

**West Virginia State University  
Advisory Council of Faculty Report  
Faculty Senate Report**

**Friday, March 5, 2010  
Dr. Sean A. Collins  
ACF Representative**

**Legislative:**

We have been looking at the progress of several Senate and House bills this current legislative session that directly influence higher education. The two most significant are Senate Bills 6 and 480. For the sake of completeness and transparency, I have attached a complete list of House and Senate bills for your perusal (Note that SB 480 has passed the Senate).

**SB 6 (Plymale, Edgell, Unger, et al)**

Involves Higher Education employees the right to serve in WV legislature, but in fact only reinforces faculty's ability to serve, as this was established in 2004.

Provides that faculty and staff are retained are employees of their board of governors according to code and should be allowed to serve. This is important in that it will allow faculty to be reclassified as state employees and as such may be eligible for state employee perks such as incremental pay increases.

**SB 480 (Plymale et al)**

Reduces the amount of autonomy for WVU and Marshall

Places decisions regarding some monetary and educational issues under control of CTC and HEPC

The bill also limits the number of non-classified staff to 20% of the total number of employees

**Other issues:**

**Tuition Freeze**

Higher Education Presidents are meeting to talk about tuition freezes and how institutions will be affected if no raises in tuition are allowed for 2010-11. Note that the freeze is very likely since Governor Manchin has come to the fore to express his desire for there to be no tuition increases for at least the next academic year (see attached).

**PEIA Reform**

ACF will probably align with AFT in this matter.

**Recruitment and retention**

The Herald reported that Chancellor Noland stated WV Higher Education is entering a challenging time. A question being asked is whether the state has too many institutions. Noland's response is an emphatic "No", according to him, the real issue is that we need more people to attend college. He also mentioned that 40% of Higher Education faculty are heading towards retirement age and the faculty is underpaid, especially when compared to institutions of higher learning in other states.

**Students**

A major concern for students concerns the ever-increasing prices for textbooks. The Advisory Council for Students states this is a priority item for them to address. Kindles and e-books were mentioned as options over standard textbooks, but they are not always less expensive, and money is needed up front to buy the Kindle reader.

### **Consultants and the Future of Higher Education in WV**

WV Higher Education hired a consulting group to suggest recommendations for improving and streamlining to the current higher education system in the state. Their recommendations included:

Creation of three new administrative positions: a Vice Chancellor of Human Research, a Director of Compensation and Benefits and Director of Training and Development.

Annual performance appraisals with a move away from tenure.

Compensation based on market value.

### **Great Teachers Seminar**

Finally, The Great Teachers Seminar for this year is approaching. The dates are June 21-24 at North Bend State Park. I have sent out a flier via the listserv to all full-time and adjunct faculty. Please, if you can, try to attend. For additional information, contact either me ([scollin5@wvstateu.edu](mailto:scollin5@wvstateu.edu)) or Mark Goldstein ([mgoldstein@wvncc.edu](mailto:mgoldstein@wvncc.edu)).

Respectfully submitted,

Sean A. Collins





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### Governor proposes tuition freeze

By Clark Davis



Gov. Joe Manchin

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January 21, 2010 · Students at West Virginia colleges and universities might not have to cough up more tuition money next year. Gov. Manchin is hoping to keep college education affordable by freezing tuition.

Manchin along with the **Higher Education Policy Commission** are considering ways to make sure that as the state possibly heads into a down turn economically, people can still go to school.

"It's really kind of a great thing for me, because I'm paying out of pocket already and every single year tuition goes up, I think it's great that the Governor has finally decided to step in especially with the fact that West Virginia is one of the states that's economically downtrodden at times," James Roach, Marshall University student, said.

Brian Noland, Higher Education Policy Commission chancellor, said freezing tuition gives students one less thing to worry about.

"The governor's concerned, as are the institutions, about increasing the cost of college," Noland said. "So the thought with freezing tuition is that it positions the institution to better serve the needs of citizens across the state at a time when they need the services more than ever."

Noland said there are still a lot of details to be worked out like whether the freeze will apply to both undergraduate and graduate students.

"So there is lots of wrinkles that are being worked through, but at its core I think that all of the campuses are committed to holding undergraduate tuition constant for West Virginia residents," Noland said.

Noland said a freeze could mean everything to a family.

"It gives them the ability to start to plan ahead knowing that particularly for students in college, I've found a way to make it work this year," Noland said.

Between now and April colleges and universities will present their tuition proposals for the next year to the Higher Education Policy Commission for approval.

Search:  go!

#### Latest News :

WVU receives stimulus money  
By Cecelia Mason and Emily Corio  
West Virginia University will receive \$14.5 million from the American Recovery and Reinvestment Act to pay for a new animal research facility in Morgantown.

Rockefeller, Rahall urge EPA not to regulate power plants' CO2 pollution  
By Emily Corio

Members of West Virginia's Congressional delegation want to prevent the US Environmental Protection Agency from regulating greenhouse gases from stationary sources, such as coal-fired power plants, for the next two years.

WV environmental secretary upset with federal regulations  
By Beth Vorhees

It's clear the Secretary of the West Virginia Department of Environmental Protection is angry at the United States Environmental Protection Agency.

House passes bill to allow public campaign financing  
By Tom Miller

House passed a bill Wednesday that allows public financing of election campaigns.

WV Symphony announces 2010-11 season  
By Mona Seghatoleslami

The West Virginia Symphony performs music by Bartok and Tchaikovsky this weekend, but they are also looking ahead. Wednesday, they announced the programs for their next season, which begins in September.

#### Blogs

##### Mountain Stage Blog

On the Radio March 5-7  
Thanks! (Feb. 28)

##### Classically Speaking

WV Symphony -- 2010-2011 Season  
My Performance  
Today: Chopin Edition

##### Eclectopia Blog

Is There Anyone Out There?





SENATE BILLS PASSED and NOW IN HOUSE  
2010 Session  
March 4, 2010  
Higher Ed Specific Bills Shaded

Bill Number	Sponsor	Summary	Comments
8	Kessler	Including pharmacist & pharmacy in health care provider definition	Includes those professions in the protections of the Medical Professional Liability Act. To HJ.
81	Jenkins	Creating WV Official Prescription Program Act	Has West Virginia Board of Pharmacy to adopt Prescription Program that will lead to tamper proof prescription pads and tracking of prescriptions written. To HHHR then HJ.
128	Palumbo	Relating to Smart 529 college savings plan	Allows settlement proceeds from an action held on behalf of a minor may be invested in a Smart 529 plan. Passed Senate. To HE then HF.
185	McCabe, et al	Creating WV Patent Incentives Act	Certain developers would receive tax credits of up to 20% of profits on patents used in a manufacturing process or product through an agreement with MU or WVU. Up to 30% would be granted if 80% of profits reinvested in depreciable property purchased to develop further patents, improve patents, or contribute to stipends of certain graduate students. To HF.
219	Tomblin et al	Relating to managing state motor vehicle fleet	Allows Secretary of Administration to establish a Fleet Management Division and establish a central motor pool. Previous exemptions for other agencies from such oversight is taken away, including that of higher ed. ComSub specifically removes higher ed from travel rules exemption. To HGO then HF.
230	Bowman, et al	Relating to updating the article providing for the Board of Optometrists	Would allow optometrists to perform certain eye surgeries. To HHHR.
235	Browning, et al	Relating to Creative Communities Development Pilot Program	Creates the Creative Communities Development Board to review and approve grants to communities to make technological advances, improve aesthetics, foster academic innovation, foster diversity and renewable energy. Higher education institution a "community" eligible to apply for grants. To HLED then HF.
236	Williams	Creating Aquaculture Development Act	Places the Department of Agriculture as lead agency in matters pertaining to aquaculture. A representative from the WVU Extension service would sit on Aquaculture Advisory Board. Passed HA. Now in HJ.
238	White, et al	Allowing Public Land Corp. enter into certain mineral rights agreements	Public Land Corporation would be able to enter into mineral rights leases on behalf of state agencies. To HNR then HF.
324	McCabe, et al	Establishing tax credit for repayment of certain student loans	Additional \$10,000 deduction from federal adjusted gross income in calculating state income tax for two years upon graduation from any accredited post-secondary institution. To HF.
354	Kessler	Updating terms & reporting procedures for traffic crashes	Requires law enforcement officers investigating automobile crashes causing bodily injury or \$1,000 of property damage to file electronic report with DOH within 24 hours. On House floor.
365	Jenkins, et al	Requiring pharmacies provide personnel online access to controlled substances database	By July 1, 2011 practitioners who prescribe or dispense controlled substances must have electronic access to the Controlled Substances Monitoring database. To HHHR then HJ.
373	Prezioso	Creating Caregivers Consent Act	Provides process for caregivers to give consent for medical treatment of minors in their care. To HHR then HJ.
442	Helmick, et al	Clarifying PEIA Finance Board may offset certain annual retiree premium increases	Allows PEIA to use trust funds from employers to offset retiree increases. To HF.
446	Helmick, et al	Clarifying deceased public employees' survivors participate in major medical group plans only	Surviving spouses and dependents of a PEIA member would be restricted to only comprehensive group health insurance coverage that the decedent was eligible for. Passed HBI. Now in HF.
449	Helmick, et al	Relating to PEIA preexisting conditions limitations	PEIA participants would have preexisting conditions covered. Limits times a person can make a plan selection. In HF.

457	Facemire	Repealing section relating to adultery and lewd cohabitation	Presently a misdemeanor. Also repeals several other obsolete code sections that make crimes things like dueling, displaying a red or black flag, wearing hats in theaters, public swearing and drunkenness and working on Sunday. To HJ.
477	Tomblin	Creating centralized filing system for legislative reports	Any report required to be filed by an agency with the Legislature or its officers shall also be filed electronically with the Legislative Librarian. Completed legislative action.
478	Bowman	Relating to Purchasing Division functions	Higher ed is exempt from most provisions of the purchasing provisions of the Dept. of Administration. This bill changes many of those provisions. One provision higher ed is not exempt from is the vendors' preference given certain resident vendors. This bill places the vendors' preference at 6% for resident vendors. Passed Senate. To HGO then HF.
*480	Plymale, et al	Relating to public higher education personnel	Rewrites several personnel sections for higher education and revamps the classification and compensation system for classified employees. Requires certain personnel to be hired by HEPC/CTC to implement provisions of the Act. Summary sent separately. Provisions of SB 588 amended into bill regarding flexibilities and governance. To HE then HF. See bill summary below!!
499	Plymale, et al	Changing names of certain community & technical colleges	Assigns new names of Bridgemont, Kanawha, and Mountwest. To HE.



543	Plymale	Authorizing Energy & Water Savings Revolving Loan Fund Program rule for HEPC	Authorizes promulgation of this HEPC rule and PROMISE rule. On House floor.
583	Bowman	Updating references to the Information Services and Communications Division	Opens up the powers and duties section of the code regarding the Chief Technology Officer. In HGO.
584	Bowman	Relating to Center for Nursing's data collection policy	Requires employers of nurses to cooperate in the Center's data collection. In HHHH then HJ.
592	Bowman	Restricting certain rehired state employees from previous benefits	State employees who retire from a state spending and are rehired by another spending unit to be considered a new employee and not entitled to annual increment or leave accrual based on prior years of service. To HPR then HF.
597	Kessler, et al	Requiring women seeking abortion opportunity to see fetus ultrasound image	As described. Woman must decline in writing. Passed Senate. To HHHH then HJ.

611	Helmick, et al	Relating to locating the offices of the HEPC, Vice Chancellor of Administration & the WVCCTCE	Requires HEPC and CTC to provide offices for Chancellors and staff in Kanawha County rather than just Charleston. Amended on House floor to not allow WVNET to be moved without legislative approval. To conference. House conferees: Campbell, Marshall, Anderson. Senate: McCabe, Plymale, K. Faemyer.
612	Plymale, et al	Authorizing Governor certify certain capital improvement projects lists	Authorizes an additional \$5 million a year from Lottery to fund a bond issue for HEPC capital projects. The Governor may certify a new list of capital projects to be funded from the EAST bond funds anytime prior to issuance of the new bonds after consulting with the HEPC. To HF.
618	Foster	Relating to osteopathic physician assistants	Regulates certification and practice of osteopathic physician assistants. To HHHH then HGO.
626	Plymale	Providing teacher's license eligibility requirements for alien residents	May be eligible for license if proficient in English, has a teaching visa or declaration of intent to become a U.S. citizen and meets State Board standards. To HE then HJ.
648	Plymale	Repealing outdated and obsolete sections of education code	One provision repealed is 18B-8-3a which set out old salary policies for higher ed faculty and non-classified. To HE then HJ.
651	Kessler	Providing state bid preference for certain current license or permit holders	Allows vendors with the state that acquires or operates equipment on behalf of state to match the lowest bid when contract is rebid. To HF.

\*AFT Summary of Senate bill 480, which passed in the Senate. "The flexibility bill **rescinds some of the flexibility and independence given to Marshall and WVU and brings back those two institutions under the auspices of the HEPC and the CTC in certain areas** (e.g., tuition and fee approval), review of capital and operating budgets). The HEPC retains the right to approve doctorate and professional degree programs at Marshall and WVU only if other institutions already offer those programs or if the duplication of offerings falls under one of the six areas as outlined in the Research Trust Fund. The bill also **extends to all institutions a modicum of flexibility**. The number of **classified staff may not exceed 20% of the total number of employees employed at the institution** (with a few exceptions). However, for Marshall and WVU, the cap is 25%. In addition, the **community and technical colleges have 6 years to fully fund the salary schedule as opposed to 4 years for all other institutions**. The central office position of Director of Training and Development has been removed from the original bill. **The bill now goes to the House Education Committee.**"

HOUSE BILLS PASSED and NOW IN SENATE 2010 Session March 4, 2010 Higher Ed Specific Bills Shaded			
Bill Number	Sponsor	Summary	Comments
2485	Border, et al	Allowing pharmacy interns to vend pseudoephedrine & other chemical precursors of methamphetamine	Extends vending authority to pharmacy interns. To SHHR then SJ.
3152	Caputo, et al	Athletic Trainers Registration Act	<b>No one could represent themselves as an Athletic Trainer unless certified by the National Athletic Trainers' Association Board of Certification and registered with the Secretary of State. To SGO.</b>
4016	Miley, et al	Strengthening the Ethics Act financial disclosure filing requirements	Expands the financial disclosure requirements to spouses of covered state officers and employees and expands the items of financial interest which must be disclosed. Requires each person filing a financial disclosure to list any business of which they are a board of directors or officer. Prohibits legislators, agency heads, department heads, assistant department heads, and employees of constitutional officers—except those in clerical positions—from being lobbyist for one year after end of public service. In SJ then SF.
4026	Poling, et al	Relating to higher education capital facilities generally	Bill that came out of interim legislative committee meetings. Same bill that passed the Senate last year but without the provisions regarding funding of projects from the EAST bonds that are going to expire. Places a procedure in place to develop capital strategic plans and address deferred maintenance issues. On Senate floor.
4134	Morgan, et al	Removing non-utilized code sections	Removes a number of agency sunset provisions. One is the sunset of the Rural Health Advisory Panel. In SJ.



4145	Iaquinta, et al	Providing services & facilities to assist student veterans at state institutions of higher ed	Requires HEPC and CTC to establish a number of policies to make higher ed institutions more student veteran friendly. One initiative would be to emphasize grant academic credit for certain military experience and training. To SM then SE.
4176	Perdue, et al	Relating to credentialing of health care practitioners	Continues the advisory committee previously established to develop a uniform credentialing process and requires DHHR and Insurance Commissioner to adopt joint legislative rules addressing issue. Allows contracting with one credentialing verification organization. To SHHR then SBI.
4220	Perry, et al	Relating to the practice of medical imaging and radiation therapy	Provides what certification tests the Board of Medicine must accept for credentialing of a radiologist assistant. To SHHR then SGO.
4299	White, et al	Providing that non-state retired employees who have worked for their last non-state employer for less than five years are responsible for their entire premium cost	Requested by PEIA. As described. Opens up provision making State enrollment in PEIA mandatory. States that employees retiring after July 1, 2010 and participated in the plan less than 5 years and whose employer is not participating in the plan must pay the full cost of their premiums for retiree insurance. In SF.
4359	Poling, et al	Requiring local labor for public construction projects	Public improvement projects of over \$500,000 would have to utilize employees that reside in WV or in a county outside WV where any part of the county is within 50 miles of its borders. To SL then SF.
4374	Moore, et al	Caregivers Consent Act	Sets forth process for a caregiver to be given an affidavit authorizing the caregiver to consent to medical treatment for minors. Health facility must comply with. On Senate floor.
4387	Caputo, et al	Flexible Leave Act	Allows any employee to use accrued leave for an illness in the family. To SJ then SF.
4582	Campbell, et al	Creating reciprocity for WV small, women & minority owned businesses who receive such preferences in other states	Non-resident vendors certified as a small, women or minority-owned business would get the same percentage vendor preference in bidding on state contracts as resident vendors get. To SF.