

1 H.698

2 Introduced by Representative Shaw of Pittsford

3 Referred to Committee on

4 Date:

5 Subject: Education; Vermont State Colleges; Board of Trustees; Office of
6 Chancellor

7 Statement of purpose of bill as introduced: This bill proposes to make changes
8 to the governance structure of the Vermont State Colleges Corporation,
9 including eliminating the position of Chancellor and eliminating two
10 legislative trustees on the Board of Trustees and replacing them with one
11 faculty trustee and one staff trustee. The bill also proposes to reduce the
12 amount of structural deficit reductions required in fiscal years 2025 and 2026
13 as well as make conforming amendments and revisions throughout the
14 Vermont Statutes Annotated.

15 An act relating to the governance and transformation of the Vermont State
16 Colleges Corporation

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

2 * * * Vermont State Colleges Corporation Governance * * *

3 Sec. 1. 16 V.S.A. § 2174 is amended to read:

4 § 2174. BOARD OF TRUSTEES; POWER

5 The Board of Trustees may confer such honors and degrees as are usually
6 given in colleges and universities and any other appropriate degrees and shall
7 appoint ~~a chancellor of the Corporation and~~ a president for each institution
8 under its control and prescribe ~~their~~ the duties, salaries, and terms of office for
9 each president. The Board shall make bylaws and regulations for the
10 government of its meetings and each institution under its control prescribing,
11 among other things, the terms of admission, courses of instruction, educational
12 standards, rates of tuition, scholarships, and other student aids.

13 Sec. 2. 16 V.S.A. § 2172 is amended to read:

14 § 2172. TRUSTEES; APPOINTMENT; VACANCIES

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

17 (1) Biennially, the Governor, with the advice and consent of the Senate,
18 shall appoint trustees to serve for four-year terms expiring on March 1 of the
19 year of the biennial session. Five trustees may be in office at one time under
20 this subdivision. In the event of any vacancy occurring between biennial
21 sessions in an office under this subdivision, the Governor, pursuant to 3 V.S.A.

1 § 257, shall fill the vacancy, and the term of a person so appointed shall expire
2 on March 1 in the year of the next following biennial session.

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

4 (i) who is a matriculated student at an educational institution
5 operated by the Vermont State Colleges Corporation;

6 (ii) who is pursuing a degree program; and

7 (iii) who has reached the age of majority.

8 (B) The student trustee shall serve a one-year term expiring on June

9 1. The student trustee shall be appointed, and a vacancy may be filled, from
10 among those eligible students applying for the position by the decision of those
11 members of the steering committee of the Vermont State Colleges Student
12 Association who have been elected at large to that committee by the students at
13 their respective colleges. No student trustee may serve more than two
14 consecutive terms.

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

19 Vacancies for any cause shall be filled by the General Assembly at its earliest
20 opportunity and the term of a person so appointed shall expire on March 1 of
21 the next even numbered year.

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

5 (5) One trustee shall be a faculty member employed by the Vermont
6 State Colleges Corporation and appointed by the executive committee of the
7 union representing faculty to a four-year term expiring on August 1.
8 Vacancies for any cause shall be filled through an appointment by the
9 executive committee of the union representing faculty, and the term of the
10 person so appointed shall expire on the next following August 1.

11 (6) One trustee shall be a staff member employed by the Vermont State
12 Colleges Corporation. The staff trustee shall be appointed by the unions
13 representing staff. Vacancies for any cause shall be filled through an
14 appointment by the unions representing staff and the term of the person so
15 appointed shall expire on the next following August 1.

16 * * *

17 (d)(1) The Board of Trustees, after notice and a hearing, may remove a
18 trustee for incompetency, failure to discharge duties, malfeasance, illegal acts,
19 or other case inimical to the welfare of the Corporation.

20 * * *

1 (3) In the event of a vacancy occurring under this subsection, the
2 ~~Governor or the Board~~ appointing or electing authority of the removed trustee,
3 as applicable, shall fill the vacancy pursuant to subsection (a) of this section.

4 Sec. 3. TRANSITION

5 On or before August 1, 2024, the two longest-serving legislative trustees
6 shall be replaced by one faculty trustee and one staff trustee in accordance with
7 Sec. 2 of this act.

8 * * * Conforming Amendments * * *

9 Sec. 4. 3 V.S.A. § 902 is amended to read:

10 § 902. DEFINITIONS

11 As used in this chapter:

12 * * *

13 (7)(A) “Employer” means the State of Vermont, excluding the Legislative and
14 Judiciary Departments, represented by the Governor or designee, the Office of
15 the Defender General represented by the Defender General or designee,
16 Vermont State Colleges represented by the ~~Chancellor~~ President of Vermont
17 State University or designee and the President of the Community College of
18 Vermont or designee, and the University of Vermont represented by the
19 President or designee.

20 * * *

1 Sec. 5. 3 V.S.A. § 905 is amended to read:

2 § 905. MANAGEMENT RIGHTS

3 (a) The Governor or designee for the State of Vermont, the ~~Chancellor~~
4 President or designee for the Vermont State ~~Colleges~~ University, the President
5 or designee for the University of Vermont, and the Executive Director or
6 designee for the Department of State's Attorneys and Sheriffs shall act as the
7 employer representatives in collective bargaining negotiations and
8 administration. The representative shall be responsible for ensuring
9 consistency in the terms and conditions in various agreements throughout the
10 State service and ensuring compatibility with merit system statutes and
11 principles and shall not agree to any terms or conditions for which there are not
12 adequate funds available.

13 * * *

14 Sec. 6. 10 V.S.A. § 541a is amended to read:

15 § 541a. STATE WORKFORCE DEVELOPMENT BOARD

16 (a) Board established; duties. Pursuant to the requirements of 29 U.S.C.
17 § 3111, the Governor shall establish the State Workforce Development Board
18 to assist the Governor in the execution of ~~his or her~~ the Governor's duties
19 under the Workforce Innovation and Opportunity Act of 2014 and to assist the
20 Commissioner of Labor as specified in section 540 of this title.

21 * * *

1 (c) Membership. The Board shall consist of the Governor and the
2 following members who are appointed by the Governor in conformance with
3 the federal Workforce Innovation and Opportunity Act and who serve at ~~his or~~
4 ~~her~~ the Governor's pleasure, unless otherwise indicated:

5 (1) the Commissioner of Labor;

6 (2) two members of the Vermont House of Representatives, appointed
7 by the Speaker of the House;

8 (3) two members of the Vermont Senate, appointed by the Senate
9 Committee on Committees;

10 (4) the President of the University of Vermont;

11 (5) the ~~Chancellor~~ President of the Vermont State ~~Colleges~~ University
12 or designee;

13 * * *

14 Sec. 7. 16 V.S.A. § 2187 is amended to read:

15 § 2187. INTERCOLLEGIATE SEXUAL HARM PREVENTION COUNCIL

16 (a) Creation. There is created the Intercollegiate Sexual Harm Prevention
17 Council to create a coordinated response to campus sexual harm across
18 institutions of higher learning in Vermont.

19 (b) Membership.

20 (1) The Council shall be composed of the following members:

1 (A) a Title IX coordinator and a campus-based sexual harm
2 prevention/education coordinator from an institution of higher learning,
3 appointed by the ~~Chancellor~~ President of the Vermont State ~~Colleges~~
4 University, who shall consult with the President of the Community College of
5 Vermont;

6 * * *

7 Sec. 8. 16 V.S.A. § 2845 is amended to read:

8 § 2845. TRUST FUND; GRANTS; STUDENTS IN DEPARTMENT FOR
9 CHILDREN AND FAMILIES CUSTODY

10 (a) The Board shall establish a trust fund to be used to provide grants for
11 students who do not have parental support and are or have been under the
12 custody of the Commissioner for Children and Families. The Board may draw
13 up to 90 percent of the assets in the fund for these purposes.

14 * * *

15 (g) The Board shall coordinate implementation of this section with the
16 Commissioner for Children and Families, the President of the Association of
17 Vermont Independent Colleges, the ~~Chancellor~~ presidents of the Vermont State
18 Colleges Corporation, and the President of the University of Vermont. The
19 Board may establish procedures and policies or adopt rules to implement this
20 section.

1 Sec. 9. 16 V.S.A. § 2885 is amended to read:

2 § 2885. VERMONT HIGHER EDUCATION ENDOWMENT TRUST FUND

3 (a) A Vermont Higher Education Endowment Trust Fund is established in
4 the Office of the State Treasurer to comprise the following:

5 * * *

6 (h) There is created the Vermont Higher Education Endowment Trust Fund
7 Council to perform the duties set forth in subsections (d) and (e) of this section.
8 The Council shall be attached to the Office of Treasurer for administration
9 purposes and shall be composed of the following members:

10 (1) the President of the University of Vermont;

11 (2) the ~~Chancellor~~ President of the Vermont State ~~Colleges~~ University
12 or designee;

13 (3) the President of the Vermont Student Assistance Corporation;

14 (4) the President of the Association of Vermont Independent Colleges;

15 (5) a representative from the business and industry community, selected
16 by the Vermont Business Roundtable;

17 (6) a member of the House of Representatives, appointed by the Speaker
18 of the House; and

19 (7) a member of the Senate, appointed by the Committee on
20 Committees.

1 Sec. 10. CONFORMING REVISIONS

2 When preparing the Vermont Statutes Annotated for publication, the Office
3 of Legislative Counsel may make the following revisions throughout the
4 statutes as appropriate, provided the revisions have no other effect on the
5 meaning of the affected statutes:

6 (1) replace “Vermont State Colleges” with “Vermont State University”;

7 and

8 (2) revisions that are substantially similar to those described in
9 subdivision (1) of this section.

10 * * * Vermont State University Structural Deficit Reduction * * *

11 Sec. 11. 2021 Acts and Resolves No. 74, Sec. E.602.2(b), as amended by 2022
12 Acts and Resolves No. 185, Sec. C.101, is further amended to read:

13 (b) VSC shall meet the following requirements during the transformation of
14 its system required under subsection (a) of this section and shall accommodate
15 the oversight of the General Assembly in so doing.

16 (1) VSC shall reduce its structural deficit by ~~\$5,000,000.00 per year~~

17 \$3,000,000.00 in fiscal year 2025 and \$1,500,000.00 in fiscal year 2026

18 through a combination of annual operating expense reductions and increased
19 enrollment revenues, ~~for a total of \$25,000,000.00 by the end of fiscal year~~

20 ~~2026~~. These reductions shall be structural in nature and shall not be met by
21 use of one-time funds. The VSC Board of Trustees, through the ~~Chancellor~~

1 President of the Vermont State University or designee, shall report the results
2 of these structural reductions to the House and Senate Committees on
3 Education and on Appropriations annually during the ~~Chancellor's~~ Vermont
4 State Colleges System budget presentation.

5 * * *

6 * * * Effective Date * * *

7 Sec. 12. EFFECTIVE DATE

8 This act shall take effect on July 1, 2024.