, effective July 1, 2001, in (b), deleted "institutional" preceding the three occurrences of "board of governors"; in (b)(3) substituted "employees" for "staff"; redesignated former provisions at the end of (c) as subsections (d) through (k), and redesignated the remaining subsections accordingly; in (m), deleted "institutional" preceding the three occurrences of "board of governors"; and made other, minor changes.

§ 18B-2A-2. Meetings.

(a) The boards of governors shall hold at least six meetings in every fiscal year, including an annual meeting each June. Provided, That an annual meeting for the purpose of selecting the first chairperson and other officers shall be held during July, two thousand one. The president of the appropriate institution shall call the first meeting of the institutional board of governors in July, two thousand one, or as soon thereafter as practicable and preside until officers are elected. Officers elected in July, two thousand one, shall begin their terms upon election and shall serve until the thirtieth day of June the following year. Of the twelve voting members of the boards of governors, seven shall constitute a quorum. Provided, however, That of the fifteen voting members of each of the boards of governors for the state universities, eight shall constitute a quorum. A majority vote of the quorum shall be necessary to pass upon matters before the institutional board of governors.

(b) The boards of governors may set aside time as they consider appropriate to afford administrators, faculty, students and classified staff an opportunity to discuss issues affecting these groups. (2000, c. 100.)

§ 18B-2A-3. Supervision of governing boards; promulgation of rules.

(a) For the transition year beginning on the first day of July, two thousand and ending on the thirtieth day of June, two thousand one, the interim governing board is subject to the supervision of the secretary of education and the arts. Rules adopted by the governing board are subject to approval by the secretary of education and the arts.

(b) Effective the first day of July, two thousand one, and thereafter, the governing boards are subject to the supervision of the chancellor. The chancellor is responsible for the coordination of policies and purposes of the governing boards and shall provide for and facilitate sufficient interaction among the governing boards and between the governing boards and the state board of education to meet the goals and objectives provided for in the compacts and in section one-a [§ 18B-1-1a], article one of this chapter.

(c) The governing boards and the state board of education shall provide any and all information requested by the chancellor in a timely manner. (2000, c. 100.)

§ 18B-2A-4. Powers and duties of governing boards generally.

Effective the first day of July, two thousand one, each governing board shall separately have the following powers and duties:

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

(b) Develop a master plan for the institutions under its jurisdiction; except the administratively linked community and technical colleges shall develop their master plans subject to the provisions of section one [§ 18B-6-1], article six of this chapter. The ultimate responsibility for developing and updating the master plans at the institutional level resides with the board of governors or board of advisors, as applicable, but the ultimate responsibility for approving the final version of the institutional master plans, including periodic updates, resides with the commission. Each master plan shall include, but not be limited to, the following:

(1) A detailed demonstration of how the master plan will be used to meet the goals and objectives of the institutional compact;

(2) A well-developed set of goals outlining missions, degree offerings, resource requirements, physical plant needs, personnel needs, enrollment levels and other planning determinates and projections necessary in such a plan to assure that the needs of the institution's area of responsibility for a quality system of higher education are addressed;

(3) Documentation of the involvement of the commission, institutional constituency groups, clientele of the institution and the general public in the development of all segments of the institutional master plan.

The plan shall be established for periods of not less than three nor more than

six years and shall be revised periodically as necessary, including the addition or deletion of degree programs as, in the discretion of the appropriate governing board, may be necessary.

(c) Prescribe for the state institutions of higher education under its jurisdiction, in accordance with its master plan and the compact for each institution, specific functions and responsibilities to meet the higher education need of its area of responsibility and to avoid unnecessary duplication;

(d) Direct the preparation of a budget request for the state institutions of higher education under its jurisdiction, such request to relate directly to missions, goals and projections as found in the institutional master plans and the institutional compacts;

(e) Consider, revise and submit to the commission a budget request on behalf of the state institutions of higher education under its jurisdiction;

(f) Review, at least every five years, all academic programs offered at the state institutions of higher education under its jurisdiction. The review shall address the viability, adequacy and necessity of the programs in relation to the institutional master plan, the institutional compact and the education and work force needs of its responsibility district. As a part of the review, each governing board shall require the institutions under its jurisdiction to conduct periodic studies of its graduates and their employers to determine placement patterns and the effectiveness of the education experience. Where appropriate these studies should coincide with the studies required of many academic disciplines by their accrediting bodies;

(g) The governing boards also shall ensure that the sequence and availability of academic programs and courses offered by the institutions under their jurisdiction is such that students have the maximum opportunity to complete programs in the time frame normally associated with program completion. Each governing board also is responsible to see that the needs of nontraditional college-age students are appropriately addressed and, to the extent it is possible for the individual governing board to control, to assure coursework completed at state institutions of higher education under its jurisdiction is transferable to any other state institution of higher education for credit with the grade earned;

(h) Subject to the provisions of article one-b [§§ 18B-1B-1 et seq.] of this chapter, the appropriate governing board has the exclusive authority to approve the teacher education programs offered in the institution under its control. In order to permit graduates of teacher education programs to receive a degree from a nationally accredited program and in order to prevent expensive duplication of program accreditation, the chancellor may select and utilize one nationally recognized teacher education program accreditation standard as the appropriate standard for program evaluation;

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

(j) Subject to the provisions of federal law and pursuant to the provisions of article nine [§§ 18B-9-1 et seq.] of this chapter and to rules adopted by the commission, administer a system for the management of personnel matters

including, but not limited to, personnel classification, compensation, and discipline for employees of the institutions under their jurisdiction;

(k) Administer a system for the hearing of employee grievances and appeals therefrom: Provided, That after the first day of July, two thousand one, and notwithstanding any other provisions of this code to the contrary, the procedure established in article six-a [§§ 29-6A-1 et seq.], chapter twenty-nine of this code shall be the exclusive mechanism for hearing prospective employee grievances and appeal: Provided, however, That in construing the application of article six-a, chapter twenty-nine to grievances of higher education employees, the following shall apply:

(1) "Chief administrator" means the president of a state institution of higher education as to those employees employed by the institution and the chancellor as to those employees employed by the commission;

(2) The state division of personnel shall not be a party to nor have any authority regarding a grievance initiated by a higher education employee; and

(3) The provisions of this section supersede and replace the grievance procedure set out in article twenty-nine [§§ 18-29-1 et seq.], chapter eighteen of this code for any grievance initiated by a higher education employee after the first day of July, two thousand one.

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

(m) Appoint a president or other administrative head for the institutions of higher education under its jurisdiction subject to the provisions of section six [§ 18B-1B-6], article one-b of this chapter;

(n) Conduct written performance evaluations of each institution's president pursuant to section six [§ 18B-1B-6], article one-b of this chapter;

(o) Submit to the commission no later than the first day of November of each year an annual report of the performance of the institutions of higher education under its jurisdiction during the previous fiscal year as compared to stated goals in its master plan and institutional compact;

(p) Enter into contracts or consortium agreements with the public schools, private schools or private industry to provide technical, vocational, college preparatory, remedial and customized training courses at locations either on campuses of the public institution of higher education or at off-campus locations in the institution's responsibility district. To accomplish this goal, the boards are permitted to share resources among the various groups in the community;

(q) Delegate, with prescribed standards and limitations, the part of its power and control over the business affairs of a particular state institution of higher education under its jurisdiction to the president or other administrative head of the state institution of higher education in any case where it considers the delegation necessary and prudent in order to enable the institution to function in a proper and expeditious manner and to meet the requirements of its institutional compact. If a governing board elects to delegate any of its power and control under the provisions of this subsection, it shall notify the chancellor. Any such delegation of power and control may be rescinded by the

appropriate governing board or the chancellor at any time, in whole or in part;

(r) Unless changed by the interim governing board or the chancellor, the governing boards shall continue to abide by existing rules setting forth standards for acceptance of advanced placement credit for their respective institutions. Individual departments at institutions of higher education may, upon approval of the institutional faculty senate, require higher scores on the advanced placement test than scores designated by the appropriate governing board when the credit is to be used toward meeting a requirement of the core curriculum for a major in that department;

(s) Each governing board, or its designee, shall consult, cooperate and work with the state treasurer and the state auditor to update as necessary and maintain an efficient and cost-effective system for the financial management and expenditure of special revenue and appropriated state funds at the institutions under its jurisdiction that ensures that properly submitted requests for payment be paid on or before due date, but in any event, within fifteen days of receipt in the state auditor's office;

(t) The governing boards in consultation with the chancellor and the secretary of the department of administration shall develop, update as necessary and maintain a plan to administer a consistent method of conducting personnel transactions, including, but not limited to, hiring, dismissal, promotions and transfers at the institutions under their jurisdiction. Each such personnel transaction shall be accompanied by the appropriate standardized system or forms which will be submitted to the respective governing board and the department of finance and administration;

(u) Notwithstanding any other provision of this code to the contrary, the governing boards shall have the authority to transfer funds from any account specifically appropriated for their use to any corresponding line item in a general revenue account at any agency or institution under their jurisdiction as long as such transferred funds are used for the purposes appropriated. The governing boards also shall have the authority to transfer funds from appropriated special revenue accounts for capital improvements under their jurisdiction to special revenue accounts at agencies or institutions under their jurisdiction as long as such transferred funds are used for the purposes appropriated; and

(v) Notwithstanding any other provision of this code to the contrary, the governing boards may acquire legal services as are considered necessary, including representation of the governing boards, their institutions, employees and officers before any court or administrative body. The counsel may be employed either on a salaried basis or on a reasonable fee basis. In addition, the governing boards may, but are not required to, call upon the attorney general for legal assistance and representation as provided by law. (2000, c. 100; 2001, c. 110.)

Effect of amendment of 2001. — Acts 2001, c. 110, effective July 1, 2001, in (b), deleted "institutional" preceding "board of gov- ernors"; in (f), substituted "work force" for "workforce"; in (i), substituted "employees" for "staff"; and rewrote (j) and (k).

GOODWIN & GOODWIN, LLP

300 SUMMERS STREET, SUITE 1500
CHARLESTON, WEST VIRGINIA 25301-678

P. O. Box 2107
CHARLESTON, WEST VIRGINIA 25328-2107

TELEPHONE (304) 346-7000
TELECOPIER (304) 344-9692
www.goodwingoodwin.com

PO. Box 349
500 CHURCH STREET
RIPLEY, WEST VIRGINIA 25271
(304) 372-2651

201 THIRD STREET
ERSBURG, WEST VIRGINIA 26101
(304) 485-2345

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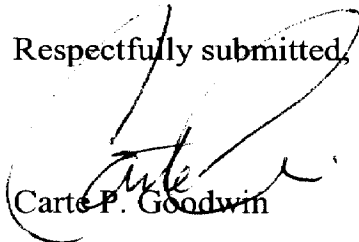
SIR:

Attached hereto for filing are the following documents:

RESUBMISSION RECORDATION FORM COVER SHEET
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If you have any questions, please do not hesitate to contact me.

Respectfully submitted,


Carte P. Goodwin

CPG/jeb
Enclosures