

1 S.71

2 Introduced by Senators White and Rodgers

3 Referred to Committee on Education

4 Date: February 10, 2015

5 Subject: Education; Vermont State Colleges

6 Statement of purpose of bill as introduced: This bill proposes to revise the
7 membership, powers, and duties of the Board of Trustees of the Vermont State
8 Colleges.

9 An act relating to governance of the Vermont State Colleges

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 16 V.S.A. chapter 72 is amended to read:

12 CHAPTER 72. VERMONT STATE COLLEGES

13 § 2170. STATUTORY PURPOSES

14 The statutory purpose of the exemption for the Vermont State Colleges in
15 section 2178 of this title is to allow institutions providing higher education to
16 deploy more of their financial resources to their educational missions.

17 § 2171. CORPORATION ESTABLISHED; PURPOSES; POWERS

18 ~~(a) There is created as a part of the educational system of the State of~~
19 Vermont a public corporation to be known as "Vermont State Colleges," which
20 ~~shall plan, supervise, administer, and operate facilities for education at the~~

1 ~~postsecondary level supported in whole or in substantial part with State funds,~~
2 however, while the Corporation shall maintain cooperative relations with the
3 University of Vermont and State Agricultural College, nothing in this chapter
4 shall give the ~~corporation~~ Corporation any responsibility for the planning,
5 ~~supervision, administration, or operation of the University.~~

(a) There is created as a part of the educational system of the State of Vermont a public corporation to be known as “Vermont State ~~Colleges,”~~ which-Colleges” or any other name that the Board of Trustees, established under section 2172 of this chapter, selects at a meeting duly warned for that purpose, provided that the word “Vermont” shall appear in the selected name. The Corporation shall plan, supervise, administer, and operate facilities for education at the postsecondary level supported in whole or in substantial part with State funds; however, while the Corporation shall maintain cooperative relations with the University of Vermont and State Agricultural College, nothing in this chapter shall give the ~~corporation~~ Corporation any responsibility for the planning, supervision, administration, or operation of the University.

6 (b) The Corporation shall own the real and personal property of the
7 Castleton State College, Johnson State College, and Lyndon State College,
8 ~~teachers colleges and the Vermont Agricultural and Technical Institute~~
9 Vermont Technical College, Community College of Vermont, and of other
10 ~~state-operated~~ State-operated institutions of higher education that may be
11 established. It shall protect, preserve, and improve the properties and promote
12 their use as institutions of higher education.

13 (c) The Corporation may acquire, hold, and dispose of property in fee or in
14 trust, or any other estate, except as provided in subsection (d) of this section,
15 shall have a common seal, and shall be an instrumentality of the State for the

1 purposes set forth in this section. The State of Vermont shall support and
2 maintain the Corporation.

3 (d) The Corporation shall not abandon, lease, sell, or dispose of any of the
4 institutions under its control unless that action is specifically authorized by the
5 General Assembly. The terms of any such sale, lease, or other disposal shall
6 be prescribed by the Agency of Administration, with the approval of the
7 Governor, within the terms of the authorization of the General Assembly.

8 (e) The Corporation may make expenditures for capital improvements.
9 The Corporation is authorized to borrow money for building purposes, to give
10 security that may be required, and to execute necessary related instruments,
11 and is also authorized to accept, use, and administer any funds made available
12 to it for any of its corporate purposes by the United States or any of its
13 agencies, and to agree to any terms and conditions that may be required that
14 are not inconsistent with its corporate purposes.

15 § 2172. TRUSTEES; APPOINTMENT; VACANCIES

16 (a) The Corporation shall be governed by a board of 15 trustees who shall
17 be appointed or elected as follows:

18 (1) Biennially the Governor, with the advice and consent of the Senate,
19 shall appoint trustees to serve for ~~six-year~~ four-year terms expiring March 1 of
20 the year of the biennial session. ~~Nine~~ Five trustees may be in office at one
21 time under this subdivision. In the event of any vacancy occurring between

1 biennial sessions in an office under this subdivision, the Governor pursuant to
2 3 V.S.A. § 257; shall fill the ~~same, which appointment shall terminate~~
3 vacancy, and the term of a person so appointed shall expire on March 1 in the
4 year of the next following biennial session.

5 (2)(A) One trustee shall be a student trustee:

6 (A)(i) who ~~shall be~~ is a matriculated student at an educational
7 institution operated by the Vermont State Colleges ~~corporation~~ Corporation;

8 (B)(ii) who ~~shall be~~ is pursuing a degree program; and

9 (C)(iii) who ~~shall have~~ has reached the age of majority.

10 (B) The student trustee shall serve a one-year term expiring on
11 June 1. The student trustee shall be appointed, and a vacancy may be filled,
12 from among those eligible students applying for the position by the decision of
13 those members of the steering committee of the Vermont State Colleges
14 Student Association who have been elected at large to that committee by the
15 students at their respective colleges. ~~No college may be represented by a~~
16 ~~student trustee for more than two consecutive terms, and no~~ No student trustee
17 may serve more than two consecutive terms.

18 (3) Four trustees shall be legislative trustees who are members of the
19 General Assembly at the time of their election. Legislative trustees shall serve
20 four-year terms expiring on March 1 of the second year of the biennial session,
21 and they shall be elected by joint assembly of the Legislature. Vacancies for

1 any cause shall be filled by the General Assembly at ~~the next session~~ its
2 earliest opportunity and the term of a person so appointed shall expire on
3 March 1 of the next even numbered year.

4 (4) Four trustees shall be elected by the Board of Trustees to four-year
5 terms expiring on March 1. Vacancies for any cause shall be filled by the
6 remaining members of the Board of Trustees, and the term of the person so
7 appointed shall expire on the next following March 1.

8 (b) Appointments by the Governor and elections by the General Assembly
9 shall be made with consideration of the geographic distribution of members to
10 prevent an unfair focus on any single college.

11 (c) No trustee shall be a member of the Board of Trustees of the University
12 of Vermont.

13 (d) The Governor, in the case of gubernatorial-appointed trustees, or the
14 Board of Trustees, in the case of Board-elected trustees:

15 (1) after notice and a hearing, may remove a trustee for incompetency,
16 failure to discharge duties, malfeasance, illegal acts, or other cases inimical to
17 the welfare of the Corporation; and

18 (2) in the event of a vacancy occurring under this subsection, shall fill
19 the vacancy pursuant to subsection (a) of this section.

20 § 2173. BOARD OF TRUSTEES; ORGANIZATION

1 In addition to the 14 elected and appointed trustees, the Board of Trustees
2 shall include as a member the Governor of Vermont. A majority of the trustees
3 shall constitute a quorum for the transaction of business. ~~Annually~~ Biennially,
4 the Board shall elect one of its voting members to serve as its chair.

5 § 2174. BOARD OF TRUSTEES; POWER

6 The Board of Trustees may confer such honors and degrees as are usually
7 given in colleges and universities and any other appropriate degrees, and ~~may~~
8 ~~elect a president, a secretary, a director of educational affairs and a director of~~
9 ~~financial affairs; it may also appoint necessary officers for each institution~~
10 ~~under its control, professors and instructors and any other necessary members~~
11 ~~of staff~~ shall appoint a chancellor of the Corporation and a president for each
12 institution under its control and prescribe their duties, salaries, and terms of
13 office. The Board shall make bylaws and regulations for the government of its
14 meetings and each institution under its control prescribing among other things,
15 the terms of admission, courses of instruction, educational standards, rates of
16 tuition, scholarships, and other student aids.

17 * * *

18 § 2180. ~~FIRST MEETING OF BOARD~~

19 ~~The Governor shall call the first meeting of the Board of Trustees. At this~~
20 ~~meeting, the permanent location of the Corporation and the place of its~~

1 principal office in the State of Vermont shall be determined by the Board.

2 [Repealed.]

3 * * *

4 ~~§ 2185. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES~~

5 ~~(a) The Board of Trustees shall adopt policies related to residency for~~
6 ~~tuition purposes, consistent with federal requirements.~~

7 ~~(b) Any member of the Armed Forces of the United States on active duty~~
8 ~~who is transferred to Vermont for duty other than for the purpose of education~~
9 ~~shall, upon transfer and for the period of active duty served in Vermont, be~~
10 ~~considered a resident for in-state tuition purposes at the start of the next~~
11 ~~semester or academic period.~~

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education shall, upon transfer and for the period of active duty served in
Vermont, be considered a resident for in-state tuition purposes at the start of
the next semester or academic period.

12 * * *

Sec. 2. EFFECT OF AMENDMENT

In Sec. 1 of this act, 16 V.S.A. § 2171(a) is amended by authorizing the
Board of Trustees established under 16 V.S.A. § 2172 to select a different
name for the Corporation presently known as “Vermont State Colleges.”
Notwithstanding any name that the Board of Trustees selects for the
Corporation pursuant to 16 V.S.A. § 2171(a):

(1) All legal instruments executed in the name of the Vermont State Colleges or in any subsequent name selected under 16 V.S.A. § 2171(a) shall be legally binding on the Corporation.

(2) All statutory references to “Vermont State Colleges” shall mean the Corporation created under 16 V.S.A. § 2171(a).

1 Sec. ~~2~~3. TRANSITION

2 (a) Notwithstanding 16 V.S.A. § 2172 as amended by this act, all existing
3 six-year terms of members of the Board of Trustees commencing on or before
4 February 28, 2017 shall be completed, including terms of trustees appointed or
5 elected due to vacancy. Beginning on March 1, 2017, new terms for all Board
6 members, except the student trustee and the Governor, shall be four years
7 in duration.

8 (b) In 2017:

9 (1) On March 1, two of the three gubernatorial-appointed Board seats
10 expiring on that date shall be eliminated. The Governor shall appoint a trustee
11 to fill the third seat for a four-year term commencing on March 1.

12 (2) The Board shall elect two trustees, selected pursuant to Sec. 1,
13 16 V.S.A. § 2172(a)(4), to fill two self-perpetuating four-year Board seats with
14 terms commencing on March 1.

15 (c) In 2019:

16 (1) On March 1, one of the three gubernatorial-appointed Board seats
17 expiring on that date shall be eliminated. The Governor shall appoint two
18 trustees to fill the remaining two seats for four-year terms commencing on
19 March 1.

1 (2) The Board shall elect a trustee, selected pursuant to Sec. 1,
2 16 V.S.A. § 2172(a)(4), to fill one self-perpetuating four-year Board seat with
3 a term commencing on March 1.

4 (d) In 2021:

5 (1) On March 1, one of the three gubernatorial-appointed Board seats
6 expiring on that date shall be eliminated. The Governor shall appoint two
7 trustees to fill the remaining two seats for four-year terms commencing on
8 March 1.

9 (2) The Board shall elect a trustee, selected pursuant to Sec. 1,
10 16 V.S.A. § 2172(a)(4), to fill one self-perpetuating four-year Board seat with
11 a term commencing on March 1.

12 Sec. ~~3~~ 4. EFFECTIVE DATE

13 This act shall take effect on July 15, 2015.