

No. 19. An act relating to governance of the Vermont State Colleges.

(S.71)

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

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

CHAPTER 72. VERMONT STATE COLLEGES

§ 2170. STATUTORY PURPOSES

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

§ 2171. CORPORATION ESTABLISHED; PURPOSES; POWERS

(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.

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

(c) The Corporation may acquire, hold, and dispose of property in fee or in trust, or any other estate, except as provided in subsection (d) of this section, shall have a common seal, and shall be an instrumentality of the State for the purposes set forth in this section. The State of Vermont shall support and maintain the Corporation.

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

(e) The Corporation may make expenditures for capital improvements. The Corporation is authorized to borrow money for building purposes, to give security that may be required, and to execute necessary related instruments, and is also authorized to accept, use, and administer any funds made available to it for any of its corporate purposes by the United States or any of its

agencies, and to agree to any terms and conditions that may be required that are not inconsistent with its corporate purposes.

§ 2172. TRUSTEES; APPOINTMENT; VACANCIES

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

(1) Biennially the Governor, with the advice and consent of the Senate, shall appoint trustees to serve for ~~six-year~~ four-year terms expiring March 1 of the year of the biennial session. ~~Nine~~ Five trustees may be in office at one time under this subdivision. In the event of any vacancy occurring between biennial sessions in an office under this subdivision, the Governor pursuant to 3 V.S.A. § 257, shall fill the ~~same, which appointment shall terminate~~ vacancy, and the term of a person so appointed shall expire on March 1 in the year of the next following biennial session.

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

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

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

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

(B) The student trustee shall serve a one-year term expiring on June 1. The student trustee shall be appointed, and a vacancy may be filled, from among those eligible students applying for the position by the decision of those members of the steering committee of the Vermont State Colleges

Student Association who have been elected at large to that committee by the students at their respective colleges. ~~No college may be represented by a student trustee for more than two consecutive terms, and no~~ No student trustee may serve more than two consecutive terms.

(3) Four trustees shall be legislative trustees who are members of the General Assembly at the time of their election. Legislative trustees shall serve four-year terms expiring on March 1 of the second year of the biennial session, and they shall be elected by joint assembly of the Legislature. Vacancies for any cause shall be filled by the General Assembly at ~~the next session~~ its earliest opportunity and the term of a person so appointed shall expire on March 1 of the next even numbered year.

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

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

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

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

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

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

§ 2173. BOARD OF TRUSTEES; ORGANIZATION

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

§ 2174. BOARD OF TRUSTEES; POWER

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

* * *

§ 2180. ~~FIRST MEETING OF BOARD~~

~~The Governor shall call the first meeting of the Board of Trustees. At this meeting, the permanent location of the Corporation and the place of its principal office in the State of Vermont shall be determined by the Board.~~

[Repealed.]

* * *

§ 2185. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

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

(b) Any member of the U.S. Armed Forces of the United States on active duty who is transferred to Vermont for duty other than for the purpose of 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.

* * *

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).

Sec. 3. TRANSITION

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

(b) In 2017:

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

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

(c) In 2019:

(1) On March 1, one of the three gubernatorial-appointed Board seats expiring on that date shall be eliminated. The Governor shall appoint two

trustees to fill the remaining two seats for four-year terms commencing on March 1.

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

(d) In 2021:

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

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

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 15, 2015.

Date Governor signed bill: May 7, 2015