



MEETING AGENDA

August 10, 2012

David Hendrickson, Esq., Chair

Bruce Berry, MD, Vice Chair

Kathy Eddy, CPA, Secretary

Jenny Allen

Bob Brown, Ex-Officio

John Estep

Kay Goodwin, Ex-Officio

John Leon, MD

Jorea Marple, Ed.D., Ex-Officio

David Tyson, Esq.

Paul Hill, Ph.D., Chancellor

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

August 10, 2012

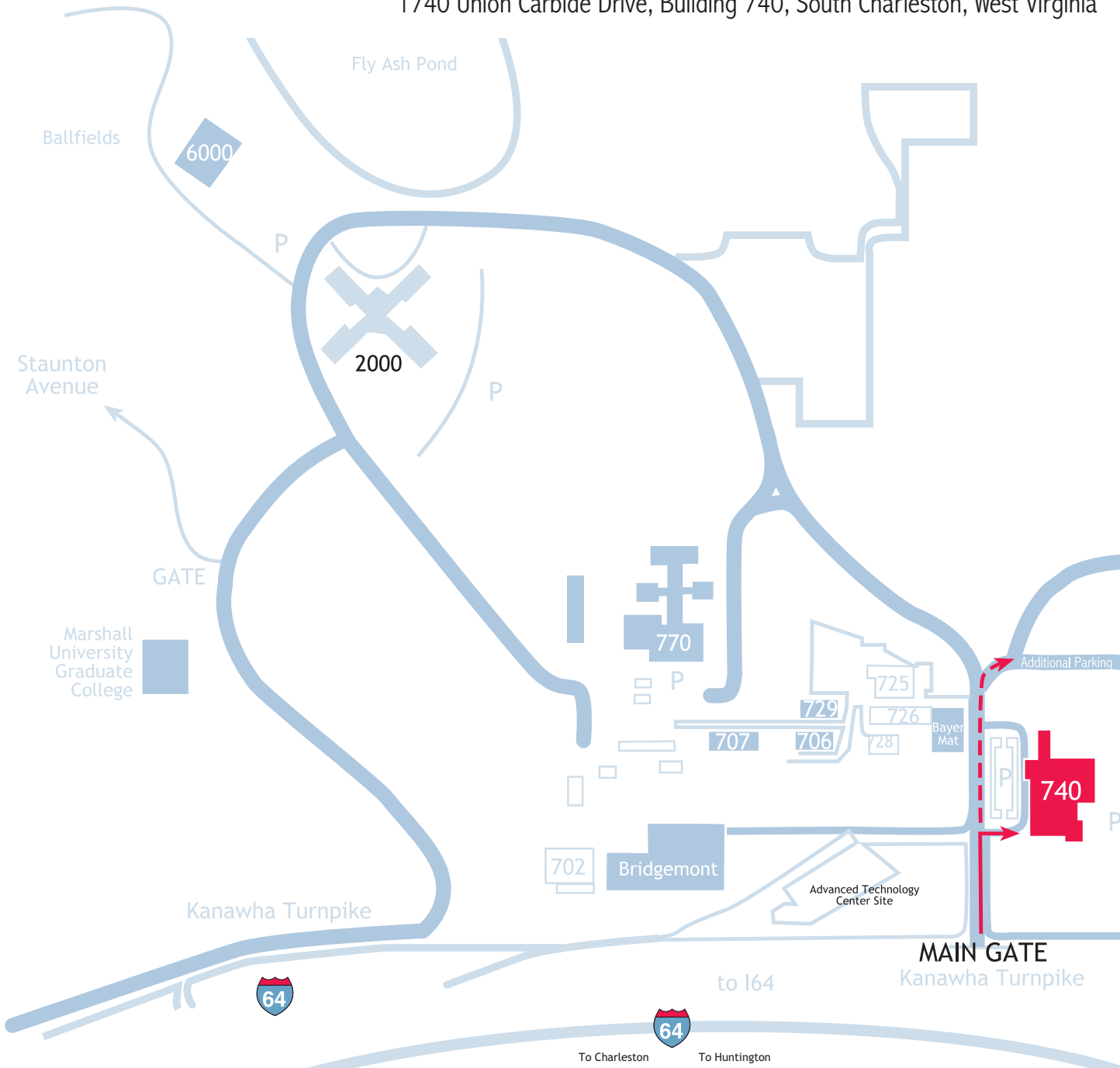
**West Virginia Regional Technology Park
South Charleston, West Virginia**

10:00 AM **Commission Meeting**
1740 Union Carbide Drive
Building 740
Auditorium

12:30 PM **Adjournment**

Directions to the West Virginia **Regional Technology Park**

1740 Union Carbide Drive, Building 740, South Charleston, West Virginia



Arriving from the EAST on I-64

(after leaving Charleston)

1. At I-64 exit 55, take Ramp (RIGHT) toward Kanawha Turnpike
2. Stay on Kanawha Turnpike [CR-12]
3. After about 0.5 mile, turn LEFT into the West Virginia Regional Technology Park (3300 Kanawha Turnpike)
4. Proceed to Building 740

Arriving from the WEST on I-64

(approaching Charleston):

1. At I-64 exit 54, turn RIGHT onto Ramp towards US-60 / MacCorkle Ave / South Charleston
2. Keep RIGHT to stay on Ramp towards US-60
3. Bear RIGHT (East) onto US-60 [MacCorkle Ave SW], then immediately turn RIGHT (South-East) onto SR-601 [Jefferson Rd]
4. After 0.5 mile, bear left at the traffic light onto Kanawha Turnpike [CR-12]
5. Continue straight (0.1 mile) through the next traffic light on Kanawha Turnpike
6. After about 0.5 mile, turn RIGHT into the West Virginia Regional Technology Park (3300 Kanawha Turnpike)
7. Proceed to Building 740

**MEETING OF THE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

August 10, 2012

**West Virginia Regional Technology Park
Building 740, Auditorium
South Charleston, West Virginia**

10:00 AM

AMENDED AGENDA

- I. Call to Order**
- II. Approval of Minutes – *Pages 6-28***
- III. Chairman’s Report**
 - A. Update on West Virginia University Institute of Technology Revitalization Committee
 - B. Report on Board of Governors Summit
 - C. Interim Reports from Constituent Groups
 - 1. Advisory Council of Faculty
 - 2. Advisory Council of Classified Employees
 - D. Special Recognition
- IV. Chancellor’s Report**
- V. Presentation from Glenville State College President Peter Barr**
- VI. Access – *Pages 29-31***
 - A. Report on Services for Student Veterans – *Pages 29-30*
 - B. Update on Statewide Online Course Delivery Initiative – *Page 31*
- VII. Cost and Affordability – *Pages 32-62***
 - A. Approval of Expansion of the Clinical Evaluation Center at West Virginia School of Osteopathic Medicine – *Pages 32-34*

- B. Approval of Fiscal Year 2013 Division Operating Budgets and Higher Education Resource Assessment Projects – *Pages 35-43*
- C. Approval of Fiscal Year 2013 Division of Science and Research Spending Plans – *Pages 44-49*
- D. Approval of Fiscal Year 2013 Budget for West Virginia Network for Educational Telecomputing – *Pages 50-61*
- E. Discussion of Fiscal Year 2014 Appropriation Request – *Page 62*

VIII. Learning and Accountability – Pages 63-156

- A. Report on Master's Degree Programs – *Pages 63-68*
- B. Final Approval of Series 20, Initial Authorization of Degree-Granting Institutions – *Pages 69-110*
- C. Final Approval of Series 52, Annual Reauthorization of Degree-Granting Institutions – *Pages 111-134*
- D. Update on Senate Bill 330 Progress – *Page 135*
- E. Update on Mountain State University – *Page 136*
- F. Update on Master Planning Process – *Pages 137-156*

IX. Possible Executive Session under the Authority of West Virginia Code §6-9A-4 to Discuss Personnel Issues

- A. Approval of Presidential Appointment and Compensation at Bluefield State College
- B. Approval of Presidential Salary Increase for Shepherd University
- C. Delegation of Authority to the Chancellor on Personnel Issues

X. Additional Board Action and Comment

XI. Adjournment

MINUTES

HIGHER EDUCATION POLICY COMMISSION

May 9, 2012

1. Call to Order

Chairman David Hendrickson convened a special meeting/work session of the Higher Education Policy Commission at 3:00 PM in the 9th Floor Conference Room at 1018 Kanawha Boulevard, East, Charleston, West Virginia and by conference call. The following Commission members were present: Jenny Allen, Bruce Berry, Kathy Eddy, John Estep, David Hendrickson, Kay Goodwin, Jorea Marple, and David Tyson. Absent: Bob Brown and John Leon.

2. Approval of Higher Education Facilities Revenue Refunding Bonds 2012 Series A and Revenue Bonds 2012 Series B

Mr. Richard Donovan, Senior Director of Facilities, reported that the Commission issued State of West Virginia Higher Education Policy Commission Revenue Bonds (Higher Education Facilities) Series B Bonds in 2004 in an aggregate principal amount of \$167,260,000 to fund capital improvements at the two-year and four-year colleges and universities and to advance refunds of a portion of the 1996 University System Bonds. Mr. Donovan noted that, due to recent changes in the municipal bond market, the state can experience significant savings by refinancing. Mr. Donovan indicated that, at this time, estimated savings is \$5 million. Mr. Donovan stated that Commission staff will develop a listing of projects to fund with the savings. In addition, the Governor will review the project listing in order to authorize the bond issue.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Sixth Consolidated Supplemental Resolution authorizing the issuance of Revenue Refunding Bonds (Higher Education Facilities), 2012 Series A, to advance refund of a portion of the outstanding principal amount of the West Virginia Higher Education Policy Commission Revenue Refunding Bonds (Higher Education Facilities) 2004 Series B in an aggregate principal amount not to exceed \$140 million, and authorizing the issuance of Revenue Bonds (Higher Education Facilities) 2012 Series B in an aggregate principal amount not to exceed \$7.5 million.

Ms. Eddy seconded the motion. Motion passed.

3. Review of May 18 Meeting Agenda

Commission staff provided a brief overview of the items on the agenda for the May 18, 2012 meeting.

4. **Adjournment**

There being no further business, the meeting was adjourned.

_____	Chairman
David K. Hendrickson	

_____	Secretary
Kathy Eddy	

MINUTES
HIGHER EDUCATION POLICY COMMISSION

May 17, 2012

1. Call to Order

Chairman David Hendrickson convened a special meeting of the Higher Education Policy Commission at 1:00 PM at the Charleston Marriott Town Center in Charleston, West Virginia. The following Commission members were present: Jenny Allen, Bruce Berry, John Estep, Kay Goodwin, David Hendrickson, John Leon, and David Tyson. Absent: Bob Brown, Kathy Eddy, and Jorea Marple.

2. Possible Executive Session under the Authority of West Virginia Code §6-9A-4 to Discuss Personnel Issues

A. Interviews with Final Candidates for the Position of Chancellor

Dr. Berry moved to go into Executive Session under the authority of West Virginia Code §6-9A-4 to discuss personnel issues. The motion was seconded by Mr. Tyson. Motion passed.

Dr. Berry moved to rise from Executive Session. Mr. Tyson seconded the motion. Motion passed.

Chairman Hendrickson reported that the Commission discussed the items noted on the agenda during Executive Session, but no action was taken.

3. Adjournment

There being no further business, the meeting was adjourned.

	Chairman
David K. Hendrickson	

	Secretary
Kathy Eddy	

MINUTES
HIGHER EDUCATION POLICY COMMISSION

May 18, 2012

1. Call to Order

Chairman David Hendrickson convened a meeting of the Higher Education Policy Commission at 9:00 AM in the Building 740 Auditorium at the West Virginia Regional Technology Park in South Charleston, West Virginia. The following Commission members were present: Jenny Allen, Bruce Berry, John Estep, Kay Goodwin, David Hendrickson, John Leon, and David Tyson. Absent: Bob Brown, Kathy Eddy, and Jorea Marple. Also in attendance were institutional presidents, higher education staff, and others.

2. Possible Executive Session under the Authority of West Virginia Code §6-9A-4 to Discuss Personnel Issues

Dr. Berry moved to go into Executive Session under the authority of West Virginia Code §6-9A-4 to discuss personnel issues. The motion was seconded by Mr. Tyson. Motion passed.

Dr. Berry moved to rise from Executive Session. Mr. Tyson seconded the motion. Motion passed.

Chairman Hendrickson reported that the Commission discussed the items noted on the agenda during Executive Session, but no action was taken.

A. Approval of Chancellor Appointment and Compensation

Mr. Tyson moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the employment of Dr. Paul L. Hill as Chancellor and delegates to the Chairman the authority to enter into a contract with Dr. Hill consistent with the terms and conditions communicated to the Commission.

Dr. Berry seconded the motion. Motion passed.

B. Approval of Presidential Compensation at West Virginia School of Osteopathic Medicine

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the increase in presidential compensation for Dr. Michael Adelman as requested by the West Virginia School of Osteopathic Medicine Board of

Governors consistent with the percentage increase provided to all employees.

Mr. Tyson seconded the motion. Motion passed.

C. Approval of Presidential Appointment and Compensation at West Virginia State University

Mr. Tyson moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the presidential selection of Dr. Brian Hemphill by the West Virginia State University Board of Governors under the terms and conditions of the proposed contract and delegates to the Chancellor the authority to approve the final contract as to form on behalf of the Commission.

Dr. Berry seconded the motion. Motion passed.

D. Approval of Presidential Contract Modification at West Virginia University

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the presidential contract modification for Dr. James Clements as requested by the West Virginia University Board of Governors.

Mr. Tyson seconded the motion. Motion passed.

3. Approval of Minutes

Dr. Berry moved approval of the minutes of the meetings held on February 9, 2012, February 17, 2012, March 1, 2012, and May 3, 2012, as provided in the agenda materials. Mr. Tyson seconded the motion. Motion passed.

4. Chairman's Report

Chairman Hendrickson announced that retention will be a major focus of the Commission in the coming months. Chairman Hendrickson commended Dr. Hazo Carter, President of West Virginia State University, for his longstanding commitment to the institution and the state's higher education system.

A. Formation of Nominating Committee

Chairman Hendrickson announced the formation of the Nominating Committee consisting of Commissioners Estep and Leon, with Secretary Goodwin as Chair. Chairman Hendrickson requested that the Nominating Committee meet and recommend a slate of officers to be considered by the full Commission during a special meeting in June.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission elects a Nominating Committee for the selection of officers.

Ms. Allen seconded the motion. Motion passed.

B. 2013 Meeting Schedule

Chairman Hendrickson announced the tentative meeting schedule for 2013: February 1, 2013, April 26, 2013, August 9, 2013, and December 6, 2013. Chairman Hendrickson noted that Ashley Schumaker, Senior Director of Board and Public Relations, will distribute the final schedule in the coming weeks to members of the Commission, institutional representatives, and the general public. The schedule will also be posted on the Commission's website.

C. Interim Reports from Constituent Groups

1. Advisory Council of Classified Employees

Ms. Amy Pitzer, Interim Chair of the Advisory Council of Classified Employees (ACCE), provided a report regarding the implementation and progress of Senate Bill 330. Ms. Pitzer noted the need to form committees to assist with further implementation of the legislation and requested an increase in clear, concise communication between Commission staff and the ACCE. Ms. Pitzer also advocated for full funding of the salary schedule for all classified employees.

2. Advisory Council of Faculty

Dr. Sylvia Shurbutt, member of the Advisory Council of Faculty (ACF), discussed the option of tuition waivers for faculty members who are interested in obtaining additional credits or furthering their education. Dr. Shurbutt led a discussion regarding the faculty's interest in the institutional textbook policies and practices among the campuses. Dr. Shurbutt also referenced the Great Teacher's Seminar and invited members of the Commission to attend the ACF Annual Retreat to be held in July.

5. Chancellor's Report

Chancellor Hill welcomed members of the Commission to the West Virginia Regional Technology Park and invited those present to visit Building 2000, the future home of Kanawha Valley Community and Technical College. Chancellor Hill also provided an update regarding the West Virginia University Institute of Technology (WVU Tech) Revitalization Committee and congratulated Carolyn Long, Campus Executive Officer, and her staff for the progress made to date on the

campus and for the overall efforts to “recruit, retain, and rebuild.”

Chancellor Hill discussed the creation of a new master plan upon the completion of the current master plan, Charting the Future 2007-2012: A Master Plan for West Virginia Higher Education, and reviewed the series of Regional Public Forums held in late 2011 to receive feedback from community members, higher education officials, and policymakers. Chancellor Hill noted that staff has been working to analyze the information for discussion by the Commission and the institutions.

Chancellor Hill reviewed several upcoming events of the Commission including the release of “Educating West Virginia is Everyone’s Business,” a report of the West Virginia College Completion Task Force; the third annual GEAR UP U! summer academy to be held at Glenville State College; the annual Board of Governors Summit; and the Student Success Summit, an event held in conjunction with the West Virginia Department of Education.

In closing, Chancellor Hill highlighted the PROMISE Scholarship Program, which has reached its 10th anniversary. Chancellor Hill noted that during the life of the program, nearly \$315 million has been provided to 32,792 students to cover the cost of tuition and fees at eligible West Virginia institutions. According to an independent study from Columbia University, receiving the PROMISE Scholarship increased a student’s likelihood of completing college by seven percentage points.

6. Cost and Affordability

A. Approval of Allocations of Fiscal Year 2013 State Appropriations to Institutions and Other Entities

Dr. Ed Magee, Vice Chancellor for Finance, provided an overview of the allocations of the Fiscal Year (FY) 2013 state appropriations, which includes funding to institutions, financial aid, capital improvements, and health outreach programs. Dr. Magee reviewed institutional appropriations and noted that approximately \$5 million in new funds was appropriated to the Commission’s member institutions and programs for FY 2013.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission accepts the Fiscal Year 2013 state appropriation report and approves allocations as shown in Table 2 and Table 3.

Mr. Tyson seconded the motion. Motion passed.

B. Approval of Tuition and Fees for 2012-2013 Academic Year

Dr. Magee provided an overview of tuition and fees from state, regional, and national perspectives. Dr. Magee stated that institutions were asked to align costs with institutional and state goals regarding affordability, quality of

instruction, retention, and financial strength.

Dr. Magee noted that, with the exception of West Liberty University and West Virginia State University, institutions did not exceed a five-percent tuition increase. Dr. Magee indicated that officials from both institutions participated in budget hearings before the Commission and staff to provide a detailed overview of their proposed increases.

Vice Chairman Berry requested that dollar amounts be presented rather than percentages in order to make it easier for students and parents to understand the level of increase. Dr. Berry also commended Fairmont State University for not requiring any increases for the 2012-2013 academic year.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves tuition and fees for the 2012-2013 academic year.

Mr. Tyson seconded the motion. Motion passed with Secretary Goodwin voting no.

C. Approval of Fiscal Year 2013 Institutional Capital Assessments

Dr. Magee presented the proposed institutional assessments for debt services and facilities planning administration payments. Dr. Magee stated that Commission staff will transfer the funds from institutional accounts on September 1 and March 1 in order to make the debt service payments.

Mr. Tyson moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the institutional capital assessments for Fiscal Year 2013 as shown in Table 2.

Dr. Berry seconded the motion. Motion passed.

D. Approval of Fiscal Year 2013 Higher Education Resource Assessment

Dr. Magee presented the proposed Higher Education Resource Assessment (HERA) for FY 2013. Dr. Magee noted that HERA funds are utilized by the Commission to support statewide initiatives and projects as well as for the West Virginia Higher Education Grant Program. Dr. Magee stated that the HERA assessment is calculated based on fall enrollment in the current year to determine each institution's assessment for the subsequent fiscal year. Dr. Magee noted that a project listing will be presented for the Commission's review and approval at the August 10, 2012 Commission meeting.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2013 Higher Education Resource Assessment.

Mr. Estep seconded the motion. Motion passed.

E. Approval of Additional Funding for West Virginia State University

Dr. Berry moved to table discussion regarding this item to a future meeting. Ms. Allen seconded the motion. Motion passed.

F. Approval of Additional Funding for West Virginia University Institute of Technology

Chancellor Hill introduced Ms. Carolyn Long, Campus Executive Officer, who provided a presentation regarding the institution's funding request. Chancellor Hill noted that the one-time allocation is intended to fund projects that will increase the financial stability of the institution through increased enrollment and efficiencies. Ms. Long reviewed the institution's Year 1 Recruitment and Retention Initiatives, which includes a Student Success Center, the installation of wi-fi, and a campus-wide retention plan.

Mr. Tyson moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the allocation of additional funding for various projects to West Virginia University Institute of Technology as presented.

Dr. Berry seconded the motion. Motion passed with Commissioner Allen voting no.

G. Approval of Fiscal Year 2013 Distribution Plan for the West Virginia Higher Education Grant Program

Mr. Brian Weingart, Senior Director of Financial Aid, stated that Series 42, the rule that regulates the West Virginia Higher Education Grant Program, allows staff to make adjustments to the award structure for the program. He noted that, during the 2011 regular session, the Legislature demonstrated a continued commitment to needy students by providing an increase of \$4 million in state appropriations for the program in FY 2012, which allowed for the maximum award to increase from \$2,100 to \$2,400. Mr. Weingart also reviewed the award process for the program.

Commissioner Leon inquired regarding any unused funds. Mr. Weingart explained that any unused funds are carried over into the next year.

Chairman Hendrickson asked if non-traditional students were also eligible for the grant. Mr. Weingart responded that adults attending college full-time are eligible and provided an overview of a separate need-based program, the Higher Education Adult Part-Time Student (HEAPS) Grant Program, which is geared toward adult learners.

Vice Chairman Berry asked how many adult students utilize www.cfwv.com. Dr. Adam Green, Senior Director of Student Success and P-20 Initiatives, indicated that 9 percent, or approximately 10,000 CFWV users are adults.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the proposed Fiscal Year 2013 Distribution Plan for the West Virginia Higher Education Grant Program.

Dr. Leon seconded the motion. Motion passed.

H. Approval of Eligibility Requirements, Annual Award Amount, and Summer Awards for the PROMISE Scholarship Program

Mr. Weingart provided a detailed overview of summer awards, eligibility requirements, and the annual award amount for the PROMISE Scholarship Program. Mr. Weingart noted that \$400,000 has been allocated for summer awards and indicated that no changes have been made to the eligibility requirements. He also indicated that staff recommends a study be undertaken by the Higher Education Student Financial Aid Advisory Board to assess options for utilizing the balances that will begin accruing during the 2013-2014 academic year.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves proposed eligibility requirements, annual award amount, and summer awards for the PROMISE Scholarship Program.

Ms. Allen seconded the motion. Motion passed.

I. Overview of Proposed Changes to the Health Sciences Scholarship Program

Dr. Robert Walker, Vice Chancellor for Health Sciences, and Laura Boone, Director of Health Science Programs, provided an overview of the Health Sciences Scholarship Program. The scholarship program was created with state funding in 1995 as a recruitment initiative. The program provides awards to students enrolled in health professions at a public or private West Virginia institution in a variety of disciplines. During the 2011-2012 academic year, a total of \$200,000 was disbursed to 15 students.

Dr. Walker noted that the Division of Health Sciences, in conjunction with the statutorily-mandated Recruitment and Retention Committee of the Rural Health Advisory Panel, has evaluated the Health Sciences Scholarship Program and recommends several changes including changing the name of the program to the Health Sciences Service Program. The group also advocated for formally adding all participating professions to the statute; establishing a half-time schedule for fulfilling the service obligation; and adding language to provide the Vice Chancellor with the discretion to increase award amounts.

7. Learning and Accountability

A. Approval of Bachelor of Science in Digital Media Design at West Liberty University

Dr. Kathy Butler, Vice Chancellor for Academic Affairs, presented a proposal from West Liberty University to implement a Bachelor of Science in Digital Media Design. The degree program is a 120 credit hour course of study. Dr. Butler noted that no local options exist for students in the Northern Panhandle to pursue a bachelor degree in Digital Media Design.

Dr. Butler indicated that the program will be supported by the current faculty, staff, and facilities of the institution's College of Arts and Communication. Dr. Butler also noted that the program will be subject to a post-audit review conducted by the Commission during the 2015-2016 academic year.

Secretary Goodwin asked how the program related to journalism programs at other institutions. Dr. Bill Baronak, Dean of the College of Arts and Communications, indicated that some cross-curriculum duplication exists, but that the main focus of the proposed program is very different from a traditional journalism program.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Bachelor of Science in Digital Media Design at West Liberty University, effective August 2012.

Mr. Tyson seconded the motion. Motion passed.

B. Approval of Revised Series 20, Initial Authorization of Degree-Granting Institutions

Dr. Butler provided an overview of Series 20, the legislative rule that outlines the procedures for the Commission to approve any institution, association, agency, or organization external to or within the state that requests approval to offer programs or credit-bearing academic courses of postsecondary education in the State of West Virginia. Dr. Butler noted that changes to the

rule were approved by the Commission in 2010; however, the rule has been revised based on the passage of Senate Bill 375 during the 2011 regular legislative session.

Dr. Butler provided an overview of an extensive informal review and comment process with many constituent groups in higher education including the four-year private colleges and universities. During the process, major revisions were made including the creation of the proposed Series 52, Annual Reauthorization of Degree-Granting Institutions.

Dr. Butler indicated that the proposed revisions strengthen the rule by defining the authority of the Commission and will help protect consumers by ensuring they are offered quality education by postsecondary providers within West Virginia.

Mr. Tyson moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves Series 20, Initial Authorization of Degree-Granting Institutions, as revised, for filing with the Secretary of State for a thirty-day public comment period.

Further Resolved, That staff is instructed to forward the legislative rule to the Legislative Oversight Commission on Education Accountability for approval and further legislative action at the conclusion of the comment period if no substantive comments are received.

Dr. Berry seconded the motion. Motion passed.

C. Approval of Proposed Series 52, Annual Reauthorization of Degree-Granting Institutions

Dr. Butler referenced the passage of Senate Bill 375 which delegated to the Commission the responsibility and authority for establishing, monitoring, and maintaining quality standards of education at all institutions, both public and private within West Virginia, with the exception of Marshall University and West Virginia University. Dr. Butler noted that a compliance review committee would be formed with representation from independent colleges and universities in the state.

Chairman Hendrickson suggested contacting television stations to create advertisements or public service announcements and/or utilizing billboards to create awareness of the increased standards in postsecondary education.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves Series 52, Annual Reauthorization of Degree-Granting Institutions,

for filing with the Secretary of State for a thirty-day public comment period. *Further Resolved*, That staff is instructed to forward the legislative rule to the Legislative Oversight Commission on Education Accountability for approval and further legislative action at the conclusion of the comment period if no substantive comments are received.

Ms. Allen seconded the motion. Motion passed.

D. DegreeNow Progress Report

Dr. Sarah Beasley, Director of Statewide Academic Initiatives, provided an overview of DegreeNow, which supports efforts aimed at attracting and educating more adult learners. Dr. Beasley stated that DegreeNow is a joint initiative between the Commission and the West Virginia Council for Community and Technical College Education, with support from the Lumina Foundation for Education in the amount of \$800,000 over a multi-year period, which aims to encourage adults aged 25 and older to return to college.

Dr. Beasley referenced several grant highlights over the past year including the launch of a statewide marketing campaign, NASPA Train-the-Trainer Workshops and Regional Student Services Workshops, as well as various community outreach initiatives.

E. Update on Senate Bill 330 Progress

Ms. Laura Nauman, Human Resources Project Specialist, provided a regular update regarding Senate Bill 330. She discussed the work of ModernThink, and provided information regarding a compensation and classification analysis and the promulgation of an emergency rule.

8. Innovation

A. Approval of Research Challenge Grant Awards

Dr. Jan Taylor, Interim Program Director, discussed the allocation of the Research Challenge Grants. Dr. Taylor noted that 27 faculty members submitted proposals, which were reviewed by a panel of external experts. Three proposals were recommended for funding by the Science and Research Council. Funding for the projects is renewable for up to four additional years and has an initial award amount of \$400,000.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves Research Challenge Grants to Marshall University and West Virginia University as recommended by the state Science and Research Council.

Ms. Allen seconded the motion. Motion passed.

9. Additional Board Action and Comment

There was no additional board action and comment.

10. Adjournment

There being no further business, the meeting was adjourned.

David K. Hendrickson

Chairman

Kathy Eddy

Secretary

MINUTES

HIGHER EDUCATION POLICY COMMISSION

May 30, 2012

1. Call to Order

Chairman David Hendrickson convened a special meeting of the Higher Education Policy Commission at 4:00 PM in the Presidents' Conference Room at 1018 Kanawha Boulevard, East, Charleston, West Virginia and by conference call. The following Commission members were present: Jenny Allen, Bruce Berry, Kathy Eddy, John Estep, Kay Goodwin, David Hendrickson, John Leon, and David Tyson. Absent: Bob Brown and Jorea Marple.

2. Approval of 2012 Bond Issue for West Liberty University

Mr. Richard Donovan, Senior Director of Facilities, provided an overview of an approval from the West Liberty University Board of Governors regarding the issuance of up to \$10 million in Revenue Bonds primarily to supplement the \$12.75 million in bond funding that the Commission authorized from its 2010 Lottery Revenue Bond Issue for the institution's new Health Sciences Building. Mr. Donovan noted that the Health Sciences Building project was presented to and approved by the Commission on December 28, 2011. Mr. Donovan stated that, in order for the institution to proceed with the bond, Commission approval is required.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the issuance by West Liberty University's Board of Governors of West Liberty University Revenue Bonds, Series 2012, in an aggregate principal amount not to exceed \$10 million, pursuant to the Approving Resolution prepared by the Board's Bond Counsel.

Ms. Eddy seconded the motion. Motion passed.

3. Approval of an Adjustment in the Aggregate Principal Amount for the 2012 HEPC Refunding Bond Series A and New Bond Series B

Mr. Donovan provided an overview of the approval by the Commission on May 9, 2012 to refund existing bonds in order to utilize the savings on various capital improvements across the system. The anticipated savings has increased from approximately \$5 million expected on May 9 to approximately \$7.3 million. Mr. Donovan indicated that due to additional changes in the municipal bond market since the Commission's initial approval, the aggregate principal amount needs to be adjusted from \$7 million to \$15 million in order to account for the increase in anticipated savings.

Ms. Eddy moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Seventh Consolidated Supplemental Resolution authorizing the issuance of Revenue Refunding Bonds (Higher Education Facilities), 2012 Series A, to advance refund of a portion of the outstanding principal amount of the West Virginia Higher Education Policy Commission Revenue Refunding Bonds (Higher Education Facilities) 2004 Series B in an aggregate principal amount not to exceed \$140 million, and authorizing the issuance of Revenue Bonds (Higher Education Facilities) 2012 Series B in an aggregate principal amount not to exceed \$15 million.

Ms. Allen seconded the motion. Motion passed.

4. Approval of Post-Issuance Compliance Policy for Tax Exempt Revenue Bonds

Mr. Donovan reported that, as a result of recent changes to Internal Revenue Service's tax-exempt bond form 8038, which is prepared and filed as part of a tax-exempt bond issue, it is bond counsel's (Spilman Thomas & Battle, PLLC) recommendation that issuers, including the Commission, adopt a Post-Issuance Compliance Policy. As a result, a policy has been drafted for review and approval by the Commission.

Ms. Eddy moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission adopts the Post-Issuance Compliance Policy which was drafted by bond counsel and is recommended by Commission staff.

Dr. Berry seconded the motion. Motion passed.

5. Additional Board Action and Comment

There was no additional board action and comment.

6. Adjournment

There being no further business, the meeting was adjourned.

David K. Hendrickson

Chairman

Kathy Eddy

Secretary

MINUTES
HIGHER EDUCATION POLICY COMMISSION
June 28, 2012

1. Call to Order

Chairman David Hendrickson convened a special meeting of the Higher Education Policy Commission at 3:30 PM in the 9th Floor Conference Room at 1018 Kanawha Boulevard, East, Charleston, West Virginia and by conference call. The following Commission members were present: Jenny Allen, Bruce Berry, Kathy Eddy, John Estep, Kay Goodwin, and David Hendrickson. Absent: Bob Brown, John Leon, Jorea Marple, and David Tyson.

2. Nominating Committee Report and Election of Officers

Secretary Goodwin reported that the Nominating Committee recommends David Hendrickson to serve as Chairman, Dr. Bruce Berry as Vice Chairman, and Kathy Eddy as Secretary. She indicated that the recommended individuals are willing to serve if approved by the Commission.

Secretary Goodwin moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission elects the slate of officers for Fiscal Year 2013 as proposed by the Nominating Committee.

Ms. Allen seconded the motion. Motion passed.

3. Review of Institutional Operating Budgets and Approval of Capital Budgets for Fiscal Year 2013

Dr. Ed Magee, Vice Chancellor for Finance, provided an overview of institutional operating budgets for Fiscal Year 2013. Dr. Magee indicated that this is the first year for the Commission to review institutional operating budgets due to a new requirement as part of Senate Bill 330, which passed during the 2011 regular legislative session. Dr. Magee worked with institutional representatives to develop a common reporting form. He noted that, as the process evolves, changes will likely be made to the form.

Secretary Goodwin inquired if there were any major budgetary issues at any of the institutions. Dr. Magee responded that the institutions appear in solid financial condition. Dr. Magee noted that West Virginia State University is addressing its financial challenges and did not experience any further decline.

Chairman Hendrickson encouraged future reviews to occur under the leadership of Commissioner Eddy as part of the Audit Committee.

Dr. Magee also provided an overview of institutional capital budgets, which require the approval of the Commission in accordance with Senate Bill 330.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the institutional capital budgets for Fiscal Year 2013.

Ms. Eddy seconded the motion. Motion passed.

4. Possible Executive Session under the Authority of West Virginia Code §6-9A-4 to Discuss Personnel Issues

A. Approval of Presidential Contract Extension at Glenville State College

Ms. Allen moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the presidential contract extension for Dr. Peter B. Barr as requested by the Glenville State College Board of Governors and delegates to the Chancellor the authority to approve the final contract as to form on behalf of the Commission.

Ms. Eddy seconded the motion. Motion passed.

B. Approval of Presidential Contract and Compensation at Marshall University

Ms. Eddy moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the presidential contract and compensation for Dr. Stephen J. Kopp as requested by the Marshall University Board of Governors.

Ms. Allen seconded the motion. Motion passed.

5. Additional Board Action and Comment

There was no additional board action and comment.

6. Adjournment

There being no further business, the meeting was adjourned.

_____	Chairman
David K. Hendrickson	

_____	Secretary
Kathy Eddy	

MINUTES

HIGHER EDUCATION POLICY COMMISSION

July 19, 2012

1. Call to Order

Chairman David Hendrickson convened a special meeting of the Higher Education Policy Commission at 2:30 PM in the 9th Floor Conference Room at 1018 Kanawha Boulevard, East, Charleston, West Virginia and by conference call. The following Commission members were present: Jenny Allen, Bruce Berry, Kathy Eddy, Kay Goodwin, David Hendrickson, John Leon, and David Tyson. Absent: Bob Brown, John Estep, and Jorea Marple.

2. Approval of Appointment to the Higher Education Student Financial Aid Advisory Board

Rob Anderson, Executive Vice Chancellor for Administration, reported that Senate Bill 373, which was passed during the 2009 regular legislative session, reconstituted the Higher Education Student Financial Aid Advisory Board. Mr. Anderson stated that the original appointments to this Advisory Board were made in 2009 with subsequent appointments in 2010. Mr. Anderson noted that the recommendation being made is consistent with the qualifications provided for in the statute and in consultation with the West Virginia Association of Student Financial Aid Administrators. Mr. Anderson recommended the reappointment of Kay Widney, Director of Financial Aid at West Virginia University, to the Higher Education Student Financial Aid Advisory Board for a second three-year term.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the appointment to the Higher Education Student Financial Aid Advisory Board.

Secretary Goodwin seconded the motion. Motion passed.

3. Approval of Additional Funding for West Virginia State University

Dr. Paul Hill, Chancellor, provided an overview of a request from West Virginia State University for additional funding from the West Virginia Legislature as part of the 2012 regular legislative session. Chancellor Hill noted that this item originally appeared on the May 18, 2012 Commission meeting, but it was tabled to provide an opportunity for incoming President Brian Hemphill to review institutional priorities.

Dr. Hemphill thanked the Commission for their consideration of this request and support of the institution.

Secretary Goodwin inquired regarding any changes from the original proposal to the current proposal. President Hemphill noted that requested funding for athletics was reallocated to marketing and branding activities in order to increase the institution's student enrollment. Commissioner Allen thanked President Hemphill for making modifications to the institution's request.

Mr. Tyson moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the allocation of additional funding for various projects to West Virginia State University as presented.

Ms. Allen seconded the motion. Motion passed.

4. Approval of Refunding Bond Resolution for West Virginia University

Mr. Richard Donovan, Senior Director of Facilities, reported that West Virginia University Board of Governors University Revenue Improvement Bonds 2004 Series C were issued in 2004 in an aggregate principal amount of \$138,710,000 to fund capital improvements on campus. Mr. Donovan noted that, due to recent changes in the municipal bond market, the institution can experience significant savings by refinancing the bond.

Vice Chairman Berry inquired as to the intended use of the savings. Mr. Donovan responded that the institution plans to fund projects in the capital plan or strategic on-campus priorities with the savings. Narvel Weese, the institution's Vice President for Administration and Finance, indicated that the savings will be utilized to fund deferred maintenance projects. Vice Chairman Berry encouraged the institution to utilize the savings to fund the classified salary schedule. Secretary Goodwin encouraged the institution to utilize the savings to lower current tuition levels or offset future tuition increases.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves and authorizes issuance of revenue bonds to advance refund all or a portion of the outstanding West Virginia University Board of Governors University Revenue Improvement Bonds 2004 Series C in an aggregate principal amount not to exceed \$150 million and authorizes the issuance of revenue bonds in an aggregate principal amount not to exceed \$12 million, pursuant to the approving and authorizing resolution prepared by bond counsel that follows.

Ms. Allen seconded the motion. Motion passed.

5. Approval of Purchase and Financing of Suncrest Plaza Site in Morgantown, West Virginia by West Virginia University

Mr. Donovan provided an overview of a request from West Virginia University regarding Suncrest Plaza located in Morgantown. The institution proposes to own the property jointly with West Virginia University Hospitals once a Certificate of Need is obtained. President Jim Clements stated that the request is a strategic property acquisition, which is consistent with the institution's plans for capital expansion for the Health Sciences campus. Dr. Chris Colenda, the institution's Chancellor for Health Sciences, expressed the importance of this property acquisition to the future of health sciences programming and services. Vice President Weese noted that no state monies or tuition and fees will be utilized to fund acquisition or operation of the property. Drew Payne, Chair of the institution's Board of Governors, expressed the board's support for this proposal.

Vice Chairman Berry noted that he had concerns regarding the entrepreneurial nature of the project, but he discussed such concerns with institutional and Commission staff. As a result of those discussions, he was aware that acquiring the project was a strategic investment. Vice Chairman Berry expressed his desire for future requests of this magnitude to involve Commission staff participation and consideration from the initial planning and review stages.

Mr. Tyson moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the acquisition of certain real property located along Van Voorhis Road, consisting of approximately 5.5 acres, with improvements, which include the Suncrest Center, Suncrest Executive Plaza II, an Applebee's Restaurant, and approximately 100,000 square feet of premium Class A office space and 440 parking spaces, including garage and surface parking, in the Seventh Ward, City of Morgantown, Monongalia County, West Virginia, for the sum of \$26,385,000 from Glenmark Holding Limited Liability Company, a West Virginia limited liability company. Such acquisition is further subject to a thirty-day advance notice to the Joint Committee on Government and Finance.

Further Resolved, Pursuant to the approving and authorizing resolution prepared by bond counsel, that the West Virginia Higher Education Policy Commission approves and authorizes the issuance of revenue bonds and a reimbursement resolution in an amount not to exceed \$13.5 million, and the execution of a purchase money loan agreement with West Virginia University Hospitals, Inc. in the amount of \$13.5 million for interim financing that shall thereafter convert to equity upon West Virginia University Hospitals' receipt of a final, non-appealable Certificate of Need.

Dr. Berry seconded the motion. Motion passed with Commissioner Allen voting no.

6. Additional Board Action and Comment

Chairman Hendrickson welcomed West Virginia State University President Brian Hemphill to the State of West Virginia and its higher education system. He expressed the Commission's enthusiasm in working collaboratively with Chancellor Hill, President Hemphill, the West Virginia State University Board of Governors, and the entire campus community.

7. Adjournment

There being no further business, the meeting was adjourned.

_____	Chairman
David K. Hendrickson	

_____	Secretary
Kathy Eddy	

**West Virginia Higher Education Policy Commission
Meeting of August 10, 2012**

ITEM: Report on Services for Student Veterans

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Information Item

STAFF MEMBER: Skip Gebhart

BACKGROUND:

The Office of Veterans Education and Training Programs is housed within Commission's Division of Academic Affairs. The Commission is designated by the Governor as the "state approving agency" for West Virginia under Title 38, United States Code. As such, its primary mission is to approve and monitor education and training programs for federal veterans' benefits and to engage in outreach efforts to increase participation in the GI Bills. Expenses for doing this work are reimbursed by the federal government through a reimbursement contract administered and paid by the United States Department of Veterans Affairs (VA). Funds for the contract are specified by Congress in Title 38, rather than in VA's annual appropriation.

The Commission has strived to improve the success rate of student veterans at all institutions. Specifically, Commission staff has established a Veterans Initiatives Task Force to identify and address state-wide concerns. The Task Force includes several college and university presidents, chief academic officers, veterans coordinators, Commission staff, and a VA officials. Through conference calls and face-to-face meetings, the Task Force generates questions and ideas that focus on increasing the rate of graduation for students in VA benefit programs.

An early outcome of the Task Force's work was the 2010 enactment of West Virginia's "Veteran Friendly" Campus Act, now West Virginia Code §18B-4-9. This landmark legislation is the first such state law in the country, following closely after enactment of West Virginia's "Yellow Ribbon" legislation, the first state law to require public institutions to participate fully in the Post 9/11 GI Bill Yellow Ribbon Program to reduce veterans' out-of-pocket costs for college attendance. The Task Force assisted the Legislature in drafting the legislation in order to highlight the special needs of veteran students and to suggest services to help meet those needs.

At the time of passage, the Commission's Office of Veterans Education and Training Programs was funded by a federal allocation of some \$190,000. This allowed sufficient staff resources to accomplish the Title 38 work as well as to coordinate other activities not directly related to program approval and oversight. Since then, changes to Title 38 have severely restricted the states' authority to approve programs for VA benefits and to

do oversight. Concurrently, many State Approving Agencies, including the Commission's Office of Veterans Education and Training Programs, have seen a reduction in the federal allocation. West Virginia's reduction is now about \$157,000 and resulted in elimination of one professional position. However, the office has continued to do as much work in the area of support services as possible, but has limited available resources to continue this work.

According to the VA, the primary mission for states is now to perform VA compliance surveys, essentially financial audits of the federal VA entitlement program payments at schools. The Commission's Office of Veterans Education and Training Programs does not have the flexibility to review education outcomes and programs under the new contracts, nor will it be reimbursed for school visits other than for compliance surveys. The Commission's authority to approve education programs at public and non-profit private schools has been given to the Secretary of Veterans Affairs. Due to budget reductions and changes in scope of services, the amount of direct institutional support will be reduced.

Several institutions have been recognized nationally as "Veteran Friendly" schools, including Concord University, and West Virginia University as well as Mountwest Community and Technical College and New River Community and Technical College. All of West Virginia's institutions are taking positive steps to improve services to veteran students.

Below is a table of veteran student enrollment in West Virginia by institution as of April 2012. These figures represent students being paid VA benefits and the actual figures could be higher due to VA processing and reporting delays.

Institution	Number of Veteran Students
Bluefield State College	58
Concord University	82
Fairmont State University	200
Glenville State College	37
Marshall University	341
Shepherd University	159
West Liberty University	45
West Virginia School of Osteopathic Medicine	5
West Virginia State University	82
West Virginia University	948
WVU Institute of Technology	27
TOTAL	1,984

**West Virginia Higher Education Policy Commission
Meeting of August 10, 2012**

ITEM: Update on Statewide Online Course Delivery Initiative

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Information Item

STAFF MEMBER: Kathy Butler

BACKGROUND:

In an effort to make college courses more accessible to all West Virginians, Commission staff explored the development of a web portal, West Virginia Remote Online Campus Knowledge System (WVROCKS) where online competency-based, continuous enrollment courses could be offered.

WVROCKS is designed to be a collaborative effort between all West Virginia Higher education institutions who offer the Regents Bachelor of Arts degree. The system will be piloted during the fall 2012 semester with Bluefield State College, Fairmont State University, and Marshall University. Students participating in the pilot will register for the classes at their home campus, but will log onto the portal to take the classes. A total of eight classes will be piloted with additional courses and institutions to be added to the system for future semesters. Courses offered on the portal will be in an eight-week compressed format, while the advisory board explores the possibility of offering competency based courses on a continuous enrollment basis.

It is anticipated that the number of courses and institutions participating will increase rapidly once the work of the pilot semester is complete.

**West Virginia Higher Education Policy Commission
Meeting of August 10, 2012**

ITEM: Approval of Expansion of the Clinical Evaluation Center

INSTITUTION: West Virginia School of Osteopathic Medicine

RECOMMENDED RESOLUTION: *Resolved:* That the West Virginia Higher Education Policy Commission approves the expansion of the Clinical Evaluation Center at West Virginia School of Osteopathic Medicine.

STAFF MEMBER: Richard Donovan

BACKGROUND:

The Clinical Evaluation Center (CEC) opened in October 2009. Since opening, the CEC's importance has been demonstrated as a state of the art educational facility for West Virginia School of Osteopathic Medicine's (WVSOM) students. It was recognized soon after its opening that an expansion of the facility would be needed due to its heavy use and the expansion of educational programs to include electronic health records training, and a new Team Based learning curriculum. The WVSOM Facilities Master Plan approved in June 2011 includes the CEC expansion.

WVSOM has been working with Woolpert, Inc., an architectural and engineering firm, on the programming of the space for the expansion along with developing the schematic design. The expansion includes the addition of 17,800 square feet of floor space on one floor and will provide a great hall which will seat a full class of 216 students, new offices, robotic simulation labs, restrooms and other ancillary spaces. In addition, some renovation in the existing 20,255 square foot building will take place, along with site improvements between the Tech Building and the CEC as outlined in WVSOM's Facilities Master Plan. The total project budget is \$6,986,750 as follows:

Site Preparation	\$465,000	
Special Foundation	100,000	
Building Construction	4,460,000	\$5,025,000
Contingency (20%)		1,010,000
Architectural/Engineering Services		351,750
Equipment		600,000
Total Project Budget		\$6,986,750

The WVSOM Board of Governors approved the project design and budget on June 13, 2012. As outlined in West Virginia Code §18B-19, the Commission is required to approve the project. The project design will be presented to the Commission at the meeting.



Grand Hall



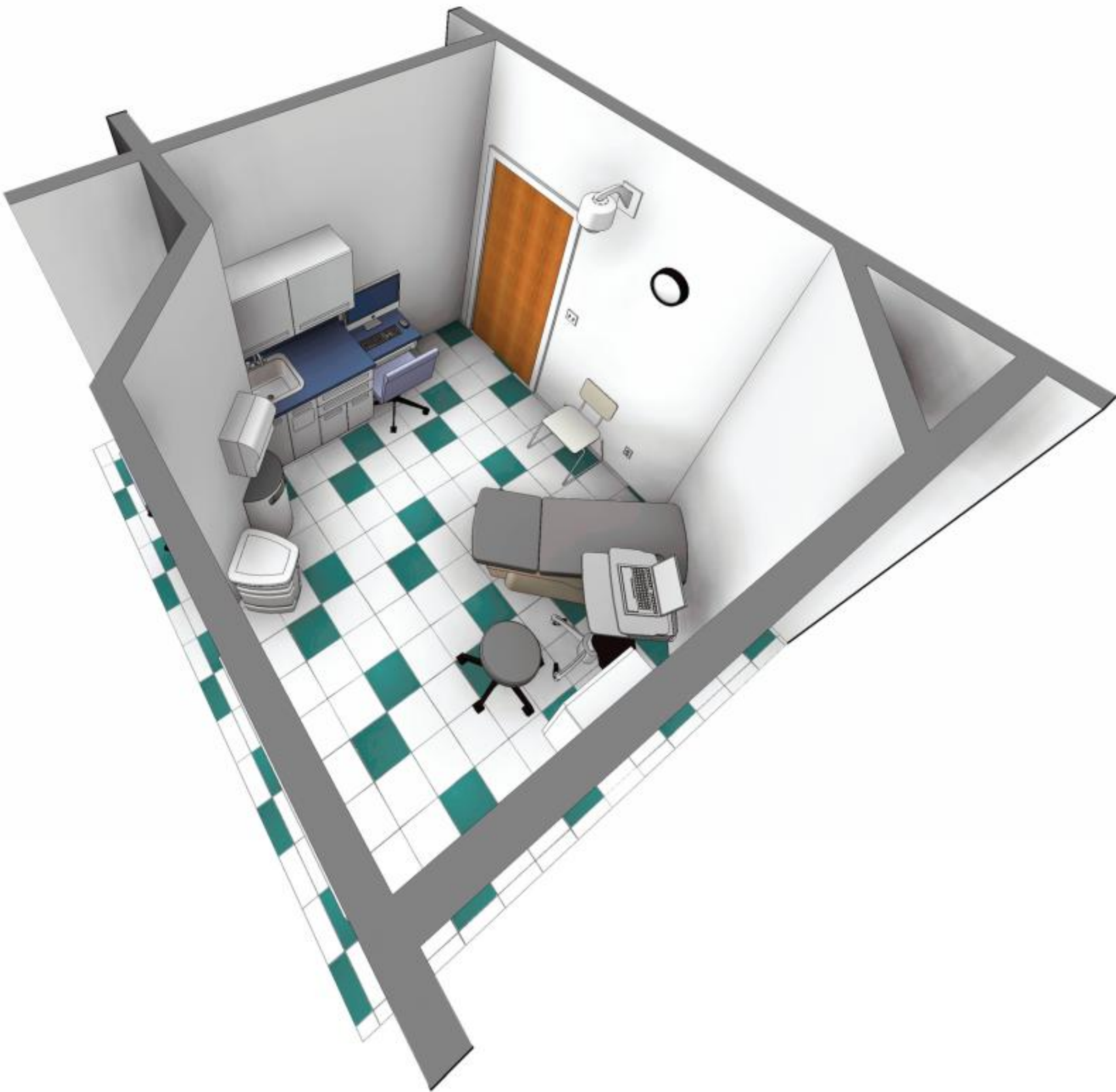
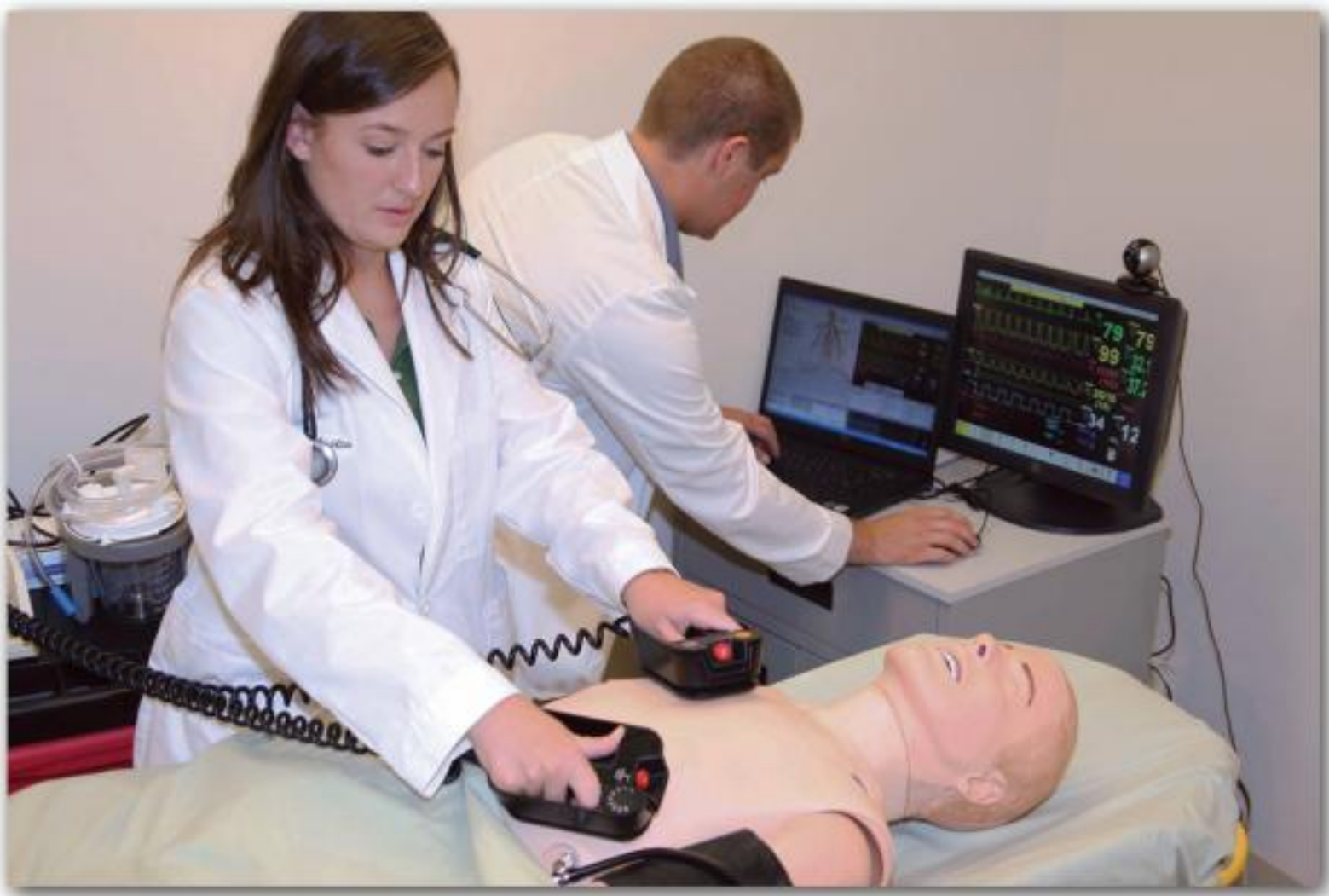
WEST VIRGINIA SCHOOL OF
OSTEOPATHIC MEDICINE

CLINICAL EVALUATION CENTER EXPANSION

CLINICAL EVALUATION CENTER EXPANSION



Robot Lab
(10 Total)



Standardized Patient Lab
(24 Total)



WEST VIRGINIA SCHOOL OF
OSTEOPATHIC MEDICINE

**West Virginia Higher Education Policy Commission
Meeting of August 10, 2012**

ITEM: Approval of Fiscal Year 2013 Division Operating Budgets and Higher Education Resource Assessment Projects

INSTITUTION: West Virginia Higher Education Policy Commission

RECOMMENDED RESOLUTION: Resolved, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2013 division operating budgets and Higher Education Resource Assessment projects.

STAFF MEMBER: Ed Magee

BACKGROUND:

Division directors met with Chancellor Hill and finance staff to discuss operating budgets and efficiencies for Fiscal Year (FY) 2013. Finance staff prepared the proposed division budgets for FY 2013 totaling approximately \$9.9 million. Personal services, employee benefits, and Other Post Employment Benefits (OPEB) total \$6.1 million, or 62 percent, of the Commission's operating budget. Other fixed operating costs such as building rent, telecommunications, and on-going contractual services total \$3.5 million, or 35 percent, leaving 3 percent or \$308,000 for travel, office supplies, printing, outreach, and other miscellaneous operation expenses.

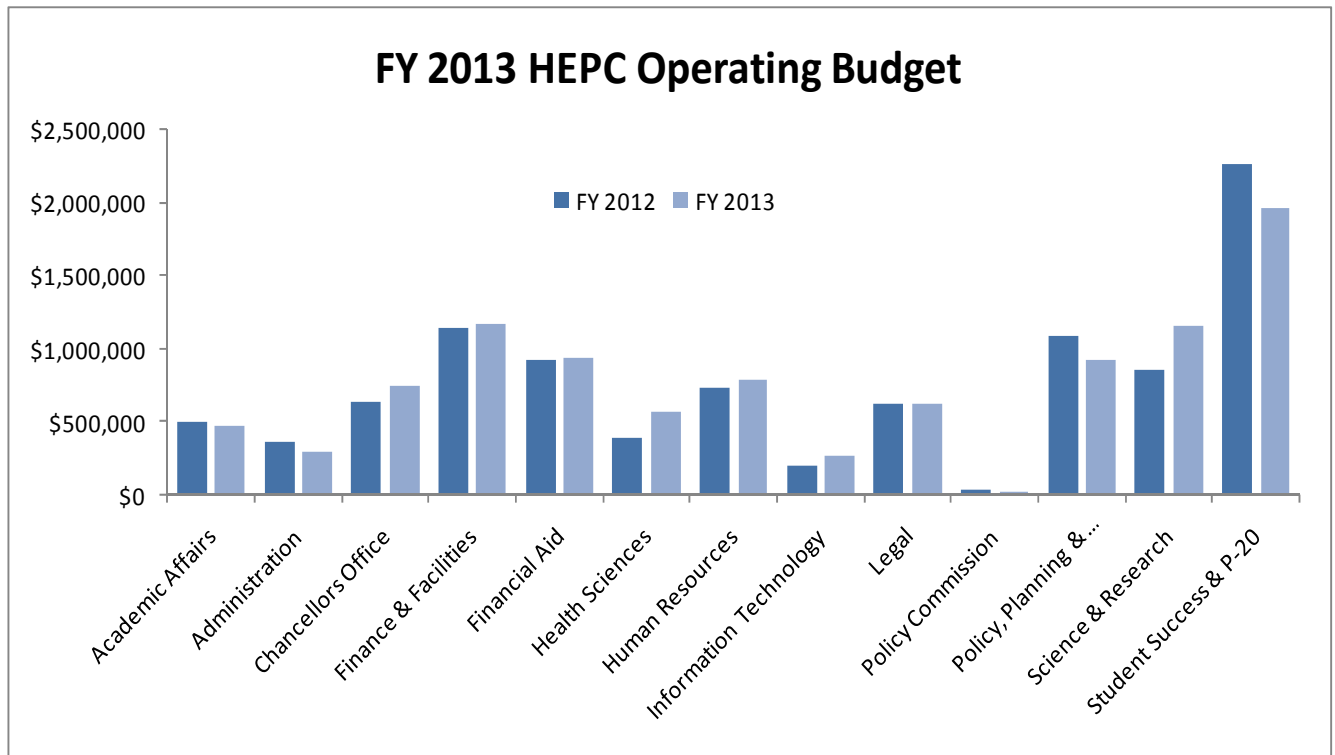
The following charts and tables summarize the proposed division budgets and sources of revenue:

- Table 1 provides detail for divisional budgets;
- Chart 1 shows the budgeted dollar amounts recommended for each division;
- Chart 2 details the various funding sources that contribute to the total Commission Office operating budget;
- Chart 3 provides a detail of expenditures and revenues by revenue source for FY 2013; and,
- Table 2 identifies the proposed Higher Education Resource Assessment (HERA) budget that supports numerous system initiatives for FY 2013.
- Brief background information for HERA projects

Table 1

HEPC Proposed FY 2013 Budget		
Revenue		
General Revenue	\$2,722,061	27.5%
Higher Education Resource Assessment	1,450,355	14.7%
Facilities	407,378	4.1%
Lottery	388,708	3.9%
PROMISE	665,115	6.7%
Higher Education Grant Program	885,406	9.0%
Higher Education Adult Part-Time Student	117,853	1.2%
Research Challenge	546,451	5.5%
Other	59,518	0.6%
Federal	2,640,481	26.7%
Total	\$9,883,326	
Expenditures by Division		
Academic Affairs	\$465,743	4.7%
Administration	286,360	2.9%
Chancellor's Office	740,150	7.5%
Finance and Facilities	1,163,933	11.8%
Financial Aid	937,407	9.5%
Health Sciences	560,824	5.7%
Human Resources	781,445	7.9%
Information Technology	259,643	2.6%
Legal	625,150	6.3%
Policy Commission	23,850	0.2%
Policy and Planning	926,670	9.4%
Science & Research	1,149,017	11.6%
Student Success and P-20 Initiatives	1,963,134	19.9%
Total	\$9,883,326	
Expenditures by Function		
Personal Services	\$4,769,861	48.3%
Benefits	1,321,816	13.4%
Current Expense	3,033,637	30.7%
Rent	449,691	4.5%
Travel	308,321	3.1%
Total	\$9,883,326	

Chart 1



	Academic Affairs	Admin.	Chancellor's Office	Finance and Facilities	Financial Aid	Health Sciences	Human Resources	Information Technology	Legal	Policy Commission	Policy and Planning	Science and Research	Student Success and P-20
FY 2012	\$ 498,656	\$ 355,440	\$ 638,654	\$ 1,145,938	\$ 922,146	\$ 392,609	\$ 731,212	\$ 192,103	\$ 620,286	\$ 30,000	\$ 1,079,577	\$ 849,954	\$ 2,257,723
FY 2013	\$ 465,743	\$ 286,360	\$ 740,150	\$ 1,163,933	\$ 937,407	\$ 560,824	\$ 781,445	\$ 259,643	\$ 625,150	\$ 23,850	\$ 926,670	\$ 1,149,017	\$ 1,963,134

Chart 2

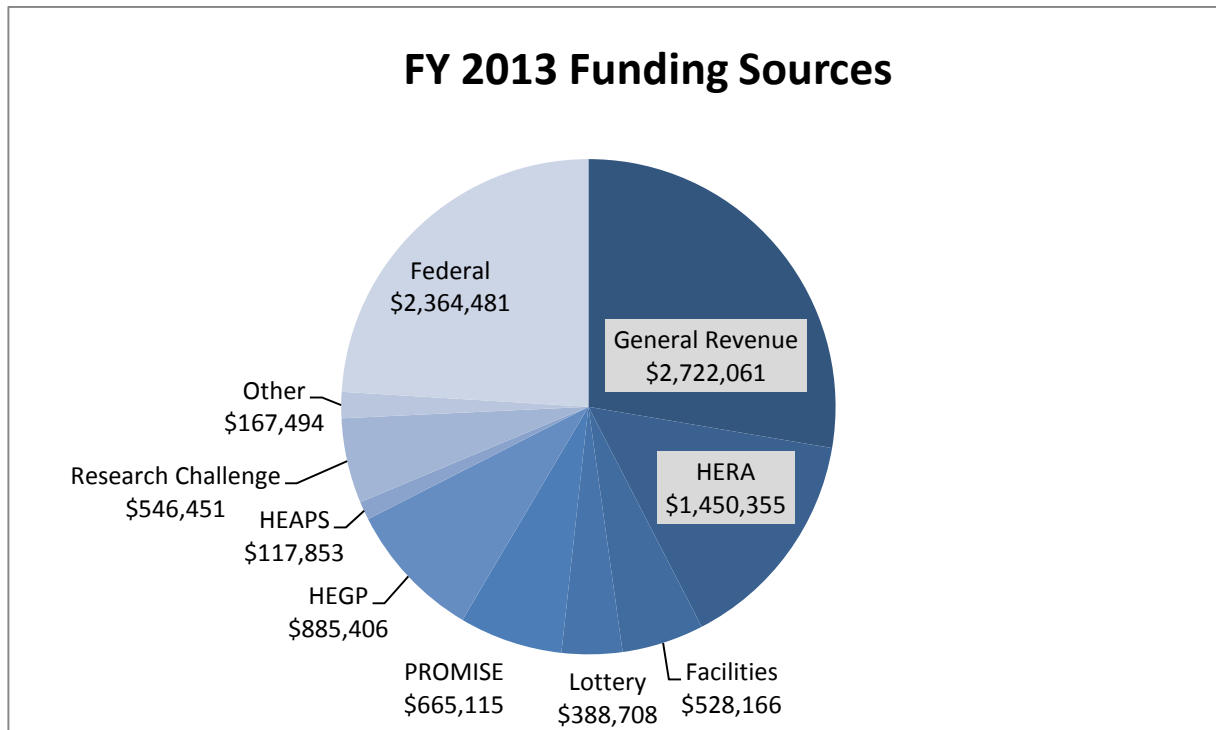
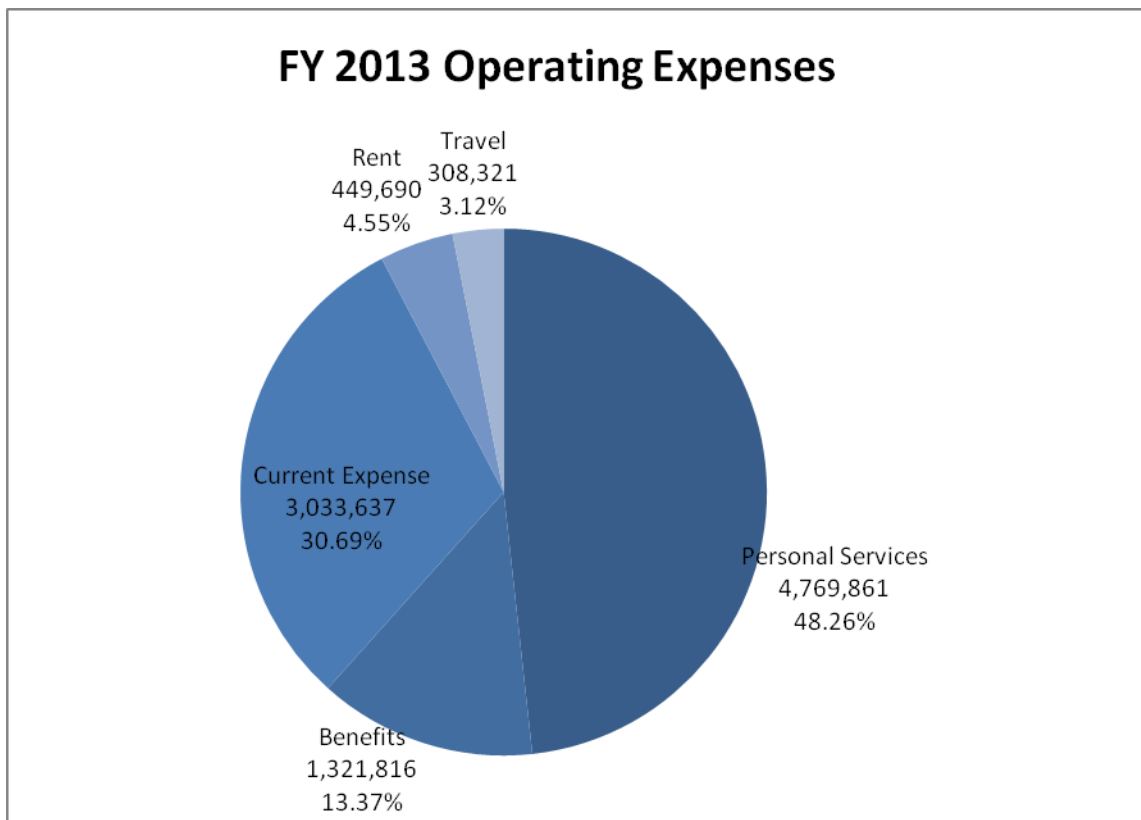


Chart 3



**Table 2
HERA PROJECTS
FY 2013**

	FY 2012 HEPC Allocation	FY 2013 HEPC Allocation	FY 2012 CTCS Allocation	FY 2013 CTCS Allocation	FY 2012 Total Allocation	FY 2013 Total Allocation
Revenue	\$ 4,664,494	\$ 4,733,439	\$ 694,347	\$ 700,083	\$ 5,358,841	\$ 5,433,522
Carryover Balance	-	140,113	-	-	-	140,113
Total	4,664,494	4,873,552	694,347	700,083	5,358,841	5,573,635
Expenditures	\$ 4,614,494	\$ 4,710,885	\$ 658,526	\$ 655,324	\$ 5,292,887	\$ 5,366,554
CTCS Chancellor's Office						
Board of Governors Member and Staff Training	-	-	15,000	15,000	15,000	15,000
Grant Development	-	-	35,000	35,000	35,000	35,000
On-Line Course Initiative	-	-	25,000	25,000	25,000	25,000
Sector Based Workforce Development Initiative	-	-	25,000	25,000	25,000	25,000
Statewide CTC Marketing	-	-	60,000	60,000	60,000	60,000
College Completion Agenda	-	-	50,000	50,000	50,000	50,000
HEPC Chancellor's Office						
Board of Governors Member and Staff Training	70,000	70,000	-	-	70,000	70,000
Adult Student Initiatives	10,000	10,000	-	-	10,000	10,000
Chancellor's Initiatives	70,000	70,000	-	-	70,000	70,000
Chancellor's Leadership Initiatives	20,000	20,000	-	-	20,000	20,000
Chancellor's Post-Doctoral Scholars Program	40,000	-	-	-	40,000	-
Chancellor's Scholars - Marshall University	-	75,000	-	-	-	75,000
Chancellor's Scholars - West Virginia University	265,000	200,000	-	-	265,000	200,000
West Virginia Campus Compact	75,000	45,000	-	-	75,000	45,000
System Training and Development	50,000	50,000	-	-	50,000	50,000
International Education Outreach	-	50,000	-	-	-	50,000
Academic Affairs						
Academic Affairs Dissemination	21,990	-	3,010	-	25,000	-
Collegiate Learning Assessment	120,000	120,000	-	-	120,000	120,000
Compact Implementation	20,000	-	-	-	20,000	-
Faculty Development Conference	8,000	7,000	3,000	1,000	8,000	8,000
International Studies (FACDIS)	30,000	30,000	-	-	30,000	30,000
International Education Grants	120,000	90,000	-	-	120,000	90,000
MAP-Works	20,250	5,000	-	-	20,250	5,000
Mathematics Projects	125,785	78,404	17,215	11,251	143,000	90,000
NCATE	16,000	-	-	-	16,000	-
Chancellor's Diversity Initiative	30,000	20,000	-	-	30,000	20,000
Smarter Balance Consortium	-	16,000	-	-	-	16,000
Technology						
Virtual Learning Network	87,961	87,499	20,000	12,501	100,000	100,000
WebCT VISTA - Service Contract	240,554	240,554	-	-	240,554	240,554
WebCT VISTA - Host Sites	43,981	43,749	6,019	6,251	50,000	50,000
Finance and Facilities						
Internal Audits	-	250,000	-	-	-	250,000
Financial Aid and Student Services						
Higher Education Grant Program	1,583,302	1,574,981	216,698	225,019	1,800,000	1,800,000
Robert C. Byrd One-Time Transitional Funding	54,583	-	-	-	54,583	-
Student Services						
Diversity for Equity Initiative Grants	88,000	88,000	20,000	20,000	108,000	108,000
Student Leadership Conference	15,500	15,312	1,866	2,188	15,000	17,500
Student Retention/Recruitment Conference	15,000	14,700	1,806	2,100	50,000	16,800
Access						
College Access Campaign	50,000	50,000	-	-	50,000	50,000
Statewide Access Conference	25,000	25,000	-	-	25,000	25,000
Ruby Payne Training	-	15,000	-	-	-	15,000
WVPASS Student Outreach	-	25,000	-	-	-	25,000
Policy and Planning						
Research Studies	100,000	100,000	-	-	100,000	100,000
Economic Research Reports	37,500	69,700	-	-	37,500	69,700
Central Support Services						
HEPC - Administration	659,709	656,242	90,291	93,758	750,000	750,000
HEPC - Legal	325,457	323,746	44,543	46,254	370,000	370,000
WVNET	175,922	174,998	24,078	25,002	200,000	200,000
Balance	\$ 50,000	\$ 162,667	\$ 35,821	\$ 44,759	\$ 65,954	\$ 207,081
Discretionary Project Funding	\$ 50,000	\$ 162,667	\$ 35,821	\$ 44,759	\$ 65,954	\$ 207,081
Total HEPC & CTC Projects	\$ 4,664,494	\$ 4,873,552	\$ 694,347	\$ 700,083	\$ 5,358,841	\$ 5,573,635

West Virginia Higher Education Policy Commission HERA Projects

Board of Governors (BOG) Member and Staff Training. These funds will be used to support training sessions for Board of Governors members and staff.

Adult Student Initiatives. These funds will be utilized to fund adult student initiatives. Currently, an Adult Learner Task Force is examining the issue and will be releasing a report with recommendations regarding next steps. The funds will be used to implement the report and recruit and graduate returning adult students.

Chancellor's Initiatives. These funds will be utilized to fund initiatives of the Chancellor. This includes, but is not limited to the following: special research projects, contracting with experts in various areas, and grants to institutions.

Chancellor Leadership Initiatives. These funds will be utilized to fund the creation of the Chancellor's Leadership Academy. The purpose of the initiative is to provide professional development and networking opportunities for emerging leaders within the state's higher education system.

Chancellor's Post-Doctoral Scholars Program. These funds are allocated to Marshall University and West Virginia University to supplement existing minority faculty diversity efforts. The program provides funding for graduate assistantships, scholarships, and other resources to ensure adequate funding for selective doctoral students; an academic partnership effort that places minority visiting faculty (graduate students) in teaching roles at selected campuses in West Virginia's public higher education system(s); and the annual sponsorship of a colloquium for aspiring minority doctoral candidates.

West Virginia Campus Compact. These funds will be used to enhance West Virginia's participation with this national network. Campus Compact is a national coalition of college and university presidents having objectives that include: maintaining colleges and universities as vital agents and architects of a diverse democracy; commitment to educating students for responsible citizenship in ways that both deepen their learning and improve the quality of community life.

System Training and Development. These funds will be used to develop and deliver a six course training and professional development program over the course of several months. These courses will be provided to 22 Chief Human Resource Officers. Subject areas will include human resource legal compliance and grievances, employee relations, Affirmative Action and West Virginia State Code 6. Rule writing.

International Education Outreach. These funds will be used to finance projects related to the recruitment and retention of international students. In addition, projects for the development of study abroad programs will be supported.

Academic Affairs Dissemination. These funds are used to disseminate information to schools and prospective college students, including the baccalaureate admission

standards, and to conduct a study of the status of programs of college courses for high school students. These funds were moved to the Academic Affairs administrative budget for Fiscal Year 2013.

Collegiate Learning Assessment (CLA). These funds will be used to support institution efforts to administer the CLA, which seeks to measure the cognitive growth of college students.

Compact Implementation. These funds are for consultant fees and associated travel costs for reviewing institutions compact submission. They were moved to the Academic Affairs administrative budget for Fiscal Year 2013.

Faculty Development Conference. These funds will be used to sponsor an event known as the Great Teachers' Seminar. The forum which is held the last week in June at North Bend State Park, focuses on good teaching methods and provides an opportunity for faculty from all the state's public colleges and universities to come together to share insights, practical hints, etc on what constitutes good teaching.

International Studies (FACDIS). These funds will be provided to FACDIS, which sponsors workshops and other activities that promote the teaching of internationally-focused courses.

International Education Grants. These funds will be used to provide startup grants, through a competitive application process, to colleges and universities that choose to implement initiatives to increase an international focus on campus. Possible areas would be curricular revisions (global focus), study abroad efforts, and attracting more international faculty to West Virginia institutions.

MAP-Works. This is a comprehensive retention tool with potential to improve student retention in WV's institutions. Continuation project with same three institutions participating (Fairmont State University, Marshall University, and West Liberty University).

Mathematics Projects. These funds will support state-wide math initiatives designed to provide college level opportunities for qualified high school math students. Web-based math courses continue to be developed in college algebra, geometry and trigonometry. A state-wide conference of college and university math faculty is supported with the theme of fostering K-12/higher education alignment. It is anticipated that the Benedum Foundation would also award a grant to supplement the project.

National Council for Accreditation of Teacher Education (NCATE). These funds are used to support West Virginia's state partnership with NCATE which provides consulting services and campus review visits. They were moved to the Academic Affairs administrative budget for Fiscal Year 2013.

Chancellor's Diversity Initiative. These funds are requested for support of the Chancellor's Diversity Initiative and the Diversity Council, a statewide effort to evaluate, guide, and improve programs and policies aimed at helping underrepresented students

get into and through college. Specific needs are for (a) statewide campus team meeting in the fall; (b) hiring external experts for consulting on the project; (c) providing support for travel of Council members to meetings and project activities; and (d) covering travel expenses for Commission staff traveling to campuses and meetings.

Smarter Balanced Consortium. These funds will cover travel costs and professional development related to the development of Common Core Standards and assessment.

Virtual Learning Network. These funds will support the Virtual Learning Network, a consortium of state institutions seeking to provide educational programs through online technology.

WebCT VISTA – Service Contract. These funds will pay for a service contract that ensures support for the online course management software that virtually all institutions use.

WebCT VISTA – Host Sites. These funds will support West Virginia University, Marshall University and Fairmont State University as WebCT host sites for other institutions.

Higher Education Grant Program. These funds will be used to supplement the State's allocation to the Higher Education Grant Program.

Robert C. Byrd One-Time Transitional Funding. These funds were utilized during Fiscal Year 2012 to partially fund one-time transitional scholarships to students who received financial aid awards from the discontinued Robert C. Byrd Scholarship Program. No funds are requested for Fiscal Year 2013.

Diversity for Equity Initiative Grants. These funds will be used to provide competitive grants to institutions to sponsor programs aimed at achieving social justice, to stage events that demonstrate a commitment to bring about mutual understanding and respect among individuals, to sponsor events to help eliminate all forms of discrimination, and to plan actions that enhance fairness and equity in the distribution of opportunities.

Student Leadership Conference. These funds will be used to support the third annual Student Leadership Conference in May 2013 for student government association leaders and newly elected student government leaders from all state public higher education institutions.

Student Retention/Recruitment Conference. These funds will support a conference, which is planned for March 2013 that will explore best practices in student retention. The conference targets institutional student and academic affairs professionals and had approximately 180 attendees last year.

Student Retention Initiatives. These efforts will be provided by a combination of funding from similar HERA projects and funding from division operating budgets.

College Access Campaign. These funds will be used for West Virginia's college access campaign. It is designed to inform students, parents and others about the benefits of higher education and how to prepare for education after high school, both academically and financially. Activities will motivate students to pursue higher education through increased awareness of available financial aid and other services.

Statewide Access Conference. These funds will be utilized to fund a statewide access conference to be coordinated by West Virginia GEAR UP staff and include attendees from secondary and postsecondary educational institutions.

Ruby Payne Training. These funds will assist the Department of Education and the Arts' West Virginia Partnerships to Assure Student Success (WVPASS) with costs related to providing training for educating professionals and community leaders regarding the effects of poverty on education and future generations.

WVPASS Student Outreach. These funds will assist the Department of Education and the Arts' West Virginia Partnerships to Assure Student Success (WVPASS) with costs related to providing outreach to high school students throughout the state on the college search and application processes.

Research Studies. These funds will be used for studies of postsecondary education issues that aid in evaluating West Virginia higher education.

Economic Research Reports. These funds are being requested to pay for a series of economic research reports from the Bureau of Business and Economic Research at West Virginia University.

**West Virginia Higher Education Policy Commission
Meeting of August 10, 2012**

ITEM: Approval of Fiscal Year 2013 Division of Science and Research Spending Plans

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2013 spending plans as recommended by the Science and Research Council.*

STAFF MEMBER: Jan Taylor

BACKGROUND:

Recommendations for programmatic allocations of accrued or awarded funds within the state Research Challenge Fund, Research Trust Fund, and the National Science Foundation (NSF) infrastructure programs are made annually by the West Virginia Science and Research Council to the Commission. As authorized by West Virginia Code §18B-1B-10, the Council is charged with oversight of the Research Challenge Fund, the Research Trust Fund, and NSF Experimental Program to Stimulate Competitive Research (EPSCoR), including annual spending plans proposed by staff. Based on current fund receipts, awards and projections, the Fiscal Year (FY) 2013 spending plans below, developed and to be implemented by the Division of Science and Research, were approved by unanimous vote of the Council on July 19, 2012.

Research Challenge Fund

Purpose: The Research Challenge Fund provides the foundation for many of the competitive grant programs administered by the Division. The fund's establishment in 2004 by the West Virginia Legislature provides support to science and technology research and education. All science, technology, engineering, and mathematics (STEM) disciplines and all institutions are eligible to participate in various competitions for funding.

Research Challenge Fund FY 13

5/24/2012

Cash with Treasurer	1,862,582.52
Estimated Income	339,810.00
Accounts Payable (p-card May, misc June)	-3,000.00
May 31 payroll	-17,000.00

June payroll	-35,946.00
Rent (May - Jun)	-6,926.00
Encumbered Grants FY 12	-2,360,961.00
Estimated Carryforward	-221,440.48
Estimated Earnings FY 13	3,300,000.00
Estimated Total Funds FY 13	\$3,078,559.52

Committed Funds (grants issued that need encumbered)

Instrumentation 07/12 - 12/12	100,000.00
Tech Assistance - extra reviews	10,000.00
RII Track 2 Cost Contribution WVU	10,000.00
	120,000.00

New Awards and Grant Renewals

SURE Renewals (1/13 - 06/13)	128,500.00
STEM New (1/13-6/13)	250,000.00
RCG New	1,200,000.00
DOE Energy Renewal	200,000.00
Tech Assistance -New	144,000.00
Instrumentation Grants - New (1/2 year)	100,000.00
Mini Grants - New	40,000.00
Opportunity Grants -New	50,000.00
RII Track 1 MU Yr. 3	111,020.00
RII Track 1 WVSU Yr. 3	41,350.00
RII Track 1 WVU Yr. 3	169,915.00
RII Track 1 PUIs Yr. 3	0.00
Shared Facilities	100,000.00
High Performance Computing	0.00
	2,534,785.00

Total Awards **\$2,654,785.00**

Administration

Payroll & Fringe	242,330.00
Supplies	2,500.00
Printing	1,500.00
Rent	42,000.00
Phone	500.00
Contractual	13,000.00
Travel	7,500.00
Vehicle Rental	200.00
Association Dues	1,000.00
Advertising/Promotional	2,000.00
Hospitality	2,000.00
Energy Expenses (fuel for rental cars)	300.00

Misc.	500.00
Postage	1,500.00
Computer Supplies	1,000.00
Misc. Equipment purchases	5,000.00
Equipment Repairs	1,000.00
Training & Development	2,000.00
	<hr/> 325,830.00

Administration -Match to NSF Award

Payroll & Fringe	65,500.00
Advertising/Promotional/Outreach	7,500.00
	<hr/> 73,000.00

Total Administration	\$398,830.00
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Estimated Carryforward FY 13	24,944.52
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National Science Foundation

Experimental Program to Stimulate Competitive Research (EPSCoR)

Purpose: NSF EPSCoR is a federal grant program that builds research capacity in states to spur competitiveness, scientific discovery and economic development. Below are spending plans for the current Research Infrastructure Improvement (RII) awards from NSF EPSCoR.

RII Track 1 Award

Marshall University, West Virginia State University, and West Virginia University developed and submitted a five-year, \$20 million RII proposal to the NSF in 2009. The RII program supports faculty recruitment, start-up research, equipment and students. The program began on July 31, 2010.

FY 13 Spending Plan

NSF RII Track 1 Year 3

WVU sub award	1,950,827.00
MU sub award	1,074,173.00
WVSU sub award	490,000.00
PUI sub awards (TBD)	125,000.00
Total Sub Awards	\$3,640,000.00

Administration

	<hr/> Budget
Payroll & Fringe	166,511.00
Travel	22,520.00
Supplies	925.00
Total Administration	\$189,956.00

<u>Outreach/Communications</u>	
Publications	9,384.00
Other- radio, TV, other	27,000.00
Total	
Outreach/Communications	\$36,384.00

<u>Evaluation</u>	
Contractual-external evaluator	60,000.00
Contractual-technical advisors	11,400.00
Hospitality	2,750.00
Travel	4,000.00
Other-Meeting Facilitator	595.00
Total Evaluation	\$78,745.00

<u>Indirect Costs</u>	
Total Indirect	\$54,915.00

Total Operations	\$360,000.00
Total Year 3	\$4,000,000.00

RII Track 2 Award

Under the leadership of the Division of Science and Research, Marshall University, West Virginia University, and West Virginia State University developed and submitted a two-year proposal with the University of Arkansas system for a program, CI-TRAIN (Cyberinfrastructure for Transformational Scientific Discovery in Arkansas and West Virginia). This project, now in its third year, is building on common research in geosciences, virtual environments and computational sciences.

FY 13 Spending Plan

NSF RII Track 2 Final months closeout*

	<u>Remaining</u>
MU sub award	163,469.61
WVSU sub award	84,731.05
WVU sub award	367,129.31
Total Sub Awards	\$615,329.97

Total Administration	\$16,134.75
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Total Closeout	\$631,464.72
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*June, July, August

RII Track C2 Award

Marshall University and West Virginia University submitted a proposal to improve intra- and inter- campus connectivity, research and education activities. Marshall University will work to enable inter-campus Internet2® access for the state's predominantly undergraduate institutions, community and technical colleges and the K-12 community. West Virginia University will advance its intra-campus cyberinfrastructure to current research standards. The project began on September 1, 2011.

FY 13 Spending Plan**NSF RII C2 Final months -closeout***

	<u>Remaining</u>
WVU sub award	18,084.49
MU sub award	127,543.73
Total Sub Awards	\$145,628.22

Administration

Payroll & Fringe	-1,458.32
Travel	3,954.87
Consultant Services	10,000.00
Total Administration	\$2,496.55

Indirect Costs

Total Indirect	\$ -
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Total Closeout	\$148,124.77
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June, July, August*

Research Trust Fund

Purpose: The Research Trust Fund was established under West Virginia Code §18B-18A-I *et seq.* and is referred to commonly as the "Bucks for Brains" program. Interest on the account is distributed through a competitive process to the state's undergraduate institutions while the principal is available to Marshall University and West Virginia University, as specified through the legislation, upon demonstration of equal matching dollars from private sources.

FY 13 Spending Plan**Research Trust Fund**

<u>Principal - MU</u>	15,000,000.00
Draws through 05/31	<u>8,936,733.93</u>
Current Balance	<u><u>6,063,266.07</u></u>

<u>Principal - WVU</u>	35,000,000.00
Draws through 05/31	<u>35,000,000.00</u>
Current Balance	<u>0.00</u>

Interest

Total interest income	
5/21/12	915,541.63
Estimated Income FY 12	<u>4,000.00</u>
Total	<u>919,541.63</u>

Existing PUI Awards

Expenses	251,038.50
Encumbrances	<u>248,854.00</u>
Total	<u>499,892.50</u>

New Awards

PUIs TBD	<u>200,000.00</u>
Total	<u>200,000.00</u>

Indirect Costs

Indirect Charges 2009-2012	187,377.00
Indirect Charges FY 13	<u>18,000.00</u>
Total	<u>205,377.00</u>

Estimated Balance	<u>14,272.13</u>
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**West Virginia Higher Education Policy Commission
Meeting of August 10, 2012**

ITEM: Approval of Fiscal Year 2013 Budget

INSTITUTION: West Virginia Network for Educational Telecomputing

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2013 West Virginia Network for Educational Telecomputing budget.

STAFF MEMBER: Donna Meadowcroft

BACKGROUND:

The West Virginia Network for Educational Telecomputing (WVNET) budget consists of two main categories of revenues and expenditures: the operating budget and the pass-through budget. The Fiscal Year (FY) 2013 combined budget for these two categories is \$13,028,201. This is an increase of 13.2 percent, \$1,520,808 from the FY 2012 budget of \$11,507,393. (Attachments 1, 2, and 3.)

Operating Budget (Attachments 4 and 5)

Revenues: WVNET operating revenues are derived from the following sources: state appropriation, contracts, services, interest income, reserve, and an allocated portion of the Higher Education Resource Assessment (HERA). For FY 2013, \$8,116,055 is budgeted, an increase in total revenues of \$474,807.

The FY 2013 state appropriated funds increased by \$6,942 over the FY 2012 base level. This amount was to cover the increase in PEIA costs. WVNET is fully funded on the classified staff salary schedule.

Revenues from contracts and services are expected to be approximately \$5,967,612. This is an increase from FY 2012 of approximately \$970,865, without the need of reserve funding.

Expenditures: WVNET expects expenditures to increase along with revenues, such as support positions of hosting software will be needed.

Pass-through budget (Attachments 6 and 7)

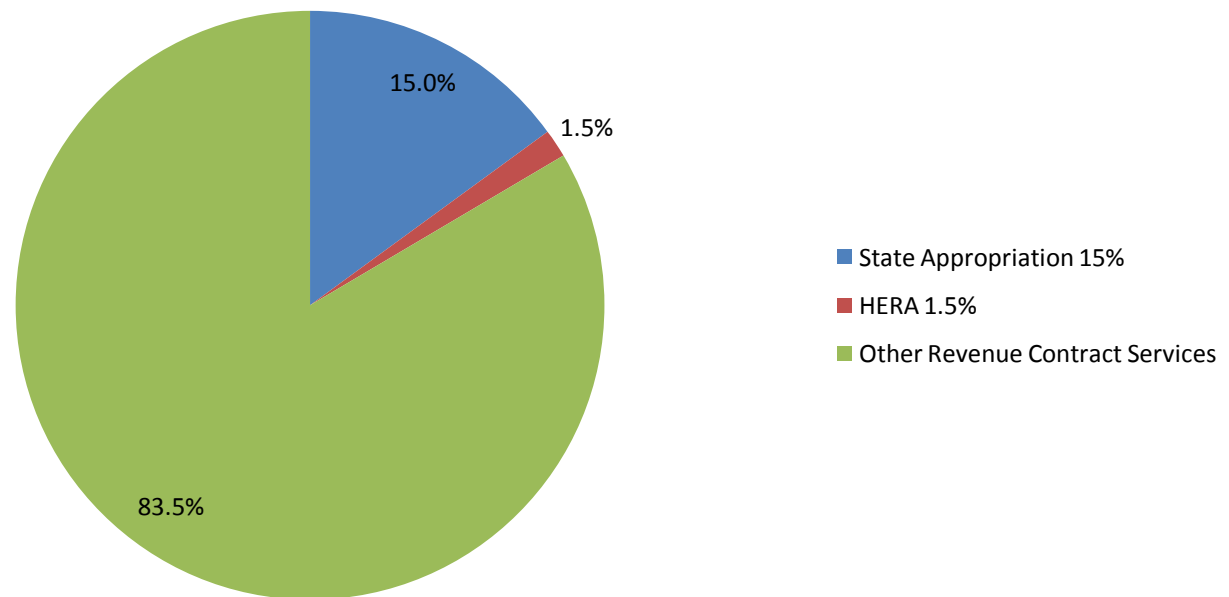
The pass-through budget consists of charges, which “flow through” WVNET accounts unchanged enabling the consortium of institutions to negotiate lower overall costs. WVNET is the central billing site for vendors and allocates charges back to the

appropriate institutions based on agreed criteria. The pass-through budget is expected to consist of revenues and expenses of approximately \$4,912,146. This is an increase of \$1,039,000. This budget depends largely on purchases made by the consortium of institutions or by institutions independently from WVNET contracts. Services mainly consist of software licenses, software support, consulting, and scribing fees for DegreeWorks and Management Services.

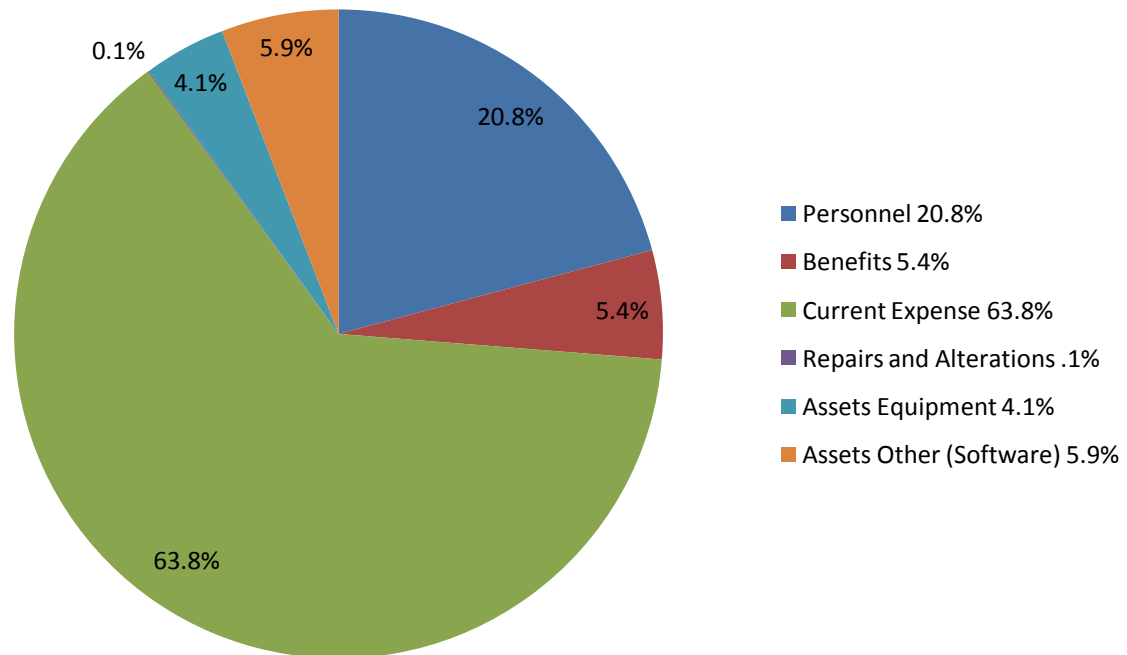
Attachment 1
West Virginia Network for Educational Telecomputing
Proposed FY 2013 Combined Budget

	FY 2012 Budget	FY 2013 Budget	Difference	% Increase/ (Decrease)
<u>Revenue</u>	\$11,507,393	\$13,028,201	\$1,520,808	13.2%
State Appropriation	1,941,501	1,948,443	6,942	0%
HERA	200,000	200,000	0	0%
Cash Reserve / Interest Income	503,000	0	(503,000)	-100%
Grant Revenue	0	0	0	0%
Other Revenue	8,862,892	10,879,758	2,016,866	23%
<u>Expenditures</u>	\$11,507,393	\$13,028,201	1,520,808	13.2%
Personnel	2,606,261	2,714,948	108,687	4%
Benefits	617,278	705,887	88,609	14%
Current Expenses	6,739,714	8,306,143	1,566,429	23%
Repairs and Alterations	16,716	6,667	(10,049)	-60%
Assets Equipment	1,313,124	532,004	(781,120)	-59%
Assets Other	214,300	762,552	548,252	256%
<u>Balance</u>	0	0	0	

**Attachment 2
WVNET FY 13
Combined Budget
Revenue**



**Attachment 3
WVNET FY 13
Combined Budget
Expenses**



Attachment 4
West Virginia Network for Educational Telecomputing
Proposed FY 2013 Combined Budget

	FY 2012 Budget	FY 2013 Budget	Difference	% Increase/ (Decrease)
<u>Revenue</u>	\$7,641,248	\$8,116,055	\$474,807	6.2%
State Appropriation	1,941,501	1,948,443	6,942	0%
HERA	200,000	200,000	0	0%
Cash Reserve / Interest Income	503,000	0	0	
Grant Revenue			0	
Contracts and Services	4,996,747	5,967,612	970,865	19%
<u>Expenditures</u>	\$7,641,248	\$8,116,055	474,807	6.2%
Personnel	2,606,261	2,714,948	108,687	4%
Benefits	617,278	705,887	88,609	14%
Current Expenses	3,423,571	3,643,225	219,654	6%
Repairs and Alterations	16,716	6,667	(10,049)	-60%
Asset Equipment	763,122	532,004	(231,118)	-30%
Asset Other (Software)	214,300	513,324	299,024	140%
<u>Balance</u>	0	0	0	

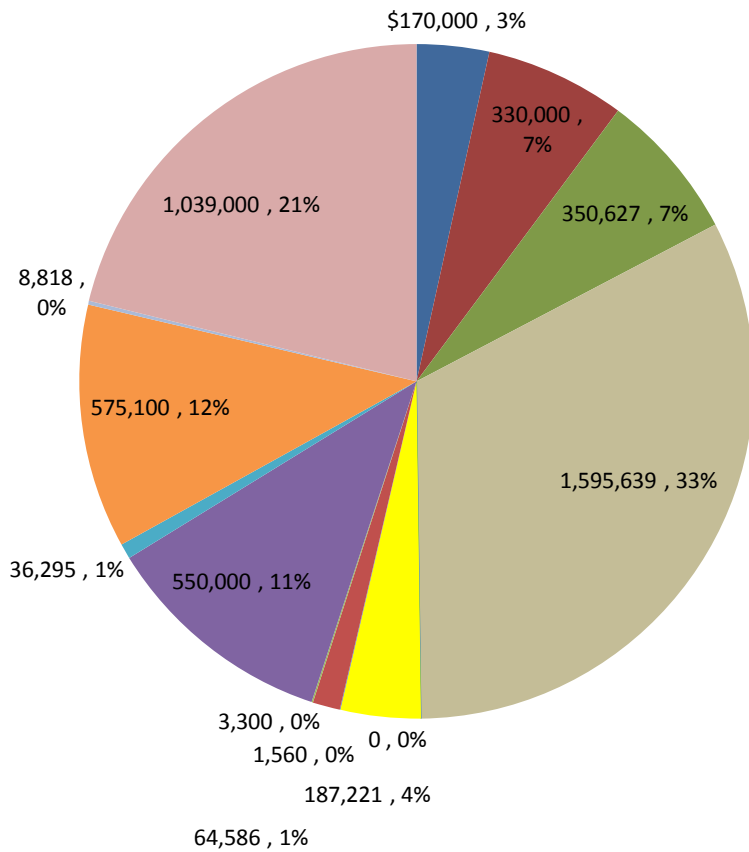
Attachment 5 WVNET FY 13 Budgeted Operating Revenues / Expenses

Category	Percentage
Internet Access	55.4%
WVNET Central Site	26.7%
Banner Hosting / Interface Maint	6.6%
Email / Web Hosting	2.4%
Port Charges	1.3%
Statewide Conference	1.9%
WVNET Support Services	1.6%
Virus / Spam Filtering	.5%
Rack Space	.3%
Server Hosting	.3%
Blackboard Services / Hosting	1.3%
Miscellaneous Services	.6%
OZ Problem Management	.1%
Virtual Machines	.1%
Web Hosting	.1%
Co-Location	.2%
Dial-up Modems	.2%
Help Desk	.2%
Internet Storage	.3%
Audio Conferencing	.2%
0.1%	0.1%
0.3%	0.3%
0.5%	0.5%
0.6%	0.6%
1.3%	1.3%
1.6%	1.6%
1.9%	1.9%
2.4%	2.4%
2.6%	2.6%
2.8%	2.8%
3.0%	3.0%
3.2%	3.2%
3.4%	3.4%
3.6%	3.6%
3.8%	3.8%
4.0%	4.0%
4.2%	4.2%
4.4%	4.4%
4.6%	4.6%
4.8%	4.8%
5.0%	5.0%
5.2%	5.2%
5.4%	5.4%
5.6%	5.6%
5.8%	5.8%
6.0%	6.0%
6.2%	6.2%
6.4%	6.4%
6.6%	6.6%
6.8%	6.8%
7.0%	7.0%
7.2%	7.2%
7.4%	7.4%
7.6%	7.6%
7.8%	7.8%
8.0%	8.0%
8.2%	8.2%
8.4%	8.4%
8.6%	8.6%
8.8%	8.8%
9.0%	9.0%
9.2%	9.2%
9.4%	9.4%
9.6%	9.6%
9.8%	9.8%
10.0%	10.0%

Attachment 6
West Virginia Network for Educational Telecomputing
Proposed FY 2013 Pass-Through Budget

	FY 2012 Budget	FY 2013 Budget	Difference
<u>Revenue</u>	<u>\$3,873,146</u>	<u>\$4,912,146</u>	<u>\$1,039,000</u>
Argos/Training		\$170,000	
Banner TCP Maintenance / Consulting	2,013,079		
Banner/Oracle/Misc. Software	553,193		
Banner Consulting Degree Works & Scribing (2nd wave: 6 institutions)		330,000	
Banner Consulting without Degree works (pay only per visit/call: no requirement)		350,627	
Banner Renewals/Maintenance mandatory TCP		1,595,639	
Blackboard Renewals Learn 9 (*)	0		
Blackboard Renewals Learn 9 (**)	100,000	187,221	
Domain Name Registration	1,500	1,560	
DSL Service	83,693	64,586	
Educause	10,086	0	
HP/CSLG/ESG/DEC Maintenance	10,000	3,300	
Microsoft Campus Agreement	480,000	550,000	
Oracle New Purchase		36,295	
Oracle Renewal Support mandatory	562,145	575,100	
SAS	59,450	8,818	
Southern WV C&TC Managed Services via Ellucian		1,039,000	
<u>Expenditures</u>	<u>\$3,873,146</u>	<u>\$4,912,146</u>	<u>\$1,039,000</u>
Argos/Training		\$170,000	
Banner TCP Maintenance / Consulting	2,013,079		
Banner/Oracle/Misc. Software	553,193		
Banner Consulting Degree Works & Scribing (2nd wave: 6 institutions)		330,000	
Banner Consulting without Degree works (pay only per visit/call)		350,627	
Banner Renewals/Maintenance Mandatory TCP		1,595,639	
Blackboard Renewals Learn 9 (*)	0		
Blackboard Renewals Learn 9 (**)	100,000	187,221	
Domain Name Registration	1,500	1,560	
DSL Service	83,693	64,586	
Educause	10,086	0	
HP/CSLG/ESG/DEC Maintenance	10,000	3,300	
Microsoft Campus Agreement	480,000	550,000	
Oracle New Purchase		36,295	
Oracle Renewal Support mandatory	562,145	575,100	
SAS	59,450	8,818	
Southern WV C&TC Managed Services via Ellucian		1,039,000	
<u>Balance</u>	<u>0</u>	<u>0</u>	<u>0</u>

**Attachment 7
WVNET FY 13
Pass-Through Budget
(includes Southern WV CTC Managed Services)**



- Argos/Training 3.5%
- Banner Consulting Degree Works & Scribing (2nd wave: 6 institutions) 6.7%
- Banner Consulting without Degree works (pay only per visit/call: no requirement) 7.1%
- Banner Renewals/Maintenance mandatory TCP 32.5%
- Blackboard Renewals Learn 9 (*)
- Blackboard Renewals Learn 9 (**) 3.8%
- Domain Name Registration <.1%
- DSL Service 1.3%
- HP/CSLG/ESG/DEC Maintenance .1%
- Microsoft Campus Agreement 11.2%
- Oracle New Purchase .2%
- Oracle Renewal Support mandatory 11.7%
- SAS 0.2%

Attachment 8

West Virginia Network for Educational Telecomputing Major Operating Budget Activities

The WVNET operating budget funds a variety of services and support areas. These services are offered mainly to the state's higher education institutions. Major activities supported from operating funds include:

WVNET Central Site/Administration – Maintains the physical facilities that house WVNET, manages day to day operations, Banner application (functional) support, WVNET business office, and machine room.

Virus and Spam Filtering – Provides virus and spam filtering of email messages.

Blackboard Services/Hosting – WVNET provides support for Blackboard Campus users. WVNET also hosts Blackboard for two sites.

Banner Hosting – WVNET will host the Banner databases of eleven (11) institutions in FY 2013.

WVNET Support Services – Provides communications, systems and Banner support to higher education institutions.

Email / Web Hosting – WVNET offers email and web hosting services to several customers. This includes email services for K-12.

Co-location – WVNET provides rack and floor space to entities who wish to place equipment in the WVNET machine room. WVNET monitors and provides support for equipment placed in the machine room.

Internet Access – WVNET provides internet access to many higher education institutions, K-12, and other state agencies.

Dial-up Modems – WVNET provides dial-up modem access to the internet with 24 hour help desk support for qualifying individuals.

OZ Problem Management System – OZ is a problem management system that entities can use to track and manage trouble tickets or issues. Users can submit tickets over the internet and are kept informed of the status of the ticket.

Statewide Technology Conference – WVNET, in collaboration with K-12, plans and coordinates this annual conference.

TSM Backups – WVNET provides backups services.

Server Hosting – WVNET provides server hosting which includes virtual hosting.

Miscellaneous Services – includes the following:

Audio Conferencing – WVNET offers audio conferencing to customers.

Help Desk – WVNET operates a 24/7/365 help desk. WVNET will assist customers by providing primary or off hours help desk support.

Address Cleansing – WVNET offers address cleansing services of any address data including links to the National Change of Address database.

Consulting – WVNET provides consulting in services for systems, applications, and communications support.

Attachment 9

West Virginia Network for Educational Telecomputing Pass-Through Budget Activities

The WVNET pass-through budget includes items for which WVNET acts as a billing agent. These costs flow through WVNET's budget unchanged. WVNET is invoiced by and pays the vendor and allocates the cost to the appropriate institutions. A less expensive price is often realized when items are purchased as a consortium or group.

Banner TCP Maintenance – This is the cost of maintaining the SunGard Banner software. This includes the cost of upgrades and SunGard support.

Oracle Maintenance – This is the cost of additional licenses, maintenance and support for Oracle products.

HP Maintenance – This is the cost of maintaining HP products.

DSL Service – WVNET functions as a billing agent for DSL service provided by Verizon to several Health Departments and other state agencies including several K-12 entities. Only the portion of the fee that is paid to Verizon for DSL service is considered pass-through. In FY 2009, WVNET began billing the old “shared facilities” line fee as a part of the WVNET fee. (Customers were no longer charged by the Office of Technology.) This portion of the fee is accounted for in the Operating budget.

Educause – Membership dues for Educause. Institutions realize a consortium discount.

Software – Cost of miscellaneous software such as Multinet and Sigi Plus and the purchase of additional Banner or Oracle software.

Microsoft Campus Agreement – WVNET provides this contract each year for institutions to purchase Microsoft products and licenses.

Domain Name Registration – WVNET registers and renews domain names for entities.

SAS – SAS software, consultation, and training.

Blackboard – Licenses and any training or customization needed are purchased through WVNET.

**West Virginia Higher Education Policy Commission
Meeting of August 10, 2012**

ITEM: Discussion of Fiscal Year 2014 Appropriation Request

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Information Item

STAFF MEMBER: Paul Hill and Ed Magee

BACKGROUND:

A discussion will be held regarding the appropriation request for Fiscal Year 2014. Chancellor Hill and Dr. Ed Magee, Vice Chancellor for Finance, will provide an overview of the budget forecast for higher education and the projected needs of the state's higher education system. This discussion will result in the development of a funding request to be filed with the State Budget Office by September 1, 2012.

**West Virginia Higher Education Policy Commission
Meeting of August 10, 2012**

ITEM:	Report on Master's Degree Programs
INSTITUTIONS:	Concord University, Fairmont State University, Shepherd University, West Liberty University, and West Virginia State University
RECOMMENDED RESOLUTION:	Information Item
STAFF MEMBER:	Mark Stotler

BACKGROUND:

In accordance with West Virginia Code §18B-1A-6(g), Concord University, Fairmont State University, Shepherd University, West Liberty University, and West Virginia State University have submitted reports on the viability of master's degree programs at their respective institutions.

The reporting elements as delineated in West Virginia Code are:

1. The number of programs being offered and the courses offered within each program;
2. The disciplines in which programs are being offered;
3. The locations and times at which courses are offered;
4. The number of students enrolled in the program; and
5. The number of students who have obtained master's degrees through each program.

The first master's level programs at the former baccalaureate-only institutions were approved by the Commission for initial offering in the 2003-04 academic year. The number of approved graduate programs across the institutions has increased from five to twenty over the eight-year period. It should be noted that two programs are scheduled for implementation in 2012 and one in 2013. In addition, the implementation dates for two programs of West Virginia State University are yet to be determined. Summary comments on notable developments and achievements in the graduate offerings at each institution and a chart that lists number of program enrollees and graduates are as follows:

Concord University

- The Master of Arts in Teaching was initiated in spring 2012 with the first offering of courses. The program is offered online to accommodate students seeking initial certification and a master's degree.

- The M.Ed. program includes five content specializations, with Reading and Educational Leadership being the largest in enrollment. These two specializations completed cohorts in August 2011 that had been offered through an arrangement with RESA 1.
- Two specializations (Social Studies and Behavioral Science) were terminated due to low enrollment and faculty course overloads.
- The M.A. in Health Promotions will offer its first courses in fall 2012. This program builds on a current specialization that will be discontinued once the program is implemented.
- The appropriate documents have been filed with the Higher Learning Commission and the Council for Social Work Education for the MSW in Social Work. The program is awaiting on-site visits by both accrediting bodies. Implementation is anticipated for fall 2013.
- Enrollment in the two degree programs represents a 26 percent increase over the previous year. The number of graduates in the M.Ed. program more than doubled (26 to 57).

Fairmont State University

- Fairmont State University offered five graduate programs of study during the 2011-12 academic year. The Human Services program was terminated in February 2012. Currently enrolled students will be allowed to complete the program.
- Total enrollment of degree seeking students in the five programs was 416. This represented a 5.7 percent decrease. There was a slight increase in the number of graduates (85 to 88).
- The M.Ed. program offers six specializations: 1) Digital Media, New Literacies and Learning, 2) Exercise Science, Fitness, and Wellness, 3) Professional Studies, 4) Online Learning, 5) Reading, and 6) Special Education.
- To date, the five programs have produced 519 graduates.

Shepherd University

- Shepherd University offers five graduate programs with all but one of the programs offering multiple areas of emphasis.
- Enrollment in the five programs increased by 10 percent from last year. The Master of Business Administration program again led the way with 103 students which represents 49 percent of the total graduate enrollment.
- The number of graduates increased by 85 percent (34 to 63). After showing no graduates in 2010-11, the Music Education program produced six graduates.
- To date, the five programs have produced 286 graduates.

West Liberty University

- West Liberty University offers two graduate programs: Education and Physician Assistant Studies.

- The M.A. in Education offers five areas of emphasis: 1) Advanced Teaching, 2) Leadership Studies, 3) Multi-Categorical Special Education, 4) Sports Leadership and Coaching, and 5) Technology Integration. Courses are offered primarily in a blended format with four offered totally online.
- The first class of 18 students began the M.S. in Physician Assistant Studies program in July 2012. The program anticipates the first graduates in May 2014. The program is provisionally accredited until the first class graduates. An accreditation visit is scheduled for fall 2014.
- To enhance graduate education, the institution has plans to develop an Office of Graduate Studies that will coordinate the establishment of separate graduate policies, the formation of a Graduate Council, administer Graduate Assistantships, and become the center for graduate admission processes.
- Graduate enrollment increased by 57 percent (49 to 77).

West Virginia State University

- West Virginia State University has implemented three graduate programs: Media Studies, Biotechnology, and Law Enforcement Administration. Two additional programs have been approved and are awaiting implementation (Entrepreneurship and Multicultural Instructional Leadership).
- Biotechnology had a small increase in enrollment but is already exceeding capacity in terms of funding and research mentors. Enrollment is expected to decrease to match available resources.
- Media Studies identified some program challenges including physical space and the writing competence of entering students. Some facility concerns will be eased with the departure of the community college from the Cole Complex. Writing concerns will be addressed by a new course requirement: Graduate Research and Writing.
- The Law Enforcement Administration program began in fall 2011 with four courses and an enrollment of nine students. The program utilizes a cohort model. At this time, no assistantships are offered. All students are paying full tuition. Program interest is driving the formation of a new cohort sooner than anticipated.
- Despite the addition of a new program, enrollment remained relatively flat, primarily due to the decreased enrollment in the Media Studies program (35 to 20).

Summary comments

- Overall, graduate enrollment among the five institutions continues to increase. The past year saw more than a seven percent increase (895 to 958).
- Three recently approved programs were implemented in the past year, increasing the number of program offerings from 14 to 17. The newly implemented programs were:
 - Concord University – Master of Arts in Teaching
 - West Liberty University – M.S. in Physician Assistant Studies

- West Virginia State University – M.S. in Law Enforcement Administration
- The M.A. in Health Promotions program at Concord University is scheduled for implementation in fall 2012.
- Programs in education and business account for 84 percent of the total enrollment.

**Enrollment Summary for
Concord University, Fairmont State University,
Shepherd University, West Liberty University, and West Virginia State University
Master's Degree Programs
2011-2012**

Institution	Program	Term of Implementation	Total Program Enrollment* (Degree Seeking)		Graduates*	
			2010-11	2011-12	2011-12	Total
Concord University	MEd Education	Fall 2003	163	198	57	213
	MAT Teaching	Spring 2012	---	8	---	---
	MA Health Promotions	Fall 2012	---	---	---	---
	MSW Social Work	Fall 2013	---	---	---	---
Fairmont State University	MEd Education	Fall 2003	277	271	56	328
	MAT Teaching	Spring 2005	48	44	13	66
	MS Criminal Justice	Fall 2005	30	26	3	36
	MBA Business Administration	Fall 2006	82	72	16	92
	MS Human Services <i>Note: Terminated February 2012</i>	Fall 2007	4	3	0	3
Shepherd University	MA Curriculum & Instruction	Fall 2003	32	31	9	66
	MA Student Development & Administration	Fall 2006	31	37	18	51
	MAT Teaching	Fall 2005	16	22	11	25
	MM Music Education	Fall 2005	17	16	6	13
	MBA Business Administration	Fall 2005	94	103	19	131
West Liberty University	MA Education	Fall 2008	49	59	26	53
	MS Physician Assistant Studies	Summer 2012	---	18	---	---

Institution	Program	Term of Implementation	Total Program Enrollment* (Degree Seeking)		Graduates*	
			2010-11	2011-12	2011-12	Total
West Virginia State University	MA Media Studies	Fall 2003	35	20	5	27
	MA/MS Biotechnology	Fall 2003	17	21	6	32
	MB Entrepreneurship	TBD	---	---	---	---
	MS Law Enforcement Administration	Fall 2011	---	9	---	---
	Med Multicultural Instructional Leadership	TBD	---	---	---	---
Totals			895	958	245	1,136

*Self-reported by institutions

**West Virginia Higher Education Policy Commission
Meeting of August 10, 2012**

ITEM: Final Approval of Series 20, Initial Authorization of Degree-Granting Institutions

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves Series 20, Initial Authorization of Degree Granting Institutions, as revised, for final filing with the Secretary of State.

Further Resolved, That staff is instructed to forward the legislative rule to the Legislative Oversight Commission on Education Accountability for approval and further legislative action.

STAFF MEMBER: Kathy Butler

BACKGROUND:

Series 20, Initial Authorization of Degree Granting Institutions, is the legislative rule that outlines the procedures for the Commission to approve any institution, association, agency, or organization external to or within the state that requests approval to offer programs or credit-bearing academic courses of postsecondary education in the State of West Virginia. With the passage of Senate Bill 375 during the 2011 regular legislative session and the subsequent creation of Series 52, Annual Reauthorization of Degree-Granting Institutions, Series 20 has been revised to strengthen the rule by clarifying the authority of the Commission in its review and approval of requests for authorization and clarifying areas of ambiguity throughout the document. The changes to Series 20 will help protect consumers by ensuring that they are offered quality education by post-secondary providers within West Virginia.

At the May 18, 2012 Commission meeting, the updated legislative rule, Series 20, Initial Authorization of Degree-Granting Institutions, was approved for filing with the Secretary of State for a thirty-day public comment period. Staff received comments from five sources including a private trade school, the West Virginia Independent Colleges and Universities, an online school, and two individuals. Summaries of the comments and staff responses are included on the following pages. It is recommended that the minor changes be made and the final rule be approved.

Comment: The word “specialized” in front of “associate degree” in Section 4.1.b.1 unnecessarily introduces confusion. The lines between different types of associate degrees tend to be blurry, but the difference between obtaining an associate degree and a bachelor degree is quite clear. Therefore, I suggest dropping the word “specialized.”

Response: The use of the term “specialized” associate degree is consistent with language in West Virginia Code §18B-2B-9 and West Virginia Council for Community and Technical College Education, Series 35, Correspondence, Business, Occupational, and Trade Schools. No change made.

Comment: Section 4.1.b.2 creates the requirement that institutions “typically do not pursue regional accreditation...” This introduces unnecessary confusion; therefore, this requirement should be dropped altogether.

Response: All these issues are defined in West Virginia Code §18B-2B-9 and the West Virginia Council for Community and Technical College Education’s Series 35, Correspondence, Business, Occupational, and Trade Schools, which states that “[Correspondence, business, occupational, and trade schools which] are regulated under West Virginia Code Provisions (18B-2B-9) on correspondence, business, occupational, and trade schools.” Consequently, Section 4.1.b.2 has been deleted and replaced by Section 4.1.b.3. Change made.

Comment: Section 2.1 states in part: “Authorization is required for all postsecondary providers...” and other language refers to “...programs or credit bearing academic courses of higher learning...” On its face, this language is beyond the scope of statutory authority. West Virginia Code section 18B-4-7 grants authority only for setting standards for conferring degrees.

Response: West Virginia Code §18B-4-7(c) specifically mentions that granting of baccalaureate degrees is based upon “substantial undergraduate course offerings.” Degree programs are comprised of distinct required courses. Initial authorization for institutions seeking to deliver academic programs in West Virginia must include monitoring of all academic offerings whether they lead directly to a degree or begin in their infancy as non-degree programs. Additionally, Section 2.1 goes on to define exactly what types of institutions are impacted by this rule. No change made.

Comment: A problem exists with the definition of “institution” in Section 3.10. Specifically, Section 3.10.b includes not only entities which offer degrees, but any “...other indicia of a level of educational attainment beyond the secondary school level...” There are institutions which offer postsecondary training below the degree level. I don’t believe the Commission was interested in regulating these institutions; most or all of which fall under the Council’s jurisdiction, anyway.

Response: Section 1.1 of Series 20, Initial Authorization of Degree-Granting Institutions, defines the foundation parameters for which this rule is applicable. It states: “This rule establishes the policy regarding accreditation and approval of degree-granting institution which offer degrees above the associate level.” The term “institution” was purposefully used throughout the policy and intended to be broad. The term itself does not imply regulation; however, it is used to identify sources of postsecondary education. Institutions that are exempt from specific requirements are noted throughout the document. No change made.

Comment: The definition of “degree” and “degree program” in Sections 3.7 and 3.8 are too broad.

Response: The definition of degree is the definition used by the Integrated Postsecondary Education Data System that is used nationwide to gather data from postsecondary education providers with the exception of the words “of greater duration than eleven months of full-time study.” These words were added to make a distinction between degrees and degree programs and certificate programs of less than one year. No change made.

Comment: Section 6.1 purports to give the Commission authority to authorize all “institutions.” As noted above, the definition of institution is so broad that it could include a beauty college or a dog training academy.

Response: The definition of “institution” found in Section 3.10, includes the language “...or other entity of any nature whatsoever offering education beyond the secondary level...” Section 1.1 identifies for which institutions this policy is applicable. Additionally, Section 4.1 of the policy clearly defines institutions that are exempt from the provisions of this policy. No change made.

Comment: Section 6.4 requires institutions offering degrees not above the associate degree level to register with the Council and meet its authorization criteria. This could be read along with Section 6.1 to indicate that certain institutions must be authorized by both the Commission and the Council.

Response: This rule is applicable to those institutions offering degrees above the associate level (Section 1.1). If an institution gains initial authorization through the Community and Technical College Council to offer associate degrees in West Virginia and later expands to offer baccalaureate degree programs, it would need to gain authorization for those programs through the Commission. That is the intent of the policy. All programs beyond the associate degree level are subject to approval by the Commission. No change made.

Comment: Section 6.7 says these schools shall be governed by provisions of Title 133 Series 35 Correspondence, Business, Occupational and Trade Schools administered by the Council, but they don’t specifically say those schools are exempt from the provisions of this rule.

Response: Section 6.7 restates that these schools are exempted from this rule. Additionally, Section 4.1.b specifically notes that correspondence, business, occupational and trade schools that offer nothing higher than a specialized associate degree are exempted from the provisions of this policy and are regulated by West Virginia Code §18B-2B-9. No change made.

Comment: Section 3.16 – The definition of unearned tuition does not reflect commonly recognized and accepted accounting practice. Unearned tuition is the tuition received at the beginning of any given school term. It is unearned when it is taken in, but it is earned by the end of the term. The definition in this section is merely gross tuition revenues, less refunds.

Response: Section 3.16 will be revised to read “Unearned tuition” means the portion of tuition for which the institution has not fulfilled its contractual agreement. Change made.

Comment: Sections 2.2 and 3.11 define ways that physical presence can be evidenced, not limited to only having a physical location in the state. The definition should be revised and prefaced with a statement defining physical presence as “owning, operating, or renting a physical location...” so that if an institution does not meet this definition of physical presence, they are exempt from the rule the further examples of physical presence as defined in Sections 3.11.a through 3.11.f.

Response: It is the intent of the policy to define “physical presence” in ways other than “owning, operating or renting a physical location...” If this definition is used, the Commission would relinquish supervisory authorization over many institutions which operate within West Virginia through a network of internships, paid recruiters and staff, and other creative resource use to avoid state authorization guidelines. Requiring the definition of “physical presence” as included in Series 20 provides additional consumer protection for West Virginia residents. No change made.

Comment: Section 9.1.d.4 states, “...The institution must employ at least one full-time faculty for each major.” It was suggested that the word “major” be changed to “degree program” so that the requirements is clearer.

Response: Section 9.1.d.4 will be revised to read: “...The institution must employ at least one full-time faculty member for each degree program.” Change made.

Comment: Section 9.1.d.4 states: “...The institution must employ at least one full-time faculty for each major.” It was suggested that a caveat be added that states that “The Commission, at its discretion, may waive this requirement for degree programs that do not warrant having at least one full-time faculty member due to a small enrollment size.

Response: The requirement for one full-time faculty member for each degree program is not an undue hardship; rather we believe that it will set standards for quality that are essential in curriculum approval. No change made.

Comment: Section 9.1.g.2.A requires that “An institution that offers one or more degree programs at the baccalaureate level shall ensure that at least one-third of the instructional faculty, including at least one instructional faculty member teaching in each program, shall hold a doctoral or other terminal degree.” The comment suggested that we strike the words “including at least one instructional faculty member teaching in each program.”

Response: This policy has been reviewed by both independent schools and colleges and public institutions. No concern was shared other than from one on-line school. This faculty standard represents a quality standard for program approval. No change made.

Comment: Section 9.1.g.2.B requires that “All instructional faculty teaching in a program at the master’s, first professional or doctoral level shall either hold a doctoral or other terminal degree; or qualify for a faculty appointment by virtue of scholarly or professional achievements.” The comment received suggested that “Institutions that offer 120 graduate courses shall fulfill this section’s requirements if at least 90 percent of the graduate courses are taught by faculty holding a doctoral or other terminal degree with the remaining 10 percent holding at least a master’s degree in the subject area taught.”

Response: The generally accepted standard for higher education faculty degree qualifications is that the faculty member must possess at least one degree higher than the degree program in which he teaches. An alternative is also provided in the policy to allow for expertise in the field, qualifying the faculty by virtue of exceptional experience or achievement. No change made.

Comment: A comment highlighted a typographical error in Section 6.1 of the rule.

Response: Section 6.1 of the policy should read “No institution may advertise, solicit, recruit, enroll, or operate a postsecondary education institution until it is authorized for operation in the state of West Virginia by the Commission.” Change made.

Comment: Section 9.2 makes reference to another section of the rule (Section 13) regarding reporting requirements. The reference should be made to Section 14.

Response: Section 9.2 has been revised to make reference to “...reporting requirements in Section 14 of this rule...” Change made.

SUMMARY OF CHANGES

Section 4.1.b.2 has been deleted and replaced by the current Section 4.1.b.3.

Section 3.16 will be revised to read “Unearned tuition” means the portion of tuition for which the institution has not fulfilled its contractual agreement.

Section 9.1.d.4 will be revised to read: “...The institution must employ at least one full-time faculty member for each degree program.”

Section 6.1 of the policy should read “No institution may advertise, solicit, recruit, enroll, or operate a postsecondary education institution until it is authorized for operation in the state of West Virginia by the Commission.”

Section 9.2 has been revised to make reference to “...reporting requirements in Section 14 of this rule...”

TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 20
INITIAL AUTHORIZATION OF DEGREE-GRANTING INSTITUTIONS

§133-20-1. General.

- 1.1. Scope: This rule establishes the policy regarding accreditation and approval of degree-granting institutions which offer degrees above the associate level.
- 1.2. Authority: W. Va. Code §18B-4-7
- 1.3. Filing Date: ~~March 29, 2011~~
- 1.4. Effective Date: ~~March 29, 2011~~
- 1.5. Repeal of Former Rule: Repeals and replaces Title 133, Series 20 which had an effective date of ~~March 31, 2006~~ March 29, 2011.

§133-20-2. Purpose.

- 2.1. The West Virginia Higher Education Policy Commission is responsible for the ~~approval~~ authorization of any institution, association or organization external to or within the state which desires to offer programs or credit-bearing academic courses of higher learning in the State of West Virginia. Authorization is required for all postsecondary providers including: non-profit private institutions, proprietary institutions, out-of-state public institutions, degree-granting entities that offer degrees at the baccalaureate level or above, and entities that use the term “academy,” “college,” “institution,” “university” or similar title, hereafter referred to as institution.
- 2.2. Prior to offering any course or degree program above the associate level in the state as specified in section 6 of this rule, the entity shall apply to the Commission for authorization to operate in the state. ~~The Commission shall consult with the West Virginia Council for Community and Technical College Education when an entity desires to offer associate level programs in addition to courses and programs above the associate level.~~ The provisions of this rule shall also apply to any course or programs delivered in the state by an out-of-state institution via distance education-based instruction if the institution will have a physical presence in the state.

- 2.3. This rule is designed to protect consumers and to ensure consumers are offered quality education by postsecondary education providers within the State of West Virginia.

§133-20-3. Definitions.

- 3.1. “Academic credit” means the certification of a student’s successful completion of a unit of a course of study leading to a formal award granted by an institution approved to offer a collegiate degree such as an associate, baccalaureate, masters or doctorate degree.
- 3.2. “Accreditation” means a status attained by the institution through voluntarily meeting standards set by a nongovernmental entity recognized by the U.S. Secretary of Education.
- 3.3. “Authorization” means the status attained by the institution that allows the institution to offer programs and courses within the State of West Virginia ~~for a specified time in a specified place~~. This status is granted by the Higher Education Policy Commission when the institution demonstrates compliance with the requirements for such status.
- 3.4. "Commission" means the West Virginia Higher Education Policy Commission.
- 3.5. “Council” means the West Virginia Council for Community and Technical College Education.
- 3.6. "Course" means a formally organized, structured series of instructional activities open to the general public for which a fee is charged, and for which credit toward a degree either is awarded or may reasonably be understood to be applicable to a degree with the intent of imparting information or understanding at a level appropriate to a postsecondary audience. Instruction may be in face-to-face meetings or delivered electronically or by other means.
- 3.7. "Degree" means any earned award conferred by a higher educational institution which represents satisfactory completion of the requirements of a program, or course of study, or any instruction beyond or apart from the secondary level of greater duration than eleven months of full-time study.
- 3.8. "Degree program" means a curriculum or course of study of greater duration than eleven months of full-time study in a discipline or field that leads to a degree.
- 3.9. "Distance education" means the delivery of any course or degree programs

by synchronous or asynchronous technology. Asynchronous or synchronous technology via distance delivery includes all forms of internet, electronic, digital, online, video, and any other technology driven delivery system.

3.10. "Institution of ~~higher education~~" means any person, firm, corporation, association, agency, institute, trust or other entity of any nature whatsoever offering education beyond the secondary level which:

3.10.a. offers courses or programs of study or instruction which lead to or which may reasonably be understood to be applicable toward ~~an associate~~, a baccalaureate, masters, doctorate, or other specialized certification/degree designation above the baccalaureate level; or

3.10.b. operates a facility as a college or university or other entity which offers degrees or other indicia of a level of educational attainment beyond the secondary school level; or

3.10.c. uses the term "college" or "university," or words of like meaning, in its name or in any manner in connection with its academic affairs or business.

3.11. ~~"Physical presence" means an institution, wherever domiciled or having its principal place of business, employs in West Virginia any person or persons for the purpose of administering, coordinating, teaching, training, tutoring, counseling, advising, recruiting, or any other activity on behalf of the sponsoring organization. Such activity would include advertising, promotional material, or public solicitation in any form that targets West Virginia residents through distribution or advertising in the state. In addition, the institution has physical presence in West Virginia if it delivers, or plans to deliver, instruction in West Virginia, and receives assistance from any other organization within the state in delivering the instruction, such as, but not limited to, a cable television company or a television broadcast station that carries instruction sponsored by the institution.~~ actual presence in the state, online or on-site, for the purpose of conducting activity related to: a postsecondary educational institution; educational service; dissemination of educational credentials; enrollment, solicitation or advertising. Physical presence as further outlined for purposes of authorization shall include but not be limited to:

3.11.a. An instructional site within the state.

3.11.b. Dissemination of an educational credential from a location within the state.

3.11.c. An agent, whether compensated or not, who is utilized for the

purpose of administering, coordinating, teaching, training, tutoring, counseling, advising, recruiting, or any other activity on behalf of the sponsoring institution.

3.11.d. Advertising, promotional material or public solicitation in any form that targets West Virginia residents through distribution or advertising in the state.

3.11.e. Instructional delivery that receives assistance from any other organization within the state in that delivery.

3.11.f. Clinical experiences, internships, or other similar curricular requirement.

Activities exempt from this definition include: online instructors residing in West Virginia but having no direct, in-person contact with students and individuals participating in college fairs coordinated by the Commission and local school districts.

3.12. “Preliminary status” means six-month period of time that an institution is granted by the Commission to satisfactorily complete preliminary information as required by the regional or other appropriate, acceptable, accrediting association, ~~and~~ During this time period, the institution shall not accept students, offer instruction, award credits toward a degree, or award a degree until granted further authorization by the Commission.

~~3.13. “Private college or university” means an institution which is “doing business or maintaining a place of business in the State of West Virginia” which offers courses of instruction or study wherein credits may be earned toward a degree in a field of endeavor. A publicly supported college or university in another state will be treated as a “private college or university” and will be authorized to offer courses of instruction toward a degree, degree credits, or degrees if it qualifies under the criteria for such institutions. An institution that employs an agent or representative in West Virginia and delivers instruction by any means within the state shall be regarded as a private college or university and shall be authorized on the same basis as any other such institution.~~

3.14~~3~~. “Probationary status” means that an institution has been authorized by the Commission to enroll students, offer instruction, graduate students and award degrees under the condition that the institution is continuously seeking and making satisfactory progress toward acquiring full accreditation and full state authorization.

3.15~~4~~. “Proprietary institution” means a postsecondary institution that is operated for profit; a private, limited liability company or other entity that conducts

~~business within the state and is investor owned and/or organized for profit.~~
“Reauthorization” is the process by which an institution annually renews its status as an institution authorized to offer programs and courses for West Virginia residents. This status is granted by the Higher Education Policy Commission when the institution demonstrates compliance with the requirements for such status.

- 3.165. “Religious, theological, or faith-based institution” means a postsecondary institution that offers no degree programs other than those specifically related to the institution’s doctrine. Institutions that offer general degree programs cannot be exempted by this rule as religious, theological, or faith-based.
- 3.176. “Unearned tuition” means ~~the anticipated amount of tuition revenue that will be generated within a one-year time frame of the institution’s authorized operation in West Virginia~~ the portion of tuition paid for which the institution has not fulfilled its contractual agreement.

§133-20-4. Exemptions.

- 4.1. Institutions that clearly qualify as exemptions under this rule and after Commission staff review shall be considered exempt from authorization. Institutional exemption is subject to annual review and/or revocation any time the activity deviates from the original determination factors for exemption. The following institutions shall be exempt from the provisions of this rule:
- 4.1.a. Any existing institutions of higher education approved to operate in West Virginia prior to ~~March 29, 2011~~ the effective date of this rule. Should any such institution, as the result of a change of ownership, or operational status from a non-profit to a for-profit institution, be required to modify its accreditation status from the Higher Learning Commission of the North Central Association, such institution must secure approval for the change(s) from the Higher Education Policy Commission.
- 4.1.b. Correspondence, business, occupational and trade schools which
- 4.1.b.1. offer nothing higher than a specialized associate degree,
- 4.1.b.2. ~~typically do not pursue regional accreditation, and~~
- 4.1.b.3. are regulated under West Virginia Code provisions (18B-2B-9) on correspondence, business, occupational and trade schools.

4.1.c. Out-of-state institutions:

- 4.1.c.1. offering courses through brokering or other collaborative arrangements with a West Virginia public institution of higher education and which support programmatic offerings of the state institution;
- 4.1.c.2. offering a short course or seminar in which the instruction for the segment takes no more than twenty classroom hours, ~~or~~ and is not for college credit, or
- 4.1.c.3. offering courses or programs on a military installation solely for military personnel or civilians employed on such installation.

4.1.d. Non-Degree granting institutions whose programs are designed primarily for job entry or upgrading of skills and are described in clock (contact) hours. These programs typically prepare individuals for employment and do not require courses beyond those specific to the job or its field with program length sufficient to effect outcomes.

4.2. Each institution of higher education which claims to be exempt under the provisions of this section must file with the Commission such information as may be required by the Commission to determine whether the institution is exempt. The written request for an exemption must be received by the Commission at least thirty (30) days prior to the proposed initiation date of a course of instruction. ~~If the Commission determines that any institution is not exempt from the provisions of this rule, it shall notify the institution in writing with the reasons for the determination.~~ The Commission shall notify the institution in writing indicating whether or not the institution is exempt.

§133-20-5. Institutional Titles.

- 5.1. An institution shall use within the state a title appropriate to the program and degree it offers in the state.
- 5.2. No person, firm, association, institution, trust corporation or other entity shall use in any manner within West Virginia the term "college" or "university" or any abbreviation thereof, or any words or terms tending to designate it as, or create the impression that it is an institution of higher education, unless it shall have obtained the appropriate ~~approval~~ authorization as provided in this rule.
- 5.3. This section shall not apply to any ~~entity~~ institution which used the term

"college" or "university" prior to ~~March 29, 2011~~ the effective date of this rule.

- 5.4. This section shall not apply to individual proprietorships, associations, co-partnerships or corporations which use the words "college" or "university" in their training programs solely for their employees or customers, which do not offer degree ~~granting~~ programs, and whose name includes the word "college" or "university" in a context from which it clearly appears that such entity is not an educational institution.

§133-20-6. Authorization to Operate.

- 6.1. No ~~entity~~ institution may advertise, solicit, recruit, enroll, or operate a postsecondary education institution until it is authorized for operation in the State of West Virginia by the ~~Higher Education Policy~~ Commission.
- 6.2. An institution locating in West Virginia must register with the Secretary of State's office prior to making any application to the Commission for authorization.
- 6.3. All ~~private colleges and universities, private proprietary schools~~ institutions and religious, theological, or faith-based colleges offering any degree above the associate level, as specified in section 7.4 of this rule, shall register with the Commission, shall meet the authorization criteria, and shall be granted authorization prior to offering any program of instruction, credit, or degree; opening a place of business; soliciting students or enrollees; or offering educational support services.
- 6.4. All ~~private colleges and private proprietary schools~~ institutions, with the exception of correspondence, business, occupational, and trade schools as defined in Series 35, *Correspondence, Business, Occupational and Trade Schools*, of the Council for Community and Technical College Education, offering degrees not above the associate level shall register with the Council, shall meet the authorization criteria, and shall be granted authorization prior to offering any program of instruction, credit, or degree; opening a place of business; soliciting students or enrollees; or offering educational support services.
- 6.5. ~~Private colleges and universities and private proprietary schools~~ All institutions offering degrees above the associate level shall register with the Commission, shall meet the authorization criteria, and shall be granted authorization prior to offering any program of instruction, credit, or degree; opening a place of business; soliciting students or enrollees; or offering educational support services. Granting of authorization of such institution is the responsibility of the Higher Education Policy Commission.

- 6.6. Authorization of ~~private colleges and universities and private proprietary schools~~ institutions offering associate degrees is the responsibility of the West Virginia Council for Community and Technical College Education.
- 6.7. ~~Private colleges or universities~~ Institutions and religious, theological, or faith-based colleges shall be authorized under the provisions of this rule. ~~Private proprietary schools~~ Institutions, such as correspondence, business, occupational, and trade schools, exempted under the provisions of section 4 of this rule shall be governed by the provisions of Title 135, Series 35, *Correspondence, Business, Occupational and Trade Schools*, administered by the Council.
- 6.8. Institutions which are formed, chartered, or established outside West Virginia and have been fully accredited by a regional accrediting association or by another accrediting body recognized by the U.S. Department of Education and which seek to offer courses and/or academic degree programs within West Virginia shall be authorized by the Commission to offer programs and courses within West Virginia under provisions of section 7.3 of this rule.
- 6.9. Newly established institutions located in West Virginia and those seeking accreditation by a regional accrediting association and/or by another accrediting body recognized by the U.S. Department of Education, may not offer courses or degree programs without Commission authorization to locate, relocate or establish a branch campus in West Virginia. The institution must seek Commission authorization to offer courses and/or academic programs within West Virginia per the provisions of section 7.2 of this rule.
- 6.10. Institutions wishing to exceed or change their approved programmatic mission must receive approval from the Commission to offer each program that exceeds the level of academic degrees that the institution is authorized to grant. Documentation must be submitted that specifies the scope of the proposed change, including long-range plans for new degree programs and programs that exceed the level of academic degrees currently authorized for the institution. Requests to exceed an institution's programmatic mission shall be evaluated based on the following criteria: objectives of proposed program; relationship of program to statewide mission and plan; demonstration of need; effect of new program on existing programs at other institutions; resource availability; qualified faculty and administrators; library holdings and support; facilities and equipment; and, evidence of strength to offer the proposed program.
- 6.11. ~~Authorization is limited to those institutions that deliver instruction in West Virginia and have a physical presence in West Virginia.~~ An out-of-

state institution that seeks to offer online courses and programs in West Virginia and determined to have physical presence in West Virginia is subject to the provisions of section 8 of this rule.

- 6.12. Before an institution of higher education can be authorized by the Commission to operate within the State of West Virginia, a surety bond must be provided by the institution. The obligation of the bond will be that the institution, its officers, agents and employees will faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between the institution and persons enrolling as students. The bond shall be issued by a company authorized to do business in the state. The bond shall be to the Commission in such form as approved by the Commission and is to be used only for payment of a refund of tuition and other instructional fees due a student or potential student. The amount of the bond shall be \$100,000 and shall be renewed annually. The Commission, if it deems appropriate, may reduce the amount of the bond if an institution has less unearned tuition than \$100,000, but in no event shall be less than \$20,000.
- 6.13. If instruction is to be delivered at a physical location within the State of West Virginia, the applicant institutions must secure, from appropriate local agencies, documentation that fire and sanitation codes are met by the proposed instructional facilities. If such inspections are unavailable, the institution must present a copy of a recent letter from the local inspection agency indicating that such inspections are unavailable. Additionally, instructional delivery sites must be compliant with Americans with Disabilities Act guidelines.
- 6.14. Institutions seeking West Virginia authorization may withdraw from the authorization process at any time upon written notification to the ~~Director~~ Vice Chancellor for Academic Affairs of the Higher Education Policy Commission.

§133-20-7. Procedures for Granting of Authorization.

- 7.1. Process for securing authorization

An institution which is interested in gaining authorization to operate within the State of West Virginia must follow the prescribed procedures outlined in this rule to be considered for the requested authorization. No ~~private college or university or proprietary~~ institution shall operate until it meets the essential conditions established by the Commission and defined in this rule. Institutional accreditation must be documented or its potential for accreditation established and accepted by the Commission. Institutions authorized to operate pending full accreditation shall pursue full accreditation continuously and shall make reasonable and timely progress

toward accreditation in order to retain authorization.

When a change in ownership occurs with an ~~an private or proprietary~~ institution, the Commission shall reassess the institution's authorization status within six (6) months of the notification of the change in ownership.

7.2. Newly established institutions in West Virginia and those seeking accreditation

Newly established institutions in West Virginia and those seeking accreditation by a regional accrediting association and/or by another accrediting body must seek Commission authorization to offer courses and/or academic programs within West Virginia.

Following is a description of the steps in the authorization process:

7.2.a. It is the responsibility of the applying institution to contact the Secretary of State's office to determine if registration is required within the state.

7.2.b. A preliminary conference shall be held between the Chief Executive Officer or designee of the institution seeking authorization to operate a degree-granting institution in the State of West Virginia and the ~~Director of~~ Vice Chancellor for Academic Affairs of the Higher Education Policy Commission or designee. The agenda shall include a discussion of criteria to be met by the institution and procedures used in applying for requested authorization.

7.2.c. Following the preliminary conference, the institution shall submit a self-study report including all requested documents and materials related to authorization, including those which address the essential conditions in section 8 of this rule as may be requested. An initial application fee of \$6,000 must accompany the submission of documentation for those institutions seeking authorization. The Commission may adjust all fees charged as deemed necessary.

7.2.d. Upon receipt of the completed self-study report and all documentation, the Commission staff shall organize a compliance review committee to visit the site(s) of the institution seeking state authorization. At the discretion of the Commission staff, the compliance visit may take place at the Commission office or other appropriate locations. The principal task of the committee will be to verify that the institution complies with the Commission's standards for preliminary authorization and to report its findings to

the Commission.

The compliance review committee shall be composed of:

- 7.2.d.1. Persons who are qualified by academic training or professional experience to verify the institution's compliance with Commission standards for approval.
- 7.2.d.2. Members of the Commission staff. The ~~Director of~~ Vice Chancellor for Academic Affairs or designee shall serve as chair of the committee.

The visit will be scheduled at a time which is mutually convenient to the institution and the Commission. The institution shall pay the reasonable expenses associated with the compliance review visit.

- 7.2.e. Following the site visit and review of submitted documentation, the compliance review committee will prepare an analysis of the findings and develop a recommendation for the Commission regarding the institutional application. Only those institutions whose proposed offerings meet state standards of quality will be recommended for authorization. The report will contain:

- 7.2.e.1. a report by the compliance review committee; and

- 7.2.e.2. a recommendation by the compliance review committee for action by the Commission regarding granting preliminary authorization as provided for in section 7.2.h of this rule.

- 7.2.f. A draft of a staff report prepared in accordance with this section will be provided to the institution for correction of factual errors and comment. The institution may provide the Commission a response to the report within ten (10) working days of receipt of the report. The institutional comments will be included with the compliance review committee report presented to the Commission.

- 7.2.g. An out-of-state institution seeking to establish a campus in West Virginia that holds appropriate accreditation as determined by the Commission and that meets the essential conditions as provided in section 89 of this rule may be granted full authorization by the Commission.

- 7.2.h. Upon receipt and review of the compliance review committee recommendation, the Commission will consider the institution for Preliminary State Authorization effective for a period of time up to six (6) months. Within that period of time the institution shall

satisfactorily complete preliminary information as required by the regional and/or other appropriate accrediting association, and shall not accept students, offer instruction, award credits toward a degree, or award a degree until granted further authorization by the Commission.

- 7.2.i. If the institution does not hold accreditation, the Commission staff shall request submission of information verifying its accreditation status and/or evidence of "reasonable and timely progress" toward accreditation. Reasonable and timely progress toward accreditation is understood to be a status with the regional accrediting association or an acceptable alternative accrediting association recognized by the U.S. Department of Education (recognition shall be documented) that indicates that the institution has been determined to hold the potential for accreditation and is actively pursuing accreditation within the timetable established by the regional accrediting association (unless an alternative timetable has been presented to and accepted by the Commission).
- 7.2.j. Once the institution has been accepted for consideration for candidacy by the regional accrediting organization and/or other appropriate accrediting association and has submitted evidence to this fact to the Commission, the institution shall be placed on Probationary Authorization status. The institution shall remain on Probationary status no longer than six (6) years.
- 7.2.k. If at the discretion of the Commission, satisfactory evidence is not received within six (6) months of the granting date of Preliminary Authorization status, that authorization ~~is revoked~~ may be suspended or revoked.
- 7.2.l. An institution holding Probationary status shall undertake the accreditation process immediately and shall comply with the accreditation requirements and procedures to achieve full institutional accreditation.
- 7.2.m. Failure to pursue accreditation continuously, as provided in this rule, shall result in loss of state authorization.
- 7.2.n. Each institution with Probationary State Authorization status shall submit an annual report in a format determined by Commission staff. The annual report should include the following:
 - 7.2.n.1. any changes or additions to information previously submitted as part of the basis for Preliminary State Authorization;

- 7.2.n.2. copy of current catalog with major changes cited;
- 7.2.n.3. the latest financial statement from the most recent institutional fiscal year;
- 7.2.n.4. an enrollment report from the most recent academic year;
- 7.2.n.5. a list of all institutional personnel including staff, instructors and agents;
- 7.2.n.6. summary data on student state and federal financial aid;
- 7.2.n.7. data on student retention;
- 7.2.n.8. program completion data, as applicable;
- 7.2.n.9. status of progress toward receiving full accreditation status from accrediting agency; and
- 7.2.n.10. such other information or clarification deemed necessary by Commission staff for determination of authorization recommendation.

A nonrefundable fee of \$500 shall accompany the submission of the annual report while the institution is maintaining Probationary State Authorization status. The Commission may adjust all fees charged as deemed necessary.

- 7.2.o. Following the on-site accreditation visit and action by the Higher Learning Commission of the North Central Association of Colleges and Schools and/or other appropriate accrediting association, the institution shall immediately notify the Commission which will then assign the institution an authorization status from among the following:
 - 7.2.o.1. Fully authorized, as a result of the decision by the accrediting association to accredit the institution, and having demonstrated compliance with the Essential Conditions.
 - 7.2.o.2. Continuation of Probationary State Authorization. An institution that holds candidacy for accreditation shall submit annual reports to the Commission documenting its progress toward the achievement of accreditation consistent with policy of appropriate accreditation

associations. Continuation of this status shall not extend beyond six (6) years.

7.2.o.3. Not authorized as a result of denial of accreditation by the accrediting association.

7.2.o.4. Continuation of Probationary State Authorization status pending an appeal of denial of accreditation by the Higher Learning Commission of the North Central Association. Continuation on these grounds shall only be granted upon showing good cause to the Commission. An institution's final authorization status will be based upon the action taken by the accrediting association.

7.3. Accredited, out-of-state institutions seeking to locate in West Virginia

Any higher education institution having its principal place of operation outside West Virginia which holds regional or other appropriate accreditation and which desires to offer courses and/or degree programs at a physical location within West Virginia must be authorized by the Commission.

Following is a description of the steps in the authorization process:

7.3.a. It is the responsibility of the applying institution to contact the Secretary of State's office to determine if registration is required within the state.

7.3.b. The institution must submit an application for approval to the Commission for each course or degree program to be offered at the site. The application should include written unconditional assurance that:

7.3.b.1. Each course or program of study proposed to be offered in West Virginia has been approved by the governing board of the institution, and if applicable, by the appropriate state agency in the state where the main campus of the institution is located.

7.3.b.2. The institution has been approved as necessary by the appropriate agency, if any, in the state where the main campus of the institution is located.

7.3.b.3. The institution offers degree programs at the level for which credit is proposed to be awarded in those programs in West Virginia.

- 7.3.b.4. ~~The accredited~~ out-of-state institution is authorized by its appropriate accrediting body to offers degree programs outside the state where the main campus is located.
- 7.3.b.5. Any credit earned in West Virginia can be transferred to the institution's principal location outside West Virginia as part of an existing degree program offered by the institution.
- 7.3.b.6. The institution offers the same program at the same level at its principal location outside West Virginia that it seeks to offer at a physical location in West Virginia.
- 7.3.b.7. The institution presents data that projects market demand and availability of openings in the job market to be served by the new program for which the institution is seeking authorization to offer in West Virginia.
- 7.3.c. In making its determination, the Commission will consider whether the proposed degree programs or courses duplicate existing offerings of other institutions of higher education at the locations for which approval is requested.
- 7.3.d. Authorization for degree programs may be for a period of up to four years at a specified location with an application for renewal of the authorization required to be filed with the Commission at least ninety days prior to the expiration of the authorization.

Authorization for courses may be granted for a period of one year at a specified location with an application for renewal of the authorization required to be filed annually with the Commission at least ninety (90) days prior to the expiration of the authorization.
- 7.3.e. Accredited, out-of-state institutions authorized to deliver programs and/or courses for a specified period of time are not subject to the annual reauthorization provision of section 12 of this rule.
- 7.3.ef. The Commission may waive any or all of the reporting requirements for institutions that are delineated in section ~~8~~ 9 of this rule.
- 7.3.fg. Any out-of-state or private accredited institution that is granted authorization shall receive written notification of acceptable status and will be assessed on initial authorization fee not to exceed \$500.

7.4. Religious, theological or faith-based institutions

To qualify as a religious, theological, or faith-based college, an institution must qualify both as an institution ~~of higher education~~ as defined in section 3 of this rule and as a religious institution based on meeting each of the following criteria:

- 7.4.a. Be a non-profit institution owned, controlled, and operated and maintained by a bona fide church or religious denomination, lawfully operating as a non-profit religious corporation.
- 7.4.b. Limit the educational program to the principles of that church or denomination, and the diploma or degree is limited to evidence of completion of that education.
- 7.4.c. Only grant degrees or diplomas in areas of study that contain on their face, in the written description of the title of the degree or diploma being conferred, a reference to the theological or religious aspect of the degree's subject area.
- 7.4.d. Not market, offer, or grant degrees or diplomas which are represented as being linked to a church or denomination, but which, in reality, are degrees in secular areas of study.
- 7.4.e. Have obtained exemption from property taxation under state law and shall have submitted a copy of the certificate of this exemption to the Commission.
- 7.4.f. Additional evidence may be provided by an institution seeking to substantiate that the institution is a religious institution including:
 - 7.4.f.1. Evidence that the institution holds at least pre-accreditation status with a nationally recognized accrediting associations.
 - 7.4.f.2. A statement of institutional mission clearly establishing the mission of the institution as solely religious, and curricula and degree, diploma, or certification programs that clearly support that mission singularly.
 - 7.4.f.3. Other appropriate, substantial, evidence of qualification for state authorization as a religious, theological, or faith-based college.
- 7.4.g. An institution shall not be eligible for authorization as a religious,

theological, or faith-based college if it offers degrees appropriate only for academic institutions, such as, but not limited to, Bachelor of Arts or Bachelor of Science, Master of Arts or Master of Science, Doctor of Philosophy, or other degrees typically offered by academic institutions, regardless of curriculum or course content, unless the degree title includes the religious field of study (e.g., "Bachelor of Arts in Religious Studies"). Institutions authorized as religious, theological, or faith-based colleges also shall not offer degrees associated with specific professional fields or endeavors not clearly and directly related to religious studies or occupations. Examples of such degree titles are Bachelor of Business Administration or Master of Business Administration; Bachelor of Education, Master of Education or Doctor of Education; and Doctor of Psychology.

- 7.4.h. An authorized religious, theological, or faith-based college, its educational programs, its degrees and diplomas, and its honorary degrees, have no state approval or recognition status whatsoever. An institution operating under this authorization shall not state or imply by any means whatsoever that there exists any endorsement by the state or by any agency or agent of the state of the education, documents awarded by the institution, or the institution itself, other than the institution's authorization to operate.
- 7.4.i. An institution authorized as a religious, theological, or faith-based college is not subject to the annual reauthorization provisions of this rule.

§133-20-8. Authorization Procedures for Out-of-State Institutions with Physical Presence in West Virginia.

- 8.1. An out-of-state institution with physical presence in West Virginia, as defined in section 3, but no physical location within the state, must abide by the following procedures for initial authorization:
 - 8.1.a. Submit appropriate documentation to discern if physical presence is triggered as defined in section 3 of this rule.
 - 8.1.b. Submit documentation of appropriate accreditation.
 - 8.1.c. If Commission staff determines that the institution's activities constitute physical presence, the institution shall submit an initial application fee of \$500.
 - 8.1.d. The Commission staff may, at its discretion, adjust or waive the application fee.

- 8.2. The Commission staff, at its discretion, may request additional information from the institution to ascertain whether it meets the essential conditions provided in section 9 of this rule in the determination of the conferral of initial authorization.
- 8.3. Once initial authorization is conferred by the Commission, authorization for West Virginia physical presence may be for a period of up to four years with an application for renewal of the authorization required to be filed with the Commission at least ninety days prior to the expiration of the authorization.
- 8.4. Any accredited institution seeking to retain authorized physical presence in West Virginia, will be assessed a reauthorization fee not to exceed \$500.
- 8.5. Institutions authorized under this section are not subject to the reauthorization provisions of section 14 of this rule.

§133-20-89. Criteria For Authorization Essential Conditions.

- 89.1. Essential Conditions. An institution seeking authorization to operate in West Virginia must meet the following essential conditions established by the Commission. To apply for Preliminary State Authorization the institution must provide to the Commission full documentation that demonstrates fulfillment of the essential conditions including evidence of a critical and compelling regional or statewide need or demand for the specific academic degree programs(s) in the state.

89.1.a. Familiarity with accreditation and state authorization policies and procedures

The institution shall provide evidence that it is familiar with and understands accreditation procedures of the Higher Learning Commission of the North Central Association and/or other appropriate body and state authorization policies and procedures. The statement should indicate perceived strengths and weaknesses with respect to accreditation criteria and assess the capabilities of the institution in achieving accreditation status. It shall state the name of the accrediting association(s) from which accreditation will be sought. If the institution has secured full accreditation status, a copy of the final accreditation report shall be submitted to the Commission.

89.1.b. Statement of mission

A statement of mission shall have been developed, formally adopted by the institution's governing body and made public, which defines the basic character of the institution, including a brief description of the educational programs to be offered and their purposes, the students for which the programs are intended, the geographical area served by the institution (or the particular constituency it serves), and a description of how the institution will fit within the broader higher education community. The mission shall be appropriate to an institution of higher education and the institution must plan to award degrees.

89.1.c. Institutional organization, administration, and delivery sites

89.1.c.1. A governing board that possesses and exercises necessary legal power to establish and review basic policies that govern the institution shall have been formally established. The board shall include among its members some who represent the public interest and are sufficiently autonomous from the administration and ownership to assure the integrity of the institution. The Commission shall be provided a list of the members of the board with a brief resume of each.

89.1.c.2. An executive officer shall be designated by the governing board to provide administrative leadership for the institution. This officer's name, title, current vita and the address of the administrative office, shall be provided to the Commission.

89.1.c.3. If faculty members are employed at the time the application is filed with the Commission, the faculty members' names, their academic credentials (degrees, previous experience, etc.), and teaching fields shall be identified. If no faculty members have been employed, the institution shall describe the qualifications of the faculty that is to be recruited and the procedures that will be used to find and contract with faculty members.

89.1.c.4. The method of program delivery and/or physical location of course delivery shall be defined. If a program is designed for online delivery, it shall meet best practice guidelines for distance education delivery as outlined by the regional accrediting agency. If the program is designed for traditional classroom delivery, the proposed physical location shall be identified.

89.1.c.5. To assure that instructional delivery sites meet applicable

state standards for health and safety, institutions must secure a certificate of occupancy and recent fire inspection report from the State Fire Marshal's office for each instructional delivery site. These requirements are not applicable if delivery is in a public building that already has regular health, safety, and fire inspections upon receipt of last approved inspection. If the nature of the building is changed, additional inspections will be required.

89.1.c.6. Instructional delivery sites must be compliant with Americans with Disabilities Act guidelines.

89.1.d. Degrees and academic programs

89.1.d.1. A degree shall be awarded upon successful completion of an educational program. The institution shall provide a list of the degrees it proposes to award.

89.1.d.2. The planned educational programs shall be compatible with the proposed institutional mission. The relationship shall be described in documents provided to the Commission.

89.1.d.3. The academic program proposed for offering shall be appropriately named and be based on fields of study recognized as appropriate for a postsecondary institution. Evidence shall be provided to the Commission that the fields of study upon which the academic programs are to be based are, in fact, so recognized. Such recognition, for example, could be demonstrated by the existence of professional literature in the field; the offering of similar programs in already-accredited institutions, generally; and by the existence of professional organizations related to the field.

89.1.d.4. The content and length of the proposed academic program shall follow practices common to institutions of higher education. The commonly accepted minimum program length is: 60 semester credits for associate's degrees, 120 semester credits for bachelor's degrees, 30 semester credits beyond the bachelor's degree for master's degrees, 30 semester credits beyond the master's degree for doctorates.

Academic credit shall be awarded upon completion of

each unit of the course of study, leading to a formal award granted by the institution.

Documentation shall be provided to the Commission that lists requirements for each degree program including representative course syllabi specifying goals and requirements, course content, methods of evaluation, and bibliography.

The student-teacher ratio shall be reasonable at all times in keeping with generally accepted teaching modes for the subject matter. The institution must employ at least one full-time faculty for each ~~major~~ degree program.

- 89.1.d.5. Any proposed undergraduate degree program shall include a coherent general education component that is consistent with the institution's mission and appropriate to its educational programs. The undergraduate general education component shall be documented.

General education is defined as follows:

General Education is "general" in several clearly identifiable ways: it is not directly related to a student's formal technical, vocational or professional preparation; it is a part of every student's course of study, regardless of his or her area of emphasis; and it is intended to impart common knowledge, intellectual concepts, and attitudes that every educated person should possess.

The minimum requirement for general education for all undergraduate programs delivered through the traditional distributed curricula is 15 semester credits for technical associate's degrees, 24 for transfer associate's degrees, and 30 for bachelor's degrees. If the general education component is delivered through integrated, embedded, interdisciplinary, or other accepted models, institutions must demonstrate that the program meets minimum requirements equivalent to the distributed model.

- 89.1.d.6. Student access to all necessary learning resources and support services shall be provided. Necessary resources and support services vary by type of program, but all require some use of library resources. Laboratories may be required for some programs. Support services such as academic advising, financial aid counseling, and support for special, targeted, constituencies may be needed. The

institution shall describe the learning resources and support services that it will provide and state how they will be provided to students on a regular, dependable basis.

89.1.d.7. Distance learning instruction, when offered, should be considered part of the total program and be judged by criteria as used for sessions and courses offered by the institution in the regular academic year. Documentation shall be provided to the Commission that shows that academic standards for all programs or courses offered electronically are the same as those for other courses delivered at the institution. Additionally, any programs that are offered primarily through asynchronous or synchronous technology shall meet the standards of good practice for distance education delivery as outlined by the regional accrediting agency.

89.1.e. Admission policies

Admission policies shall be consistent with the institution's mission and appropriate to the educational program. The Commission shall be provided with a copy of the institution's admission policies, policies regarding tuition and fees assessment, and refund policies. The policies shall define the minimum requirements for eligibility for admission to the institution and for acceptance at the specific degree level or into all specific degree programs. These policies and related publications shall provide a true and accurate representation of the institution and its programs when recruiting students.

89.1.e.1. Degree program admission policies must be at least the following:

89.1.e.1.A. baccalaureate degrees must require a high school diploma or equivalency, and

89.1.e.1.B. graduate degrees must require at least a baccalaureate degree from an institution judged to be appropriate by the Commission.

89.1.e.2. These policies and related publications shall provide a true and accurate representation of the institution and its programs when recruiting students.

89.1.f. Financial resources

The institution shall have financial resources adequate to support start-up activities and sources of funds sufficient to ensure that the institution can sustain itself once students have been admitted. An institution shall continuously ascertain its financial requirements, determine its sources of revenue, plan for current and future needs, and budget its resources accordingly. The Commission shall be provided with:

- 89.1.f.1. A current financial statement compiled or audited by an independent certified public accountant. If the financial statement is unaudited or internally generated, a copy of the most recent income tax return must also be submitted;
- 89.1.f.2. A budget listing all sources of income and all Educational and General (E&G) expenditures and specifying the dollar amounts and percentages for each component of the budget for the preceding three fiscal years (including the current year). A projection of expenditures and revenues for the upcoming year should be included.
- 89.1.f.3. The institution shall demonstrate that it has the financial resources and planning sufficient to realize its mission over an extended period of time. It shall demonstrate that it has adequate financial resources to meet the following: facility maintenance and overhead; staff and faculty payroll; books, supplies, and/or equipment utilized by students; and general operating costs including printing and advertising.

89.1.g. Faculty credentials

- 89.1.g.1. The institution shall ensure that each full-time, part-time or adjunct instructional faculty member holds appropriate academic credentials in the program area or discipline in which the faculty member teaches. Each instructional faculty member shall either: (1) possess one or more degrees in an appropriate discipline; or (2) as an alternative to formal academic credentials, demonstrate competence by virtue of prior experience or academic training, or both, which are related to the field in which the instruction will be offered.
- 89.1.g.2. The institution shall ensure that each full-time, part-time or adjunct instructional faculty member holds academic

credentials appropriate to the degree level of the programs or programs in which the faculty member teaches.

89.1.g.2.A. An institution that offers one or more degree programs at the baccalaureate level shall ensure that at least one-third of the instructional faculty, including at least one instructional faculty member teaching in each program, shall hold a doctoral or other terminal degree. All other instructional faculty members who teach in programs at the baccalaureate level shall either:

- Hold a master's degree; or
- Qualify for a faculty appointment by virtue of scholarly or professional achievements.

89.1.g.2.B. All instructional faculty teaching in a program at the master's, first professional or doctoral level shall either:

- Hold a doctoral or other terminal degree; or
- Qualify for a faculty appointment by virtue of scholarly or professional achievements.

89.1.g.3. An institution must employ faculty members whose highest earned degree presented as the credential qualifying the faculty member to teach at the institution is from an institution accredited by an accrediting body recognized by the U.S. Department of Education. Exceptions may be made only with the prior consent of the Commission.

89.1.h. Evaluation and assessment

The institution must have a clearly defined process by which the curriculum is established, reviewed, and evaluated. The institution must provide for appropriate and regular evaluation of the institution and its program and course effectiveness including assessment of student learning, retention, graduation rates and student, graduate, faculty and employer satisfaction. The results must be used to ensure and improve quality of instruction.

89.1.i. Tuition policies

89.1.i.1. A tuition policy shall be developed that provides:

89.1.i.1.A. The total tuition for any specific program shall be the same for all persons enrolled at the same time;

89.1.i.1.B. Tuition charges for programs shall be justifiable, effective on specific dates and applicable to all who enroll thereafter;

89.1.i.1.C. All extra charges and costs shall be revealed to the prospective student before he or she is enrolled;

89.1.i.1.D. The true and accurate costs of courses and program completion must be published and made readily available to all prospective and current students.

89.1.i.2. Institutions that the U.S. Department of Education has approved for eligibility for federal student financial aid must comply with the federal regulations governing institutional refunds. An institution must develop criteria for refunds of tuition and fees and make them available to all students.

9.1.i.3. For institutions not participating in federal Title IV financial aid, criteria for refunds of tuition and fees must be developed and made available to all students and prospective students.

89.1.j. Financial aid

A policy shall have been developed that provides prospective students and applicants with basic opportunities for student financial aid. This information shall include but not be limited to: (1) types of federal, state, local, private and institutional aid offered to students at the institution; (2) description of the financial aid application process and the method for determining student eligibility for aid; (3) methods and schedules used to determine and disburse financial aid to students; and (4) statement of the rights and responsibilities of financial aid recipients. A copy of the policy must be attached to Commission submission materials. Information related to student responsibility for repayment of loans and other financial aid must be readily available to students.

Consequences relevant to non-payment and delinquent or default repayment of loans must be published and readily available to students.

89.1.k. Library resources

The institution shall maintain or ensure via current and formal written agreements with other libraries or from other resources that students have adequate access to a library with a collection, staff, services, equipment and facilities that are adequate and appropriate for the purpose and enrollment of the institution. Institutions offering graduate work shall provide library resources that include basic reference and bibliographic works in each field where work is offered and the major journal and serial sets for maintaining currency in each discipline. Utilization of electronic data collections should also be addressed. The institution shall provide clear and concise methods for on-campus and/or remote access of library electronic media resources and there shall be communication to students in a matter to minimize barriers to usage.

89.1.l. Institutional and student records

89.1.l.1. The institution shall maintain accurate records on all enrolled students. These records minimally shall include:

89.1.l.1.A. Each student's application for admission and admissions records containing information regarding the educational qualifications of each regular student admitted which are relevant to the institution's admission standards. Each student record must reflect the requirements and justification for admission of the student to the institution. Admission records must be maintained for five years.

89.1.l.1.B. Transcript of the student's academic work at the institution shall be retained permanently in either hard copy forms or in a database with backup.

89.1.l.1.C. A record of student academic progress at the institution including programs of study, dates of enrollment, courses taken and completed, grades and indication of the

student's status (graduated probation, etc.).

89.1.1.2. Financial records of the institution must be maintained and open for inspection by properly authorized officials of the Commission pursuant to compliance with confidentiality laws.

89.1.1.3. Institutions administering financial aid programs must maintain a ledger and a record of financial aid administered which includes a chronological record of debits and credits which is understandable to the enrollee.

89.1.1.4. The institution must have policies concerning retention and disposal of records and information-release policies which respect the rights of individual privacy, the confidentiality of records and the best interests of the student and institution.

89.1.1.5. The institution shall have a written plan for the preservation of students' transcripts by another institution or agency, as well as for access to the transcripts, in the event of institutional closure.

89.1.m. Catalog and official publications

89.1.m.1. Official publications of the institution shall reflect the institution's integrity, commitment, and reputation and convey its sense of mission, character, goals and objectives to the public. All information released by the institution must be true and accurate.

89.1.m.2. Official catalogs must describe the institutional mission, requirements for satisfactory completion of degree programs, student policies, information on enrollment, tuition and fees, faculty credentials, academic calendar, student grievance procedure, transferability of credit, and other information specifically applicable to students.

89.1.n. Student grievances

An institution shall publish and make available to all students the institution's grievance policies and procedures regarding the receipt, investigation and resolution of student complaints. These policies must include:

89.1.n.1. An appropriate time frame for investigating and resolving

the complaint;

89.1.n.2. Safeguards that those persons charged with resolving the complaint are capable of making a fair and impartial judgment;

89.1.n.3. Procedures to ensure that a student will not be subject to unfair actions as a result of an initiation of a complaint proceeding; and

89.1.n.4. The maintenance of records, disposition and other pertinent information concerning institutional complaints for at least five (5) years.

89.1.o. Other criteria deemed to be pertinent.

89.2. The Commission, at its discretion, may waive all or part of the reporting requirements in section ~~13~~ 14 of this rule for nationally or regionally accredited institutions seeking authorization to offer credit courses or academic degree programs.

§133-20-910. Termination of State Authorization.

910.1. Termination of state authorization for those institutions not subject to annual reauthorization.

910.1.a. An institution shall provide the Commission with a copy of any notice of warning, suspension, revocation or other adverse action received from any national or regional accrediting agency within five (5) days of receipt of such notice.

910.1.b. The Commission may for good cause, suspend, withdraw or revoke the authorization of an institution to generate or solicit students within the state, place an institution on probation, order refunds to students, or forfeit the institution's surety bonds, or take any other appropriate action. Good cause shall consist of any one or more of the following:

910.1.b.1. The institution is no longer making reasonable and timely progress toward accreditation while assigned Preliminary or Probationary State Authorization;

910.1.b.2. Loss of accreditation by a nationally or regionally recognized accrediting agency;

910.1.b.3. Cancellation of the institution's bond by the bonding

company and failure to secure a replacement in accordance with this rule;

- 910.1.b.4. Providing false, misleading, or incomplete information to the Commission;
- 910.1.b.5. Presenting information about the school which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect to students or prospective students;
- 910.1.b.6. Refusal to allow reasonable inspection or to supply reasonable information after a written request by the Commission has been received;
- 910.1.b.7. A final determination that the institution has engaged in conduct prohibited by this rule, and any specified corrective action has not been taken within the required time;
- 910.1.b.8. Closure of the institution without adequately providing for the completion of students' classes or course work, without refunding students' unearned tuition or otherwise discharged the institution's contractual obligations to the students;
- 910.1.b.9. Conviction of the owner of an institution for a felony or crime involving administration of the institution or involving Federal Student Assistance programs.
- 910.1.b.10. Repeated and/or consistent violations of the guidelines found in this rule, particularly in areas such as advertising, fair consumer practices, or operational standards.
- 910.1.b.11. Exclusion from eligibility to participate in the West Virginia Higher Education Grant Program due to one of the following reasons:
 - 910.1.b.11.A. The institution does not have a signed participation agreement in place; or
 - 910.1.b.11.B. The institution has been deemed ineligible to participate in federal student financial aid programs by the United States Department of Education; or
 - 910.1.b.11.C. The Commission has determined, based

upon audits and/or administrative site visits by Commission staff, that the institution has seriously mismanaged higher education grant or other state financial aid funds or lacks adequate institutional controls to manage such funds properly.

910.1.b.12.Failure to submit an acceptable annual report, an incomplete or unsatisfactory annual report, as determined by Commission staff and as referenced in section 13 of this rule.

910.1.c.An institution authorized as a religious, theological or faith-based college that fails to continue to meet the criteria for a religious institution shall have its authorization terminated. The institution shall be so notified in writing. A phase-out period of not more than one additional academic term shall be permitted. An appeal to the Commission may be filed within ten (10) working days. In the absence of a timely appeal the termination shall be final.

910.2. ~~Notification to Cease Offering Degrees or Degree Credits~~ Institutions that are not authorized but offer degrees and/or degree credits in West Virginia shall be notified by certified mail that they shall cease immediately to offer degrees and/or degree credits. The Commission shall initiate appropriate legal action if institutions fail to comply.

10.3. The provisions of section 8 of this rule are only applicable to accredited, out-of-state institutions offering only online instruction in West Virginia and accredited, out-of-state institutions authorized to deliver program and/or courses for a specified period of time.

§133-20-101. Notification: Appeals.

101.1. Once the Commission has received and verified the accuracy of information constituting any of the grounds identified in section 9 10 or denial of preliminary authorization, the Commission shall notify the institution and its owner in writing of its intent to recommend denial, suspension, withdrawal, revocation, or other adverse action and the grounds for such recommendation.

101.1.a. The owner of the institution may, within ten (10) work days of receipt of such notice, request a hearing upon the recommended action. Such hearing, if requested, shall be commenced within twenty (20) work days of such request at the Chancellor's office or at such other location convenient to the parties and witnesses

as may be designated by the Chancellor.

101.1.b. The hearing shall be conducted by the Chancellor of the Commission or his/her designee, pursuant to the procedures set forth in Chapter 29A, Article 5 of the Code of West Virginia.

101.1.c. The Chancellor or his/her designee may continue the hearing at the request of the institution for good cause shown. Continuance shall not be granted as a matter of right.

101.1.d. If the owner or a representative of the institution does not request a hearing within the requisite time period, the recommendation of the Chancellor or his/her designee shall be deemed unchallenged by the institution and reported to the Commission for final action.

101.2. At the hearing, the grounds for denial, suspension, withdrawal, or revocation of authorization to operate the institution or other adverse action must be established by clear and convincing evidence.

101.3. Irrelevant, immaterial, or unduly repetitious evidence may be excluded from the hearing. Formal rules of evidence as applied in civil cases in the circuit courts of this state shall not be applied. When necessary to ascertain facts not reasonably susceptible of proof under those formal rules evidence not admissible there under may be admitted, except where precluded by statute, if it is a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

101.4. The rules of privilege recognized by the law of this state shall be followed.

101.5. Objections to evidentiary offers shall be noted in the record. Any party to the hearing may vouch the record as to any excluded testimony or other evidence.

101.6. Any party to a hearing may appear with witnesses to testify on his or her behalf; may be heard in person, by counsel or both; may present such other evidence in support of his or her position as deemed appropriate by the Chancellor or his/her designee; and, may cross-examine witnesses called by the Commission in support of the charges.

101.7. The hearing shall be open to the general public.

101.8. A record of the hearing, including the complaint(s), if applicable, the notice of hearing, all pleadings, motions, rulings, stipulations, exhibits, documentary evidence, evidentiary depositions and the stenographic report of the hearing, shall be made and a transcript thereof maintained in the

Commission's files. All recorded materials shall be transcribed. The Commission shall have the responsibility to make arrangements for the transcription and provision of the reported testimony and evidence to the parties. Upon request, a copy of the transcript shall be furnished to any party at his or her expense.

- 101.9. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.
- 101.10. The Commission may call witnesses to testify in support of charges and may present such other evidence to support its position; and, may cross-examine witnesses called by the charged party in support of its position.
- 101.11. All parties shall have the right to offer opening and closing arguments.
- 101.12. Hearings may be continued or adjourned to a later date or different place by the Chancellor or his/her designee by appropriate notice to all parties.
- 101.13. All motions related to a case set for hearing, except motions for continuance and those made during the hearing, shall be in writing and shall be received in the office of the Chancellor at least ten (10) days before the hearing. Pre-hearing motions shall be heard at a pre-hearing conference or at the hearing prior to the commencement of testimony.
- 101.14. Any party may submit proposed findings of fact and conclusions of law at a time and manner designated by the Chancellor or his/her designee.
- 101.15. At any time prior to the hearing or thereafter, the Chancellor or his/her designee may hold conferences for the following purposes:
 - 101.15.a. To dispose of procedural requests, pre-hearing motions or similar matters;
 - 101.15.b. To simplify or settle issues by consent of the parties; or,
 - 101.15.c. To provide for the informal disposition of cases by stipulation or agreement.
- 101.16. The Chancellor or his/her designee may cause such conferences to be held on its own motion or by the request of a party.
- 101.17. Evidentiary depositions may be taken and read or otherwise included into evidence as in civil actions in the circuit courts of this state.
- 101.18. Subpoenas to compel the attendance of witnesses and subpoenas duces tecum to compel the production of documents may be issued by the

Chancellor pursuant to West Virginia Code section 29A-5-1(b).

- 101.19. Written requests by a party for the issuance of subpoenas duces tecum as provided in section 10.18 of this rule must be received by the Commission no later than ten (10) days before a scheduled hearing. Any party requesting the issuance of subpoenas duces tecum shall see that they are properly served in accordance with West Virginia Code section 29A-5-1(b).
- 101.20. Any final order entered by the Commission following a hearing conducted pursuant to these rules shall be made pursuant to the provisions of West Virginia Code section 29A-5-3. Such orders shall be entered within sixty (60) days following the submission of all documents and materials necessary for the proper disposition of the case, including transcripts, and shall contain findings of fact and conclusions of law unless good cause exists to extend such time or by agreement of the parties.
- 101.21. Findings of fact and conclusions of law shall be recommended to the Commission by the Chancellor or his/her designee and must be approved by a majority of the Commission by vote at a regular meeting, before a final order is entered. A copy of the final order approved by a majority of the Commission shall be served upon the institution and/or his or her attorney of record, if any, within ten (10) days after entry by the Commission by personal service or by registered or certified mail.
- 101.22. The final order may deny preliminary authorization; may suspend, withdraw or revoke the authorization of the institution, place an institution on probation; order refunds to students; order forfeiture of the institution's surety bond and disbursement of the funds forfeited disbursed to students injured by the institution's violation of this rule or its enabling statute; or order any other action deemed appropriate by the Commission, up to and including payment of loans, interest and other charges in connection with institution loans caused a student by the institution's violation of this rule.
- 101.23. All proceedings pursuant to this rule shall be conducted pursuant to and comply with applicable statute, including, but not limited to, West Virginia Code section 29A-5-1, et seq.
- 101.24. Any relief a student believes he or she was not rightfully awarded by the Commission pursuant to this rule may be pursued in any other appropriate forum.

§133-20-142. Notification and Deposit of Records Upon Discontinuance of a Program or Institution.

- 142.1. If an authorized institution, branch campus, or extension program of an

authorized institution discontinues operation in this state, its chief executive officer shall notify the Commission of the date of discontinuance and the name and address of the agency where records will be maintained.

142.2. Records shall be permanently maintained and copies may be obtained by authorized parties. Such records shall include but not be limited to information pertaining to the admission of each student and former student and the educational record of each student and former student. Financial aid records of each student and former student shall be retained consistent with state and federal regulations.

142.3. When an institution decides to cease postsecondary education operations, it must assist students to find alternative means to complete their studies with a minimum of disruption, and inform the Commission of the following:

142.3.a. the planned date of termination of postsecondary education operations;

142.3.b. the planned date for the transfer of student records;

142.3.c. confirmation of the name and address of the organization to receive and hold the student records; and

142.3.d. the official at the organization receiving the student records who is designated to provide official copies of records or transcripts upon request.

§133-20-123. Advertisements, Announcements and Other Promotional Materials.

123.1. An institution seeking authorization shall adhere to the following principles:

123.1.a. “Advertising” includes any form of public notice however distributed. Within this definition would be virtually all publications and promotional items and efforts that could normally be expected to be seen by significant numbers of prospective students or their sponsors. Examples include catalogs, bulletins, brochures and other institution publications, signs, mailing pieces, radio, television, newspaper, electronic or social media, or any other form of public notice designed to aid in the institution’s recruiting and promotional activities.

- 123.1.b. An institution shall use its name as shown in its letter of approval from the Commission, together with a complete address, for all advertising and promotional purposes within the state.
- 123.1.c. All advertisements, announcements and promotional material of any kind which are distributed in West Virginia shall be free from statements that are untrue, deceptive or misleading with respect to the institution, its personnel, its services or the content, accreditation status and transferability of its courses, degree, or certificate programs.
- 123.1.d. Reference in advertising to accreditation shall name the agency and shall be limited to accreditation currently held by the institution through nationally recognized accrediting agencies as defined and listed by the United States Department of Education.
- 123.1.e. No advertisement, announcement or any other material produced by or on behalf of an institution of higher education shall in any way indicate that the institution is supervised, recommended, endorsed or accredited by the Commission; neither shall it include the name of the Commission except to assert that the Commission has authorized the institution to operate in the state.

§133-20-134. ~~Ongoing Monitoring~~ Annual Reauthorization.

- 134.1. The Higher Education Policy Commission shall monitor institutional academic quality, an institution's financial viability, and compliance with the provisions of this rule and West Virginia laws with respect to consumer protection and other matters of state oversight. A reauthorization application must be submitted to the West Virginia Higher Education Policy Commission by November 1 according to the guidelines outlined in Series 52, *Annual Reauthorization of Degree-Granting Institutions*.
- ~~13.2. Any post secondary institution authorized to operate within West Virginia prior to the effective date of this rule is exempt from the monitoring requirements of this rule.~~
- ~~13.3. Each institution with full state authorization must demonstrate ongoing compliance with the essential conditions in an annual report submitted in a format determined by Commission staff. If the institution is found in compliance, the institution's approval may be continued with the timeframe for periodic monitoring determined by the Commission or its designee. The annual report should be submitted by July 1 each year and should include the following:~~

~~13.3.a. any changes or additions to information relative to the Essential Conditions of section 8.1 of this rule previously submitted as part of the basis for currently granted authorization;~~

~~13.3.b. such other information or clarification deemed necessary by Commission staff for determination of an authorization recommendation.~~

~~13.4. A nonrefundable fee of \$200 shall accompany the submission of the annual report.~~

~~13.5. The annual fee and annual report requirements shall be applicable for all years of authorization through the Commission. The Commission may adjust all fees charged as deemed necessary.~~

~~§133-20-14. Student Complaints.~~

~~14.1. Findings by Commission staff and/or ongoing complaints by current or prospective students that show a pattern of misinformation, misrepresentation, lack of disclosure or discrepancies between verbal and written information, intimidation or coercion may require corrective public announcements or in the opinion of the Commission significant deviation from fair consumer practices may result in conditional authorization or revocation of agent or instructional authorization.~~

~~14.2. If the institution does not take corrective action, the Commission may take what action it deems appropriate under Section 10 of this rule.~~

~~14.3. Institutions authorized under this rule must report to the Commission in writing within thirty (30) days any unresolved written complaints about their operation of which they are knowledgeable (including media accounts of complaints). Such complaints shall be resolved or determined to be irresolvable by the institution within thirty (30) working days of the receipt of the written complaint at the Commission offices. Complaints shall be considered as a factor in the decision when authorization to operate or continue to operate is sought.~~

**West Virginia Higher Education Policy Commission
Meeting of August 10, 2012**

ITEM: Final Approval of Series 52, Annual Reauthorization of Degree-Granting Institutions

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves Series 52, Annual Reauthorization of Degree-Granting Institutions, for final filing with the Secretary of State.

Further Resolved, That staff is instructed to forward the legislative rule to the Legislative Oversight Commission on Education Accountability for approval and further legislative action.

STAFF MEMBER: Kathy Butler

BACKGROUND:

Senate Bill 375, passed during the 2011 legislative session, delegates the responsibility and authority to the Commission for establishing, monitoring, and maintaining quality standards of education at all institutions, both public and private within West Virginia, with the exception of Marshall University and West Virginia University. The governing boards of Marshall University and West Virginia University are responsible for determining minimum standards for conferring degrees at their respective institutions.

At the May 18, 2012 Commission meeting, the proposed legislative rule, Series 52, Annual Reauthorization of Degree-Granting Institutions, was approved for filing with the Secretary of State for a thirty-day public comment period. Staff received comments from four sources including a private trade school, the West Virginia Independent Schools and Colleges Association, a public institution, and one individual. Summaries of the comments and staff responses are included on the following pages. It is recommended that the minor changes be made and the final rule be approved.

Comment: The word “specialized” in front of “associate degree” in Section 4.3.a.1 unnecessarily introduces confusion. The lines between different types of associate degrees tend to be blurry, but the difference between obtaining an associate degree and a bachelor degree is quite clear. They suggested dropping the word “specialized.”

Response: The use of the term “specialized” associate degree is consistent with the language of West Virginia Code §18B-2B-9 and West Virginia Council for Community and Technical College Education, Series 35, Correspondence, Business, Occupational, and Trade Schools. No change made.

Comment: Section 4.3.a.2. creates the requirement that institutions “typically do not pursue regional accreditation...” This introduces unnecessary confusion; therefore, this requirement should be dropped altogether.

Response: All these issues are defined in West Virginia Code §18B-2B-9 and West Virginia Council for Community and Technical College Education, Series 35, Correspondence, Business, Occupational, and Trade Schools, which states that “[Correspondence, business, occupational, and trade schools which] are regulated under West Virginia Code §18B-2B-9 on correspondence, business, occupational, and trade schools.” Consequently, Section 4.3.a.2. has been deleted and replaced by the current Section 4.3.a.3. Change made.

Comment: The definitions of a “degree” contained in Section 3.5 and the definition of “institution” contained in Section 3.7 are overly broad and could take in a postsecondary institution not offering a degree. A similar problem exists with the language in Section 2.3.

Response: The definition of degree is the definition used by the Integrated Postsecondary Education Data System that is used nationwide to gather data from postsecondary education providers with the exception of the words “of greater duration than eleven months of full-time study.” These words were added to make a distinction between degrees and degree programs and certificate programs of less than one year. No change made.

The term “institution” was purposefully used throughout the policy and intended to be broad. The term itself does not imply regulation; however, it is used to identify sources of post-secondary education. Institutions that are exempt from specific requirements are noted throughout the document. No change made.

Comment: Section 8 requires certain procedures whenever “...ownership or control of an institution changes...” The U.S. Department of Education requires certain procedures to be followed when a change of ownership resulting in a change of control occurs. The fact that a change of ownership not resulting in a change of control would not impact the institution is recognized by USDOE in their regulations. The suggestion is that the section be rewritten to use the language paralleling U.S. DOE language which is that the required procedures must be instituted only in the case of the change of ownership “resulting in a change of control.”

Response: Section 8.1 will be revised to read: “Authorization of an institution terminates at the time when a change in ownership results in a change of control of the institution from that indicated on the institution’s most recent authorization

application unless the institution files an application within ten (10) business days after the change of ownership that resulted in a change in control. Such institution shall submit an application reflecting the change in ownership and control and a fee of \$500.” Change made.

Likewise the language in Sections 8.1.a. and 8.1.b. will be changed from “change in ownership or control” to “change in ownership and control” to be consistent with the previous section. Change made.

Comment: Sections 10 and 12 establish the procedures for appeal. The comment stated that the procedures identified under these sections create unrealistic timelines. Section 12.1 requires that upon the receipt of a notice to deny or suspend state authorization, the institution must request a hearing within ten (10) days. If the hearing is requested, it begins within twenty (20) days. It was stated that this requirement should be dropped completely in favor of an automatic right to appeal unless the institution decides to accept the recommendation after having adequate time to review the report. A minimum of thirty (30) business days to initiate an appeal was suggested.

Response: Because of the severity of such an action and the impact that such an action may have upon enrolled students, this process should not be prolonged. Institutions impacted by such an action will have ample time prior to such action to recognize the need and/or appropriateness for appeal. It is imperative that decisions that have the potential to directly impact students and the quality education they receive should not be delayed. No change made.

Comment: Sections 10 and 12 establish the procedures for appeal, stating that the hearing must be commenced within twenty (20) days. The comment stated that this “creates an unrealistic time frame. In the event of such extreme action as a loss of authorization (which would result in closing the institution) it is highly likely that there are substantial, complex issues. It is simply unrealistic to expect an institution to thoroughly investigate the issues, obtain counsel, and prepare its defense in twenty (20) days.”

Response: Because of the severity of such an action and the impact that such an action may have upon enrolled students, this process should not be prolonged. Institutions impacted by such an action will have ample time prior to such action to recognize the need and/or appropriateness for appeal. It is imperative that decisions that have the potential to directly impact students and the quality education they receive should not be delayed. No change made.

Comment: According to the comment received, the timeframes established in Section 12.1 are unrealistic. “Section 12.13 requires motions to be made ten (10) days before the hearing. In essence, this means that the institution would have had to obtain counsel and review the entire case, which is probably a complex matter, all within ten (10) days, since the hearing is within twenty (20) days. This is obviously an unrealistic time frame.” Another issue raised was that “Section 12.19 requires that subpoenas be issued at least ten (10) days before the hearing.” The author felt that this, too, was an

unrealistic timeframe.

Response: Because of the severity of such an action and the impact that such an action may have upon enrolled students, this process should not be prolonged. Institutions impacted by such an action will have ample time prior to such action to recognize the need and/or appropriateness for appeal. It is imperative that decisions that have the potential to directly impact students and the quality education they receive should not be delayed. No change made.

Comment: “Section 12.1.b states that the chancellor and/or his/her designee shall conduct the hearing. There should an independent, outside, third-party to hear the case, such as an administrative law judge. To have the chancellor’s office investigate a school and then have the chancellor or his/her designee hear the evidence is the equivalent of a prosecuting attorney’s office investigating a criminal case and then the prosecutor or the prosecutor’s designee hearing the case.”

Response: West Virginia Code §29A-5-1 provides the guidelines for “the agency, any member of the body comprises the agency, or any hearing examiner or other person permitted by statute to hold such a hearing to hold any such hearing for such agency, and duly authorized by such agency to do so...” No change made.

Comment: We are puzzled by how the student consumer’s interest is enhanced by exempting West Virginia University and Marshall University from the application of these rules. We suggest that if the exercise of reauthorization enhances the protection of some student consumers in some institutions, it would enhance the protection of all student consumers if extended to all institutions of higher learning in the state.

Response: Senate Bill No. 375, passed March 12, 2011, effective from passage, states that “The commission shall make rules for the accreditation of colleges and universities in this state except the governing boards of Marshall University and West Virginia University shall make rules for their respective institutions...” The rules and standards are required to be published in the same manner as this action. No change made.

Comment: We encourage the Commission to focus on the makeup and operation of the review committee. We would strongly urge this portion of the rule be revised so that the review committee includes representatives from the private sector as well. This will add to the perspectives of the review committee and help to assure the private colleges and universities that (a) the review process will recognize the differences between public and private institutions of higher learning and (b) representatives from the public sector will not have full control over the practices, policies, and reauthorization of private institutions.”

Response: Though the intent is that the compliance review will be comprised of qualified individuals, regardless of their institutional affiliation, a Section 5.6.b.

has been added to assure representation from both private and public institutions. Section 5.6.b states: "Persons who are representative of both public and private institutions." The previous Section 5.6.b has been moved to Section 5.6.c. Change made.

Comment: Section 9.4 that states that public institutions are exempt from the annual reauthorization fees. Does this also include an exemption from paying late fees?

Response: Since public institutions are exempt from the annual reauthorization fee, they are also exempt from the late fee. No change made.

SUMMARY OF CHANGES

Section 4.3.a.2. has been deleted and replaced by the current Section 4.3.a.3. The requirement identified in the original Section 4.3.a.2. is encompassed within the content of West Virginia Code §18B-2B-9, as noted in the next section of the policy.

Section 8.1. will be revised to reflect required procedures that must be instituted in the case of “the change of ownership resulting in a change of control” of an institution.

Section 5.6.b. has been added to assure representation on the compliance review team from both private and public institutions. The previous Section 5.6.b has been moved to Section 5.6.c.

TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 52
ANNUAL REAUTHORIZATION OF DEGREE-GRANTING INSTITUTIONS

§133-52-1. General.

- 1.1. Scope. This rule establishes the policy regarding annual reauthorization of degree-granting institutions which offer degrees above the associate level.
- 1.2. Authority. West Virginia Code §18B-4-7
- 1.3. Filing Date.
- 1.4. Effective Date.

§133-52-2. Purpose.

- 2.1. The West Virginia Higher Education Policy Commission (Commission), through a process of granting authorization and annual reauthorization of baccalaureate and graduate level higher education institutions operating in West Virginia, has the responsibility of protecting consumers and ensuring students are offered quality education by postsecondary providers to West Virginia residents. An institution authorized by the Commission shall be required to operate in accordance with fair consumer practices to ensure that students can make appropriate decisions concerning their investment of time and money.
- 2.2. Fair consumer practices means honesty, fairness, and disclosure to students in the areas of recruitment, admission, contractual agreements, student financial assistance, obligations to repay student loans, placement assistance and job placement rates, advertising, refund policies, the meaning and recognition of different types of accreditation, the transferability of the institution's credits to other postsecondary institutions, the offering of quality instructional programs, and other appropriate performance measures.
- 2.3. The Commission is responsible for the authorization of any institution, association or organization external to or within the state which desires to offer programs or credit-bearing academic courses of higher learning in West Virginia. Authorization is required for all postsecondary providers including: non-profit private institutions, proprietary institutions, out-of-state public institutions, degree-granting entities that offer degrees at the baccalaureate level or above, and entities that use the term "academy,"

“college,” “institution,” “university” or similar title, hereafter referred to as “institution.”

- 2.4. The Commission is responsible for the annual reauthorization of any private, proprietary, or out-of-state postsecondary institution that has physical presence in West Virginia and offers degree programs above the associate level. The process of conferring reauthorization by the Commission includes the monitoring of standards for degrees awarded, the collection and dissemination of pertinent institutional data, the conduct of certain reviews and audits, and the imposition of certain sanctions including revocation of degree-granting authority.
- 2.5. Existing institutions of higher education authorized to operate in West Virginia prior to the effective date of this rule are subject to the reauthorization provisions of this rule and shall report annually to the Commission on all items related to reauthorization prescribed in this rule.
- 2.6. While the provisions of this rule apply directly to the annual reauthorization of any private institution in West Virginia which offers degrees above the associate level, the criteria for annual reauthorization also apply to public higher education institutions that offer degrees above the associate level in the state, and are under the purview of the Commission with the exception of Marshall University and West Virginia University.
- 2.7. While exempt from annual reauthorization, Marshall University and West Virginia University shall provide information delineated in Section 5.4 to the Commission by November 1 of each year.
- 2.8. The Commission shall make available information on institutional performance of all public institutions located in West Virginia, including Marshall University and West Virginia University, on the Commission’s website and through other appropriate venues.
- 2.9. Institutions that are exempt from the provisions of Series 20, *Initial Authorization of Degree-Granting Institutions*, for initial state authorization shall be exempt from the provisions of this rule.

§133-52-3. Definitions.

- 3.1. “Accreditation” means a status attained by the institution through voluntarily meeting standards set by a nongovernmental entity recognized by the U.S. Secretary of Education.
- 3.2. “Authorization” means the status attained by the institution that allows the institution to offer programs and courses within the State of West Virginia.

This status is granted by the Higher Education Policy Commission when the institution demonstrates compliance with the requirements for such status.

- 3.3. "Commission" means the West Virginia Higher Education Policy Commission.
- 3.4. "Council" means the West Virginia Council for Community and Technical College Education.
- 3.5. "Degree" means any earned award conferred by a higher education institution which represents satisfactory completion of the requirements of a program, or course of study, or any instruction beyond or apart from the secondary level of greater duration than eleven months of full-time study.
- 3.6. "Distance education" means the delivery of any course or degree programs by synchronous or asynchronous technology. Asynchronous or synchronous technology via distance delivery includes all forms of internet, electronic, digital, online, video, and any other technology driven delivery system.
- 3.7. "Institution" means any person, firm, corporation, association, agency, institute, trust or other entity of any nature whatsoever offering education beyond the secondary level which:
 - 3.7.a. offers courses or programs of study or instruction which lead to or which may reasonably be understood to be applicable toward a baccalaureate, masters, doctorate, or other specialized certification/degree designation above the baccalaureate level; or
 - 3.7.b. operates a facility as a college or university or other entity in the State of West Virginia which offers degrees or other indicia of a level of educational attainment beyond the secondary school level; or
 - 3.7.c. uses the term "college" or "university," or words of like meaning, in its name or in any manner in connection with its academic affairs or business.
- 3.8. "Physical presence" means an actual presence in the state, online or on-site, for the purpose of conducting activity related to: a postsecondary educational institution; educational service; dissemination of educational credentials; enrollment, solicitation or advertising. Physical presence as further outlined for purposes of authorization shall include but not be limited to:

- 3.8.a. An instructional site within the state.
- 3.8.b. Dissemination of an educational credential from a location within the state.
- 3.8.c. An agent, whether compensated or not, who is utilized for the purpose of administering, coordinating, teaching, training, tutoring, counseling, advising, recruiting, or any other activity on behalf of the sponsoring institution.
- 3.8.d. Advertising, promotional material or public solicitation in any form that targets West Virginia residents through distribution or advertising in the state.
- 3.8.e. Instructional delivery that receives assistance from any other organization within the state in that delivery.
- 3.8.f. Clinical experiences, internships, or other similar curricular requirement.

Activities exempt from this definition include: online instructors residing in West Virginia but having no direct, in-person contact with students and individuals participating in college fairs coordinated by the Commission and local school districts.

- 3.9. “Reauthorization” is the process by which an institution annually renews its status as an institution authorized to offer programs and courses for West Virginia residents. This status is granted by the Commission when the institution demonstrates compliance with the requirements for such status.
- 3.10. “Religious, theological, or faith-based institution” means a postsecondary institution that offers no degree programs other than those specifically related to the institution’s doctrine. Institutions that offer general degree programs cannot be exempted by this rule as religious, theological, or faith-based.
- 3.11. “Unearned tuition” means the anticipated amount of tuition revenue minus refunds that will be generated within a one-year time frame of the institution’s authorized operation in West Virginia. “Unearned tuition” for the application of annual reauthorization is the amount of tuition revenue minus refunds that was received during the previous year.

§133-52-4. Exemptions.

- 4.1. Institutions that clearly qualify as exemptions under the provisions of

Series 20, *Initial Authorization of Degree-Granting Institutions*, and after Commission staff review, shall be considered exempt from reauthorization. Institutional exemption is subject to annual review and/or revocation any time the activity deviates from the original determination factors for exemption. An institution which claims to be exempt under the provisions of this section must submit such information as may be required by the Commission to determine whether the institution is exempt from reauthorization.

- 4.2. Any institution fully authorized to operate in West Virginia prior to the effective date of this rule is subject to the provisions of this rule pertaining to reauthorization.
- 4.3. The following institutions shall be exempt from the provisions of this rule:
 - 4.3.a. Correspondence, business, occupational and trade schools which:
 - 4.3.a.1. offer nothing higher than a specialized associate degree; and
 - 4.3.a.2. are regulated under West Virginia Code provisions §18B-2B-9 on correspondence, business, occupational and trade schools.
 - 4.3.b. Out-of-state institutions:
 - 4.3.b.1. offering courses through brokering or other collaborative arrangements with a West Virginia public institution of higher education and which support programmatic offerings of the state institution;
 - 4.3.b.2. offering a short course or seminar in which the instruction for the segment takes no more than twenty classroom hours, and is not for college credit;
 - 4.3.b.3. offering courses or programs on a military installation solely for military personnel or civilians employed on such installation;
 - 4.3.b.4. offering courses or programs at a location in West Virginia by the authority of the Commission for a designated period of time; or
 - 4.3.b.5. offering online courses or programs with Commission approval for a specified period of time.

- 4.3.c. Non-Degree granting institutions whose programs are designed primarily for job entry or upgrading of skills and are described in clock (contact) hours. These programs typically prepare individuals for employment and do not require courses beyond those specific to the job or its field with program length sufficient to effect outcomes.
- 4.3.d. A religious, theological, or faith-based institution which meets the criteria for exemption outlined in Series 20, *Initial Authorization of Degree-Granting Institutions*, and offers no degree programs other than those specifically related to the institution's doctrine.

§133-52-5. Annual Reauthorization.

- 5.1. All authorized institutions, except those previously exempted in section 4.3 of this rule, must annually submit a reauthorization application report in a format prescribed by Commission staff. The annual reauthorization year will be from July 1 through June 30, with the 2012-2013 year being the initial reporting year. The annual application is due each November 1 and must be accompanied by an annual fee as provided in section 9 of this rule.
- 5.2. Reauthorization applications postmarked after November 1 or other due date will be assessed a late renewal fee as prescribed in section 9 of this rule.
- 5.3. Upon request by the Commission, authorized institutions must provide documentation necessary to assess the performance of the institution.
- 5.4. The reauthorization application must include the following:
 - 5.4.a. Name and address of the institution of higher education.
 - 5.4.b. Chief executive officer's name, title, address, phone number, fax number, and email address.
 - 5.4.c. Institutional liaison's name, title, address, phone number, fax number, and email address.
 - 5.4.d. Verification of current accreditation status and copy of latest annual HLC/NCA Institutional Update Report.
 - 5.4.e. Full and part-time student enrollments of resident and non-resident students for each term during the most recent reporting year.

- 5.4.f. A current schedule of fees and charges for tuition.
- 5.4.g. First to second year retention rates for first-time, full-time certificate and degree-seeking students for the most recent year.
- 5.4.h. Graduation rates for undergraduate degree-seeking first-time, full-time freshmen for the most recent graduating six-year cohort year.
- 5.4.i. Data on student transfers in to and out of the institution for the most recent year.
- 5.4.j. Licensure pass rates for completion of all professional programs, e.g., education, nursing, and engineering for the most recent year.
- 5.4.k. Student loan cohort rates for the most recent year available.
- 5.4.l. Campus crime statistics for the most recent reporting year available.
- 5.4.m. Number of student, staff, and faculty grievances filed during the most recent reporting year.
- 5.5. The Commission shall provide definitions of requested data elements. When appropriate, prior data submissions may be utilized to fulfill specific data requirements. Guidance will be provided by Commission staff.
- 5.6. Upon receipt of the annual reauthorization application, Commission staff shall convene a compliance review committee to review the submitted documentation. The compliance review committee shall be composed of:
 - 5.6.a. Persons who are qualified by academic training or professional experience to verify the institution's compliance with Commission standards for authorization.
 - 5.6.b. Persons who are representative of both public and private institutions.
 - 5.6.c. Members of the Commission staff. The Vice Chancellor for Academic Affairs or designee shall serve as chair of the committee.
- 5.7. Upon review of documentation and recommendation of the compliance review committee, institutions that are found to be in compliance with generally accepted parameters of operation are recommended to the Commission for reauthorization.

- 5.8. If the compliance review committee finds, after review of required documentation, that the institution is not in compliance with generally accepted parameters of operation, the committee may request additional documentation for review.
- 5.9. Each institution shall provide, at the request of the compliance review committee, all information the committee considers necessary to assess the performance of the institution and determine whether the institution continues to meet the minimum standards for conferring degrees. Information may include but is not limited to the following:
 - 5.9.a. Institutional information.
 - 5.9.a.1. Copies of articles of incorporation, charter, constitution, and by-laws for the initial reporting year, and changes only for reporting in subsequent years.
 - 5.9.a.2. Copy of any articulation agreement the institution has with a West Virginia higher education institution entered into or changed within the last year.
 - 5.9.a.3. Copy of the institution's current mission and goals statement for the initial reporting year, and changes only for reporting in subsequent years.
 - 5.9.a.4. Copy of the current institutional catalog.
 - 5.9.a.5. Copies of current promotional and recruitment materials and advertisements provided or distributed to West Virginia residents.
 - 5.9.b. Accreditation information.
 - 5.9.b.1. If the institution is accredited by a regional accrediting agency, verification of the accreditation status, including any correspondence within the last year.
 - 5.9.b.2. If the institution is accredited by a national accrediting agency or any of its academic programs is accredited by a program accrediting agency, verification of the accreditation status.
 - 5.9.c. Program information.
 - 5.9.c.1. A list of current degree programs offered in West

Virginia by the institution.

5.9.c.2. Results of any external degree program evaluation during the last year, if any.

5.9.c.3. A list of any degree programs that have ceased to be offered during the previous year.

5.9.c.4. Identification of methods used to assess student achievement.

5.9.c.5. Results of the most recent assessment of student achievement.

5.9.d. Faculty information.

5.9.d.1. A list of current full-time and part-time faculty with highest degree held, degree field(s), and institution conferring highest degree.

5.9.e. Financial information.

5.9.e.1. The latest financial statement for the most recent fiscal year compiled or audited by an independent certified public accountant, including any management letters provided by the independent auditor.

5.9.f. Facilities information, if applicable.

5.9.f.1. Verification of compliance with all applicable local, state, and federal safety and fire codes.

5.9.g. Student information.

5.9.g.1. The institution's policies about student admissions, evaluation, suspension, and dismissal for the initial reporting year, and changes only for reporting in subsequent years.

5.9.g.2. A current schedule of fees, charges for tuition, required supplies, student activities, and all other student charges.

5.9.g.3. The institution's policy about tuition and fee refunds and adjustments for the initial reporting year, and changes only for reporting in subsequent years.

- 5.9.g.4. The institution's policy about granting credit for experiential learning, including prior education, training, and experience for the initial reporting year, and changes only for reporting in subsequent years.
- 5.9.g.5. The institution's policy on post-graduation placement, if any, and data on placements for the most recent year.
- 5.9.g.6. A list of all student grievances for the most recent year as well as the nature and disposition of each.
- 5.9.h. Other information.
 - 5.9.h.1. Information related to compliance with federal or state laws and regulations that require reporting to the public, students, employees or federal or state agencies.
 - 5.9.h.2. Information on how the institution ensures accuracy in its usual publications such as the catalog and institutional brochures and fair representation by recruiters and agents.
- 5.9.i. The Commission shall provide definitions of requested data elements. When appropriate, prior data submissions may be utilized to fulfill specific data requirements. Guidance will be provided by Commission staff.
- 5.10. On-site review.
 - 5.10.a. The compliance review committee, at its discretion, may conduct on-site reviews to assess institutional compliance with the minimum standards for conferring degrees as outlined in Series 20, *Authorization for Degree-Granting Institutions*. The committee may evaluate maintenance of adequate academic and performance standards, conduct financial audits, or require the institution to perform such audits and provide detailed data to the committee. The visit will be scheduled at a time which is mutually convenient to the institution and the committee. The institution shall pay the reasonable expenses associated with the compliance review visit.
 - 5.10.b. Following review of submitted documentation and/or site visit, the compliance review committee will prepare an analysis of the findings.
 - 5.10.c. A draft of a staff report prepared in accordance with this section

will be provided to the institution for correction of factual errors and comment. The institution may provide the Commission a response to the report within ten (10) working days of receipt of the report. The institutional comments will be included with the compliance review committee report presented to the Commission.

5.10.d. The compliance review committee will develop a recommendation for the Commission regarding the institutional reauthorization application. Only those institutions which meet generally accepted higher education state standards of quality will be recommended for reauthorization.

5.10.e. An institution which is not found to meet the generally accepted higher education state standards of quality will be recommended to the Commission for denial of reauthorization. Once reauthorization is denied, the institution is subject to the authorization requirements, process and review in Series 20, *Initial Authorization of Degree-Granting Institutions*, in order to seek authorization to operate within West Virginia.

5.10.f. An institution submitting an annual reauthorization report adjudged by the Commission as meeting the standards for reauthorization shall retain its authorized status for the current year.

§133-52-6. Public Institutions and Annual Reauthorization.

- 6.1. All public institutions, except Marshall University and West Virginia University, under the purview of the Commission shall apply for annual reauthorization and shall meet the conditions for reauthorization as provided in section 5 of this rule.
- 6.2. The Commission shall make available to the public information on matters of institutional performance for all public institutions under its purview, including Marshall University and West Virginia University, as provided in section 2 of this rule.

§133-52-7. Dissemination of Institutional Information.

- 7.1. The Commission shall make available to the public, information on matters of institutional performance that are not confidential and not restricted by federal or state laws or regulations. Such information may be posted on the Commission's website or disseminated through other appropriate venues.
- 7.2. The Commission office shall maintain a list of institutions authorized to

grant degrees and shall make such list available to the public.

§133-52-8. Change of Ownership and Control.

- 8.1. Authorization of an institution terminates at the time when a change in ownership resulting in a change of control of the institution changes from that indicated on the institution's most recent reauthorization application unless the institution files an application within ten (10) business days after the change of ownership that resulted in a change of control. Such institution shall submit an application reflecting the change in ownership and control and a fee of \$500.
 - 8.1.a. If an institution files an application requesting approval of a change of ownership and control more than ten (10) business days after the change of ownership resulting in a change of control takes effect, the authorization terminates and such an application will be considered as an application for authorization and the institution shall pay the fees specified in Series 20, *Authorization for Degree-Granting Institutions*.
 - 8.1.b. An authorized institution shall notify the Commission of any anticipated change in ownership that results in a change of control at least thirty (30) days prior to the change in ownership and control.

§133-52-9. Reauthorization Fees.

- 9.1. A non-refundable fee of \$500 shall accompany the submission of the annual application report for reauthorization.
- 9.2. Failure to file the annual report or to pay the report fee shall be sufficient grounds for denial of reauthorization, suspension, or revocation of degree granting authority. An institution filing a report that is postmarked after the November 1 due date will be assessed a late fee of \$300.
- 9.3. The annual fee and annual report requirements shall be applicable for all years of authorization through the Commission. The Commission may adjust all fee charges as deemed necessary.
- 9.4. Public institutions located in West Virginia are exempt from the requirement of payment of reauthorization fees as provided in this section.

§133-52-10. Sanctions and Termination of State Authorization.

- 10.1. Intermediate sanctions.

10.1.a. If an institution fails to comply with the provisions for reauthorization in this rule, the Commission may progressively impose one or more of the following sanctions.

10.1.a.1. Require the submission and implementation of an improvement plan to address or correct problems identified by the Commission.

10.1.a.2. Suspend the ability of an institution to enroll students for one or more of the approved programs offered by the institution.

10.2. Termination of state authorization.

10.2.a. An institution shall provide the Commission with a copy of any notice of warning, suspension, revocation or other adverse action received from any national or regional accrediting agency within five (5) business days of receipt of such notice.

10.2.b. The Commission may for good cause, suspend, withdraw or revoke the authorization of an institution to generate or solicit students within the state, place an institution on probation, order refunds to students, forfeit the institution's surety bonds, revoke an institution's degree granting authority, or take any other appropriate action per Series 20, *Initial Authorization of Degree-Granting Institutions*.

10.2.c. The Commission may terminate state authorization if the institution fails to submit an acceptable annual reauthorization application or an incomplete or unsatisfactory reauthorization application, as determined by Commission staff and referenced in Section 5 of this rule.

10.2.d. The Commission shall revoke the authority of an institution to confer degrees at any time when the institution's governing body, chief executive officer, or both have done any one or more of the following:

10.2.d.1. Failed to maintain the minimum standards for conferring degrees.

10.2.d.2. Refused or willingly failed to provide information to the Commission in a manner and within a reasonable timeframe as established by the Commission.

10.2.d.3. Willfully provided false, misleading or incomplete

information to the Commission.

10.2.e. An institution authorized as a religious, theological or faith-based college that fails to continue to meet the criteria for a religious institution shall have its authorization terminated. The institution shall be so notified in writing. A phase-out period of not more than one additional academic term shall be permitted. An appeal to the Commission may be filed within ten (10) business days. In the absence of a timely appeal, the termination shall be final.

10.3. Notification to Cease Offering Degrees or Degree Credits

Institutions that are not authorized but offer degrees and/or degree credits in West Virginia shall be notified by certified mail that they shall cease immediately to offer degrees and/or degree credits. The Commission shall initiate appropriate legal action if institutions fail to comply.

§133-52-11. Notification and Deposit of Records Upon Discontinuance of Operations.

11.1. If an authorized institution, branch campus, or extension program of an authorized institution discontinues operation in this state, its chief executive officer shall notify the Commission of the date of discontinuance and the name and address of the agency where records will be maintained.

11.2. Records shall be permanently maintained and copies may be obtained by authorized parties. Such records shall include but not be limited to information pertaining to the admission of each student and former student and the educational record of each student and former student. Financial aid records of each student and former student shall be retained consistent with state and federal regulations.

11.3. When an institution decides to cease postsecondary education operations, it must assist students to find alternative means to complete their studies with a minimum of disruption, and inform the Commission of the following:

11.3.a. the planned date of termination of postsecondary education operations;

11.3.b. the planned date for the transfer of student records;

11.3.c. confirmation of the name and address of the organization to receive and hold the student records; and

11.3.d. the official at the organization receiving the student records who is

designated to provide official copies of records or transcripts upon request.

§133-52-12. Notification: Appeals:

- 12.1. Once the Commission has received and verified the accuracy of information constituting any of the grounds identified in section 10 of this rule, the Commission shall notify the institution and its owner in writing of its intent to recommend denial or suspension of reauthorization or other adverse action and the grounds for such recommendation.
 - 12.1.a. The owner of the institution may, within ten (10) business days of receipt of such notice, request a hearing upon the recommended action. Such hearing, if requested, shall be commenced within twenty (20) business days of such request at the Chancellor's office or at such other location convenient to the parties and witnesses as may be designated by the Chancellor.
 - 12.1.b. The hearing shall be conducted by the Chancellor or his/her designee, pursuant to the procedures set forth in Chapter 29A, Article 5 of the Code of West Virginia.
 - 12.1.c. The Chancellor or his/her designee may continue the hearing at the request of the institution for good cause shown. Continuance shall not be granted as a matter of right.
 - 12.1.d. If the owner or a representative of the institution does not request a hearing within the requisite time period, the recommendation of the Chancellor or his/her designee shall be deemed unchallenged by the institution and reported to the Commission for final action.
- 12.2. During the hearing, the grounds for denial, suspension, withdrawal, or revocation of authorization to operate the institution or other adverse action must be established by clear and convincing evidence.
- 12.3. Irrelevant, immaterial, or unduly repetitious evidence may be excluded from the hearing. Formal rules of evidence as applied in civil cases in the circuit courts of this state shall not be applied. When necessary to ascertain facts not reasonably susceptible of proof under those formal rules evidence not admissible there under may be admitted, except where precluded by statute, if it is a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- 12.4. The rules of privilege recognized by the law of this state shall be followed.

- 12.5. Objections to evidentiary offers shall be noted in the record. Any party to the hearing may vouch the record as to any excluded testimony or other evidence.
- 12.6. Any party to a hearing may appear with witnesses to testify on his or her behalf; may be heard in person, by counsel or both; may present such other evidence in support of his or her position as deemed appropriate by the Chancellor or his/her designee; and, may cross-examine witnesses called by the Commission in support of the charges.
- 12.7. The hearing shall be open to the general public.
- 12.8. A record of the hearing, including the complaint(s), if applicable, the notice of hearing, all pleadings, motions, rulings, stipulations, exhibits, documentary evidence, evidentiary depositions and the stenographic report of the hearing, shall be made and a transcript thereof maintained in the Commission's files. All recorded materials shall be transcribed. The Commission shall have the responsibility to make arrangements for the transcription and provision of the reported testimony and evidence to the parties. Upon request, a copy of the transcript shall be furnished to any party at his or her expense.
- 12.9. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.
- 12.10. The Commission may call witnesses to testify in support of charges and may present such other evidence to support its position; and, may cross-examine witnesses called by the charged party in support of its position.
- 12.11. All parties shall have the right to offer opening and closing arguments.
- 12.12. Hearings may be continued or adjourned to a later date or different place by the Chancellor or his/her designee by appropriate notice to all parties.
- 12.13. All motions related to a case set for hearing, except motions for continuance and those made during the hearing, shall be in writing and shall be received in the office of the Chancellor at least ten (10) business days before the hearing. Pre-hearing motions shall be heard at a pre-hearing conference or at the hearing prior to the commencement of testimony.
- 12.14. Any party may submit proposed findings of fact and conclusions of law at a time and manner designated by the Chancellor or his/her designee.
- 12.15. At any time prior to the hearing or thereafter, the Chancellor or his/her

designee may hold conferences for the following purposes:

- 12.15.a. To dispose of procedural requests, pre-hearing motions or similar matters;
 - 12.15.b. To simplify or settle issues by consent of the parties; or,
 - 12.15.c. To provide for the informal disposition of cases by stipulation or agreement.
- 12.16. The Chancellor or his/her designee may cause such conferences to be held on its own motion or by the request of a party.
- 12.17. Evidentiary depositions may be taken and read or otherwise included into evidence as in civil actions in the circuit courts of this state.
- 12.18. Subpoenas to compel the attendance of witnesses and subpoenas duces tecum to compel the production of documents may be issued by the Chancellor pursuant to West Virginia Code §29A-5-1(b).
- 12.19. Written requests by a party for the issuance of subpoenas duces tecum as provided in section 12.18 of this rule must be received by the Commission no later than ten (10) business days before a scheduled hearing. Any party requesting the issuance of subpoenas duces tecum shall see that they are properly served in accordance with West Virginia Code §29A-5-1(b).
- 12.20. Any final order entered by the Commission following a hearing conducted pursuant to these rules shall be made pursuant to the provisions of West Virginia Code §29A-5-3. Such orders shall be entered within sixty (60) days following the submission of all documents and materials necessary for the proper disposition of the case, including transcripts, and shall contain findings of fact and conclusions of law unless good cause exists to extend such time or by agreement of the parties.
- 12.21. Findings of fact and conclusions of law shall be recommended to the Commission by the Chancellor or his/her designee and must be approved by a majority of the Commission by vote at a regular meeting, before a final order is entered. A copy of the final order approved by a majority of the Commission shall be served upon the institution and/or his or her attorney of record, if any, within ten (10) business days after entry by the Commission by personal service or by registered or certified mail.
- 12.22. The final order may suspend, withdraw or revoke the authorization of the institution; place an institution on probation; order refunds to students; order forfeiture of the institution's surety bond and disbursement of the funds forfeited disbursed to students injured by the institution's violation

of this rule or its enabling statute; or order any other action deemed appropriate by the Commission, up to and including payment of loans, interest and other charges in connection with institution loans caused a student by the institution's violation of this rule.

- 12.23. All proceedings pursuant to this rule shall be conducted pursuant to and comply with applicable statute, including, but not limited to, West Virginia Code §29A-5-1, et seq.
- 12.24. Any relief a student believes he or she was not rightfully awarded by the Commission pursuant to this rule may be pursued in any other appropriate forum.

**West Virginia Higher Education Policy Commission
Meeting of August 10, 2012**

ITEM: Update on Senate Bill 330 Progress

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Information Item

STAFF MEMBER: Laura Nauman

BACKGROUND:

Staff will provide an update on progress toward fulfilling the requirements of Senate Bill 330, comprehensive human resources legislation passed during the 2011 regular legislative session. Specifics will include discussion of draft reports prepared by ModernThink, the selected vendor performing human resources reviews and report cards. An overview will be presented of the work being conducted by Fox Lawson and Associates regarding the review of compensation and classification analysis as required by the legislation. Progress toward promulgating the required emergency rule will also be discussed.

**West Virginia Higher Education Policy Commission
Meeting of August 10, 2012**

ITEM: Update on Mountain State University

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Information Item

STAFF MEMBERS: Paul Hill and Kathy Butler

BACKGROUND:

Chancellor Hill and Dr. Kathy Butler, Vice Chancellor for Academic Affairs, will provide an update regarding Mountain State University's loss of accreditation from the Higher Learning Commission (HLC). The update will include an overview of the HLC's appeal process, the institution's teach-out plan, statewide and campus informational sessions for students, and other outreach.

**West Virginia Higher Education Policy Commission
Meeting of August 10, 2012**

ITEM: Update on Master Planning Process

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission directs staff to work with institutional representatives and other constituent groups to fully develop the master plan for presentation to and formal consideration by the Commission at the December 7, 2012 meeting.

STAFF MEMBERS: Paul Hill and Angela Bell

BACKGROUND:

Chancellor Hill and Dr. Angela Bell, Vice Chancellor for Policy and Planning, will provide an update regarding the master planning process. The update will include an overview of progress in the current master planning cycle (2007-2012) and the development of a new master plan (2013-2018).

Framework for Master Plan 2013-2018



**Presented to the
West Virginia Higher Education Policy Commission
August 10, 2012**

Progress on *Charting the Future*

Access:

- FTE enrollment increased 6.4 percent from 2007 to 2011; Adult enrollment grew 8.8 percent.
- Low-income student participation increased to 24.8 percent in 2009 from 18.6 percent in 2005.

Cost and Affordability:

- Tuition and fees increased \$933 or 22.1 percent for in-state students from 2007 to 2011; net cost increased 17.1 percent or \$1,088.
- Average loan debt of bachelor's degree graduates increased 13 percent or \$3,242 from 2006 to 2010.

Progress on *Charting the Future*

Economic Growth:

- 686 more degrees awarded in 2010 than 2006 (5.8 percent increase); 18 percent increase in STEM degrees.
- Externally funded research grants up \$55 million.
- Workforce participation of recent graduates rose despite recession.

Innovation:

- Since 2006, Marshall University and West Virginia University:
 - filed for 147 patents;
 - had 27 patents issued; and
 - began 18 start-up companies.

Progress on *Charting the Future*

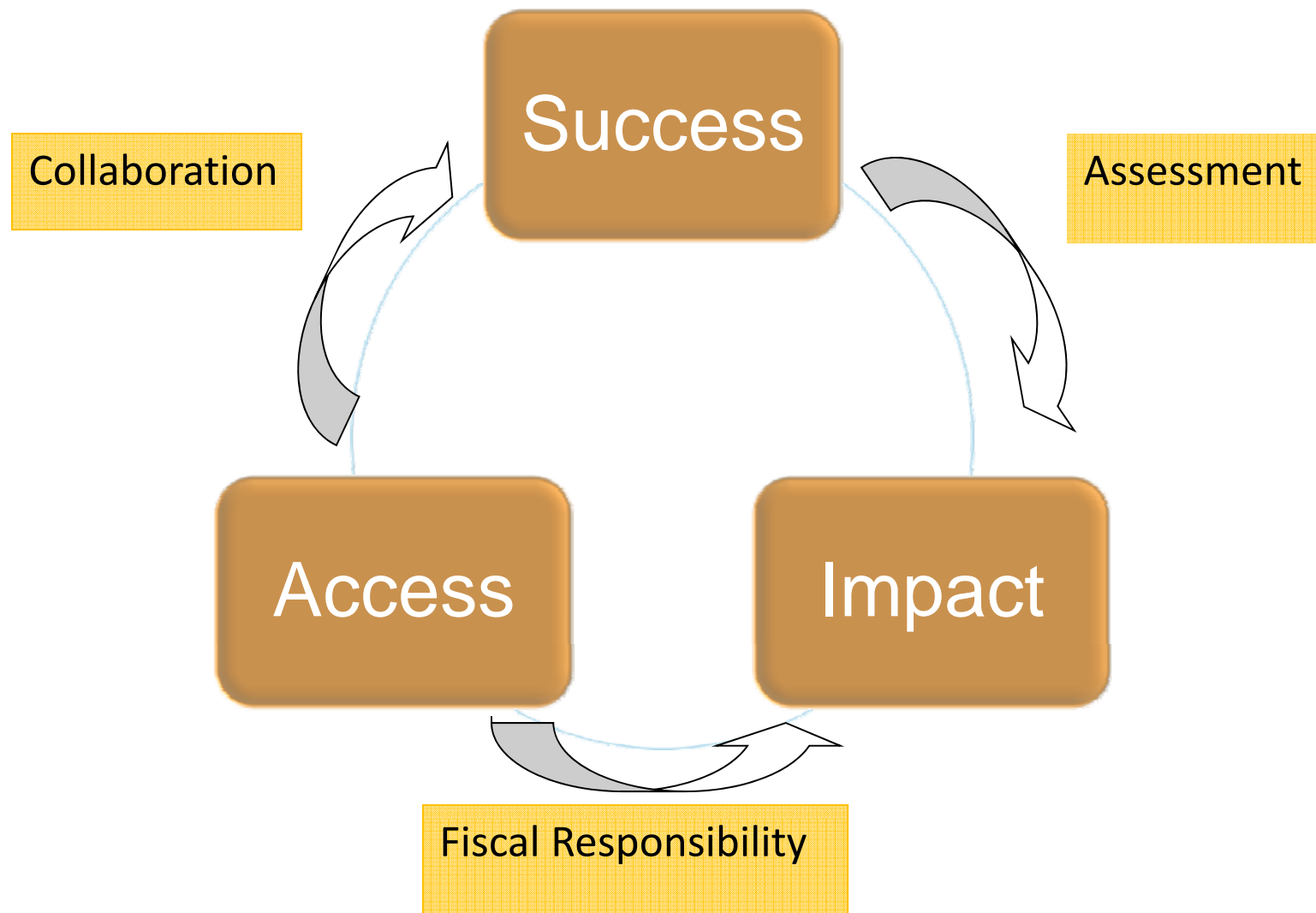
Learning and Accountability:

- Retention declined from 76.2 percent in 2006 to 75.1 percent in 2010.
- Six-year graduation rates increased from 45.6 percent to 48.5 percent.

Master Plan Considerations

- Progress on goals in *Charting the Future*.
- Input from Regional Public Forums.
- Outcomes from the legislative study on outcome-based funding of higher education.
- The need to narrow the focus of the plan and make it more strategic.
- The need to make goals more concrete.
- The completion agenda.

3 Focal Areas, 3 Tools



The Framework

		Focal Areas		
		Access	Success	Impact
Vision		Increase college going rate of ...	Increase student retention in and completion of quality education experiences.	Increasing the educational attainment of, and economic opportunity for, the citizens of West Virginia.
Tangible Goals				
Innovative Strategies (institutions will self-identify 2 or 3)				
Tools	Collaboration			
	Fiscal Responsibility			
	Assessment			

Focal Area: Access

- By focusing on postsecondary education access, West Virginia intends to foster a state culture that values higher education as a means to individual, community, and economic development.
- Access to higher education depends on three central factors: adequate preparation, accessible information, and feasible cost.
- West Virginia aims to make higher education accessible to citizens representing broad demographics of age, location, and socio-economic background.
- West Virginia institutions of higher education must work to ensure that students not only have the opportunity to attend their institutions, but also are prepared to succeed.

Focal Area: Success

- West Virginia higher education needs to ensure that West Virginia citizens are provided a quality education that enables them to be productive and contributing members of society.
- Student retention and graduation rates will be increased as institutions reduce barriers for student success, implement structures that support increased student learning and achievement, and maintain and enhance academic rigor in programs.

Focal Area: Impact

- The outcome of increased access and success should be an impact on the economic environment of West Virginia.
- Impacts of the strategies employed by the Commission and the state's institutions of higher education will be increased educational attainment of the state's citizens which leads to the civic, social, and economic growth of West Virginia.
- Institutions also directly contribute to the economic vitality of the state through scholarly research, development, and entrepreneurial activities.

Tool: Collaboration

- Effective collaboration occurs not only within an institution, but also transcends organizational and institutional boundaries.
- Working with other sectors of education, community organizations, and the private sector maximizes resources, reduces duplication, and approaches problems in a comprehensive and holistic way.
- Collaboration engages relevant stakeholders and leverages the input and resources of partners.

Tool: Fiscal Responsibility

- Fiscal responsibility recognizes that the state of West Virginia and institutions of higher education play a role in the cost of education through financial aid, finance policy, and institutional efficiency in helping students afford a college education.
- Additionally, fiscal responsibility entails the strategic allocation of limited resources to effectively and efficiently enhance educational opportunities and economic growth.

Tool: Assessment

- Assessment is the means by which an institution determines if its innovative strategies are effective in meeting their intended objectives.
- A campus culture of assessment, that utilizes results for continuous improvement, will address how well strategies were implemented and how the results of the assessment were then used to inform future efforts.

Access

Vision		Increase college going rate of ...
Examples of Goals (a limited number to be)		By 2018, _____percent of recent West Virginia high school graduates will enter postsecondary education.
Examples of Innovative Strategies (institutions will self-identify 2 or 3)		<p>*Develop a regional partnership with K-12 institutions to promote students' academic and cultural readiness for postsecondary success.</p> <p>*Modify hours of course offerings and student services to accommodate adult learners.</p>
Tools	Collaboration	How did the institution demonstrate collaboration in its strategy?
	Fiscal Responsibility	How did the institution demonstrate fiscal responsibility...
	Assessment	How did the institution utilize assessment...

Success

Vision		Increase student retention in and completion of quality education experiences.
Examples of Goals (a limited number to be		By 2018, the one-year retention rate of both part-time and full-time students will increase by _____ percentage points.
Examples of Innovative Strategies (institutions will self-identify 2 or 3)		*Create living/learning community for first generation, low-income students.
		*Improve quality and rigor of STEM academic programs through assessment and application of results.
Tools	Collaboration	How did the institution demonstrate collaboration in its strategy?
	Fiscal Responsibility	How did the institution demonstrate fiscal responsibility...
	Assessment	How did the institution utilize assessment...

Impact

Vision		Increasing the educational attainment of, and economic opportunity for, the citizens of West Virginia.
Examples of Goals (a limited number)		By 2018, all institutions will implement a means to track post-graduation employment.
Examples of Innovative Strategies (institutions will self-identify 2 or 3)		*Create internship opportunities by partnering with business and industry.
		*Expand research experiences for undergraduates.
Tools	Collaboration	How did the institution demonstrate collaboration in its strategy?
	Fiscal Responsibility	How did the institution demonstrate fiscal responsibility...
	Assessment	How did the institution utilize assessment...

Compact Reporting Process

- Limited number of reporting elements corresponding to master plan goals.
- Data requirements must be specific and clearly defined from the beginning.
 - Sufficient guidance to elicit desired activities and response.
- A combination of data elements and narrative is essential.
- Electronic submission in a common format with limited response space.
- Incentives/consequences for timely submission.
- Recognition for institutions with exceptionally good strategies and outcomes.

Potential Titles

- Leading the Way: Forging the Path to Opportunity through Higher Education
- Leading the Way: Expanding Opportunities to — and through — Higher Education
- Our Greatest Resource: Harnessing West Virginia's Potential through Higher Education
- Meeting the Challenge: Access. Success. Impact.
- Stepping Up: Access. Success. Impact.
- Mapping Opportunity: Access. Success. Impact.
- Educating West Virginia is Everyone's Business: Access. Success. Impact.

Master Planning Timeline

- Findings of legislative study on outcome-based funding should be available by the end of the calendar year.
- Final plan will be ready for approval by the end of the calendar year.